

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On March 19, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused  
Representative Rick Rehorn - Excused  
Representative Candy Ruff - Excused  
Representative Daniel Williams - Excused

Committee staff present:

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

Conferees appearing before the committee:

Senator Barbara Allen  
Senator David Adkins  
Kyle Smith, Kansas Bureau of Investigation  
Senator Jim Barnett  
Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence  
Tom Myers, Mental Health Center of East Central Kansas  
Representative Doug Patterson  
Larry Rute, Kansas Legal Services  
Art Thompson, Office of Judicial Administration  
Peg Nichols, Self  
Jerry Goodell, Kansas Judicial Council

Hearings on **SB 291 - creating the crime of causing harm to another person by motor vehicle**, were opened.

Senator Barbara Allen appeared as the sponsor of the bill. She state that it would create a new crime of causing harm to another person by motor vehicle. It would apply to leaving a child, 10 years of age or younger, unattended in a motor vehicle in which the child causes the death or bodily harm to another person. (Attachment 1)

Hearings on **SB 291** were closed.

Hearings on **SB 263 - collection of DNA specimens from persons convicted of person felonies**, were opened.

Senator David Adkins appeared as the sponsor of the bill. He explained that the proposed bill would extend the criminal statute of limitations for sexually violent offenses to ten years or one year from the date on which the identity of the suspect is established by DNA. It would also require anyone convicted of a person felony to give a DNA specimens. (Attachment 2)

Kyle Smith, Kansas Bureau of Investigation, appeared before the committee in support of the bill. He commented that federal grants are available through fiscal year 2003 that provides \$50 per DNA specimens entered into the system. (Attachment 3)

Senator Greta Goodwin did not appear before the committee but requested her written testimony in support of the bill be included in the minutes. (Attachment 4)

Hearings on **SB 205 - period of no contact with victim as condition of release**, were opened.

Senator Jim Barnett the sponsor of the bill (Attachment 5) introduced Tom Myers, Mental Health Center of East Central Kansas, who explained that the bill would require a 72 hours no contact order to be a condition of a bond. (Attachment 6)

Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence, she emphasized that the bill is a step towards remedying the problem of perpetrators bonding out from jail and returning home to harass the victim. (Attachment 7)

The Kansas Bureau of Investigation did not appear before the committee but requested that their written testimony in support of the bill be included in the minute. (Attachment 8)

Hearings on **SB 205** were closed.

Hearings on **SB 137 - enacting the Kansas Estate Tax Apportionment Act**, were opened.

Jerry Goodell, Kansas Judicial Council, explained that the proposed bill establishes a default rule for the method of payment of federal & state estate taxes, and an apportionment rule whereby each person interested in the estate's proportionate part of the total tax is determined according to the extent of a person's interest ins included in the total taxable value of all the interests. (Attachment 9)

Hearings on **SB 137** were closed.

Hearings on **SB 14 - mediation; disputes which may be ordered to mediation costs**, were opened.

Representative Doug Patterson explained that the proposed bill would allow judges the discretion to order mediation in any case where the judge finds that it would be a more appropriate means to resolve the issues in the case. (Attachment 10)

Larry Rute, Kansas Legal Services, informed the committee that these mediations would be non-binding and that most judges support this. Mediation is an increasingly accepted method by which the courts and administrative bodies develop flexible methods of resolving disputes and settling cases. (Attachment 11)

Art Thompson, Office of Judicial Administration, commented that current legislation authorizes judges to require mediation in child custody/visitation cases and division of property. The bill would give judges another tool in managing their dockets. (Attachment 12)

Peg Nichols, Self, supported the bill because medication can be a beneficial in a wide range of circumstances. (Attachment 13)

Senator Lana Oleen & Kansas Trial Lawyers Association did not appear before the committee but requested that their written testimony in support of the bill be included in the minutes. ( Attachment 14 & 15)

Hearings on **SB 14** were closed.

### **SB 137 - enacting the Kansas Estate Tax Apportionment Act**

Representative DiVita made the motion to report SB 137 favorably for passage. Representative Newton seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next meeting is scheduled for March 20, 2001.