

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on March 17, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

Chairperson Colloton called the Committee's attention to the committee minutes for January 29th, February 2nd, and February 3rd, 2009.

Representative Frownfelter made a motion to approve the minutes for January 29th, February 2nd, and February 3rd. Representative McCray-Miller seconded. Motion carried.

HB 2332 - Recodification of certain drug crimes; quantities of drugs; proportionality of sentencing.

Chairperson Colloton called on Helen Pedigo, Executive Director, Kansas Sentencing Commission, to present information showing where the increased bed impact came from on **HB 2332**. Ms. Pedigo provided written copy regarding the bed impact on the bill. (Attachment 1) She explained how the changes on **HB 2332** have increased the bed impact. She took questions from the Committee during her presentation.

Upon the completion of Ms. Pedigo's presentation, there was a lengthy discussion on what needed to be done to **HB 2332** so that it could be passed out of the Committee next session.

SB 26 - Additional months added to sentences for certain drug felonies involving firearms.

Chairperson Colloton called the Committee's attention on **SB 26**.

Representative McCray-Miller made a motion to report the bill favorable for passage. Representative Frownfelter seconded.

Chairperson Colloton called the Committee's attention to a copy of an amendment on the bill (Attachment 2) that adds the language "the trier of fact makes a finding" on Page 4, Lines 36,37, and 38.

Representative McCray-Miller made a motion to accept the amendment. Representative Kinzer seconded.

Chairperson Colloton explained the amendment to the Committee.

Motion carried.

A discussion followed.

Representative Kinzer made an amendment to restore the bill back to it's original language regarding the sentencing on Page 2, Lines 40, 41, and 43. Representative Pauls seconded.

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on March 17, 2009, in Room 535-N of the Capitol.

A discussion followed.

Motion failed.

Chairperson Colloton called the Committee's attention back to the bill.

Representative Kinzer made as motion to pass SB 26 out favorably as amended. Representative Patton seconded. Motion failed.

SB 28 - Sub for S 28 by Committee on Judiciary – Driver's license penalties for unlawful possession of a controlled substance or analog which occurs while transporting the substance or analog in a vehicle.

Chairperson Colloton called the Committee's attention to **SB 28.**

Representative Spaulding made a motion to report the bill out favorably for passage. Representative Bethel seconded.

A discussion followed.

Representative Dillmore made a motion to adopt the amendment changing the language on Page 7, Line 8, after the words "in which" adding "the trier of fact makes a finding of fact that" . Representative Roth seconded.

A discussion followed

Motion carried.

Representative Bethel moved to pass the bill out favorably as amended. Representative McCray-Miller seconded. Motion carried.

Chairperson Colloton adjourned the meeting at 2:45 p.m. with the next scheduled meeting for March 18, 2009 at 1:30 p.m. in room 535 N.