

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 25, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton - Excused  
Representative Rick Rehorn - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research  
Jill Wolters, Department of Revisor of Statutes  
Sherman Parks, Department of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Deena Horst  
Ed Pavey, Director, Kansas Law Enforcement Training Center  
Jennifer Rose, Assistant City Manger, Hutchinson  
John Douglass, Chief of Police, Overland Park  
John Foster, Kansas Sheriff's Association  
Frank Denning, Chief of Police, City of Roeland Park  
Dean Akings, Great Bend Police Department  
Sandy Jacquot, League of Kansas Municipalities  
Mike Taylor, City of Wichita  
Bob Claus, Deputy Attorney General, Criminal Division  
Jim Bush, Kansas Bar Association  
Pedo Irigonegary, Kansas Trial Lawyers Association  
Jeffrey McDade, Kansas Coalition on Death Penalty  
Donna Schneweis, Amnesty International  
Beatrice Swoopes, Associate Director Kansas Catholic Conference  
Jane El-Koubysi, State Board of Indigent Defense Services  
Bill Lucero, Murder Victims Families for Reconciliation  
Lisa Nathanson, American Civil Liberties Union  
Page Nichols, Kansas Association of Criminal Defense Lawyers

Hearing on **HB 2399 - Kansas offender registration; juvenile offender adjudicated of sex offenses must register,** was opened.

Representative Deena Horst appeared before the committee as the sponsor of the proposed bill. She stated that the change would require judges to order juveniles to register under the Kansas Offender Registration Act, if warranted. (Attachment 1)

Hearing on **HB 2399** was closed.

Hearing on **HB 2400 - In an adoption; the genetic parents shall have independent legal advice; an attorney can not represent the parents and the petitioner or child agency,** was opened.

Representative Deena Horst appeared as the sponsor of the proposed bill which would insure that both the biological parents and adoptive parents are informed of dual representation and give written consent of such an arrangement. (Attachment 2)

Hearing on **HB 2400** was closed.

Hearing on **HB 2802 - Kansas Law Enforcement Training Center Fund; increase on municipal court fee and remove sunset on district court fee,** was opened.

## CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 25, 2002 in Room 313-S of the Capitol.

Ed Pavey, Director, Kansas Law Enforcement Training Center, informed the members that the KLETC receives no funding from the general fund and that all their funding comes through docket fees. The current docket fees were established in 1992 for municipal courts and 1994 for district courts. The docket fees funding is to sunset on July 1, 2002. The bill would remove the sunset provision and allow an \$1 increase in municipal & district court docket fees. With this increase, the KLETC could operate through 2005 without another increase. The increase would also allow an increase in training hours from 400 to 560. (Attachment 3)

Jennifer Rose, Assistant City Manger, Hutchinson, supported the proposed bill by stating that it is important that law enforcement officials keep up there skills and have continuous training so they can protect our communities. (Attachment 4)

John Douglass, Chief of Police, Overland Park, commented that as with anything, costs have become inflated and it is necessary to raise more fees in order to accomplish the same level of training. He wants every officer in the state to receive the same number of training hours. The KLETC is behind in the number of hours that are required to graduate from it. (Attachment 5)

John Foster, Kansas Sheriff's Association, also appeared in support of **HB 2802**. He reminded the members that not only do citizens benefit from the police receiving training, so do political subdivisions of the State. (Attachment 6)

Frank Denning, Chief of Police, City of Roeland Park, stated that even before September 11, 2001 law enforcement was changing. The proposed bill would simple let us keep pace with current society. (Attachment 7)

Dean Akings, Great Bend Police Department, estimated that seven out of ten Kansas officers are trained at the KLETC. (Attachment 8)

Sandy Jacquot, League of Kansas Municipalities, appeared before the committee in opposition to the bill due to the fact that large municipalities have their own training programs. Currently, agencies operating their own academies receive \$.50 for every \$2.00 sent to KLETC. It was her belief that none of the additional money raised by the court fee would go to the municipalities. She was also concerned about the additional hours that would be required and the hardship it would cause on small municipalities. (Attachment 9)

Mike Taylor, City of Wichita, suggested that the citizens of Wichita would not benefit from the increase in fees due to the fact that Wichita has its own police academy. (Attachment 10)

Hearing on **HB 2802** was closed.

Hearing on **HB 2986 - Anti-terrorism**, was opened.

Bob Claus, Deputy Attorney General, Criminal Division, gave the committee an overview of the proposed bill. (Attachment 11)

Jim Bush, Kansas Bar Association, appeared before the committee in opposition to the bill because many of the provisions are far reaching and would infringe upon constitutional rights. He supported strengthening the penalties for individuals who conduct terrorist activity as defined by federal law. (Attachment 12)

Pedo Irigonegary, Kansas Trial Lawyers Association, also believes that the definition of terrorism is broad and would lead to problems and that existing laws already deal with those who commit such acts. (Attachment 13)

Jeffrey McDade, Kansas Coalition on Death Penalty, expressed opposition to the expansion of the death penalty in section 14 of the proposed bill. While the provision might protect the citizens of Kansas, the death penalty is not a deterrent in any of these types of cases. (Attachment 14)

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Donna Schneweis, Amnesty International, was opposed to section 14 of the bill due to the growing trend that some countries will not send criminals to other countries to be tried if they have established the death penalty. (Attachment 15)

Beatrice Swoopes, Associate Director Kansas Catholic Conference, stated that the death penalty shows signs of disrespect of human life. (Attachment 16)

Jane El-Koubysi, State Board of Indigent Defense Services, reported that they would need an increase in funding to defend these cases. (Attachment 17)

Bill Lucero, Murder Victims Families for Reconciliation, was concerned that it would slow the healing process for the victims and their family members. (Attachment 18)

Lisa Nathanson, American Civil Liberties Union, stated that no new statues need to be created because departure sentences could be tied to the Patriot Act. The “use of weapons of mass destruction” is not in Kansas law and would need to be added but Kansas already has law that to address such terrorism crimes. (Attachment 19)

Page Nichols, Kansas Association of Criminal Defense Lawyers, was in opposition to the whole bill, especially the roving wiretapping. (Attachment 20)

Hearing on **HB 2986** were closed.

The committee meeting adjourned at 6:30 p.m. The next meeting is scheduled for February 26, 2002.