

## MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:42 a.m. on February 28, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)  
Senator Pugh (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Barbara Allen  
Senator Greta Goodwin  
Senator David Adkins  
Jane Nohr, Assistant Attorney General  
Sandy Barnett, Kansas Coalition Against Sexual and Domestic violence (KCSDV)  
Bill Lucero, Murder Victims Families for Reconciliation

Others attending: see attached list

Minutes of the February 27<sup>th</sup> meeting were approved on a motion by Senator O'Connor, seconded by Senator Adkins. Carried.

**SB 291—creating the crime of causing harm to another person by motor vehicle and prescribing penalties therefor**

Conferee Senator Allen testified in support of **SB 291**. She stated that the bill would close a gap in Kansas law making it a crime to cause harm to another person with a motor vehicle, if the harm is caused by an unattended child under the age of seven. Penalties for causing bodily harm to another person would be a class B misdemeanor while causing death would be a class A misdemeanor. (attachment 1) She referenced written testimony from victim, Michele Struttman, regarding this issue and discussed the problems this bill seeks to remedy. (attachment 2)

The Chair stated that further written testimony on **HB 2084**, which was heard at yesterday's meeting, had been distributed and he closed the hearing on the bill. Written testimony was submitted by James L. Germer, Kansas Advocacy & Protective Services, Inc. It contains Committee requested information on the Individual Justice Plan concept he mentioned in his oral testimony on February 27<sup>th</sup>. (attachment 3)

**SB 263—re: collection of DNA specimens**

Conferee Senator Goodwin testified in support of **SB 263**. She stated that the bill calls for an expansion of the collection of certain specimens from all persons convicted of person felonies, as well as the additional crimes set out in the Offender Registration Act, for the purpose of DNA identification analysis. She briefly discussed the merits of the bill and cited similar legislation being drafted in other states. (attachment 4)

Conferee Senator Adkins testified in support of **SB 263**. He briefly reviewed the purpose and merits of this bill stating it will cost effectively help prevent and/or solve more crimes and may exonerate innocent people in some cases. (attachment 5) He referenced a number of newspaper articles which reveal how expanding DNA databases have been shown to enhance public safety. (Milwaukee Journal Sentinel, Dec. 6, 2000 p. B-1; The Roanoke Times, Nov. 14, 2000; USA Today, Jy28, 2000, 17-A; USA Today, Jy 10, 2000; New York Law Journal, May 1, 2000, p. 52; St. Petersburg Times, Mar. 13, 2000, Sec. B; and The Atlanta Journal-Constitution, Mar. 17, 2000, D1)

Conferee Nohr testified in support of **SB 263**. She discussed the role of the KBI in administering the DNA Databank and reviewed its merits in solving crimes. She offered two amendments to the bill one of which would allow for post conviction testing for murder and rape only and the other which would expand the statute of limitations from 5 years to 10 years or to one year after a match. (attachment 6) Lengthy discussion followed.

Conferee Barnett testified in support of **SB 263**. She discussed the merits of DNA testing in identifying rapists and explained how this bill would be a deterrent to repeat rape offenders. (attachment 7)

Conferee Lucero testified in support of **SB 263** briefly stating that his organization endorses the bill. (no attachment)

There was consensus between Committee members and KBI representatives regarding an amendment proposed by Senator Oleen which would assess the cost of a DNA test to the convicted criminal.

### **SB 128—concerning election crimes**

Following a review of **SB 128** by the Chair and discussion of balloon amendments offered by the Secretary of State, Senator Adkins made a motion to adopt the balloon amendments and recommend the bill favorably for passage as amended, the date effective upon publication in the Kansas Register. Senator Donovan seconded. Carried.

### **SB 205—re: appearance bonds**

### **SB 341—re: domestic violence; assessment of certain fees**

The Chair reviewed the bill and there was discussion about amending **SB 341** into the bill. The Chair recommended Committee review **SB 341** and stated he would revisit **SB 205**.

The meeting adjourned at 10:33 a.m. The next meeting is March 1, 2001.