

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Vice Chairperson Senator Pugh at 9:40 a.m. on March 21, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Adkins (excused)

Committee staff present:

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

Conferees appearing before the committee:

Representative Larry Campbell
Kyle Smith, Kansas Bureau of Investigation (KBI)
Kathy Porter, Office of Judicial Administration (OJA)

Others attending: see attached list

HB 2880—re: specimen collection

Conferee Smith testified in support of **HB 2880**, a bill which would require all convicted felons and persons convicted on certain misdemeanors to submit a DNA sample for analysis and categorization by the KBI who would enter the data in a convicted offender DNA database, CODIS. The Conferee illustrated the effectiveness of the database as a tool in fighting crime. He also reviewed two “minor”balloon amendments attached to his testimony.(attachment 1) Lengthy discussion followed.

Conferee Campbell testified in support of **HB 2880**. He briefly discussed the intent of the bill and affirmed that it is not his intention that funding for the bill will come from state funds. He briefly discussed the cost of DNA analysis and reviewed the federal DNA grant process stating that there is “grant money available” for DNA database expansion.(attachment 2)

Chairperson Vratil arrived and assumed the Chair at 10:04 a.m.

Conferee Porter testified on **HB 2880** as “not entirely opposed to the content of the bill” but stated she had concerns about the workload and other problems it placed on court services officers. She discussed these as well as the fiscal effect of the bill.(attachment 3) She stated she planned to prepare a fiscal note and requested an amendment. The Chair instructed her to prepare the amendment in balloon form.

Final action:

HB 2230—proposed substitute bill concerning school truancy

Following a review of **HB 2230** by the Chair and discussion by Committee, Senator Goodwin moved to amend the bill by deleting Section 1(b), Senator Gilstrap seconded. During discussion it was the consensus of the Committee that the minutes reflect that removal of Section 1(b) is not intended to have any impact on home schooling. Carried. Following further discussion, Senator Oleen moved to amend the bill to increase the maximum limit on fines to \$500, Senator Schmidt seconded. Carried. Senator Schmidt moved to amend the bill to delete the language in the bill referring to secure care facility so that it reads only “secure facility.”, Senator Umbarger seconded. Carried. Senator Schmidt moved to pass out favorably, **HB 2230** as amended in the form of **Senate Sub for HB 2230**, Senator Umbarger seconded. Carried.

HB 2771—requires garnishee to furnish a fax and email number for service of process

Following review of **HB 2771** by the Chair, Senator Schmidt moved to amend the bill to replace “shall” to “may” wherever appropriate in subsections 2 and 3 of the bill, Senator Donovan seconded. Carried. Following discussion, Senator Schmidt moved to amend the bill by striking language in this bill, and any other conforming amendments to the law, to eliminate service of process by electronic mail, Senator O’Connor seconded. Discussion followed. Motion failed 5-3. Senator Oleen moved to pass the bill out favorably as amended, Senator O’Connor seconded. Carried.

The meeting adjourned at 10:37. The next scheduled meeting is March 22, 2002.