

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:30 a.m. on March 11, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Christine Ladner, Chief Deputy District Attorney (Shawnee) and on behalf of Kansas County & District Attorneys Association
Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence
Chief Judge Stephen Tatum, 10th Judicial District (Johnson)
Elisabeth Gillespie, Director, Johnson County Department of Corrections
Steve McAllister, Solicitor General

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2096 - Electronic solicitation, child 14 to 16 years of age.**

Christine Ladner appeared in support stating the bill is intended to correct a loophole in current law regarding the severity level crime for children 14 to 16 years of age. Enactment of this bill will make the severity levels commensurate with the age ranges in other sex crime statutes. ([Attachment 1](#))

There being no other conferees, the hearing on **HB 2096** was closed.

The Chairman opened the hearing on **HB 2098 - Kansas rape shield law, adding aggravated trafficking and electronic solicitation.**

Christine Ladner appeared as a proponent and provided a review of the bill which adds aggravated trafficking and electronic solicitation to the list of sex crimes protected by the "Rape Shield" statute. The addition of these offenses will allow continued protection of victims. ([Attachment 2](#))

Sandy Barnett spoke in support stating **HB 2098** will help protect victims of sex crimes from harassment and humiliation by defense strategies. ([Attachment 3](#))

There being no further conferees, the hearing on **HB 2098** was closed.

The Chairman opened the hearing on **HB 2207 - Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond.**

Chief Judge Stephen Tatum spoke in favor of **HB 2207** which allows the court to order a defendant to pay up to \$15 per week for the cost of bond supervision. Bond supervision is a vital tool for judges when determining bond for criminal offenders especially with current budget constraints and increasingly crowded jails. ([Attachment 4](#))

There being no further conferees, the hearing on **HB 2207** was closed.

The Chairman opened the hearing on **HB 2232 - Authorizing increased membership for corrections advisory boards.**

Elisabeth Gillespie appeared in support stating the bill would allow the Board of County Commissioners or a cooperating group of Board of County Commissions the option to add an additional three members. Johnson County has determined that additional appointments would benefit the discussions and decisions

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made by the Board. (Attachment 5)

There being no further conferees, the hearing on **HB 2232** was closed.

The Chairman opened the hearing on **HB 2233 - Criminal procedure; withdrawal of guilty plea, time limitation; alternate or additional juror selection; tolling speedy trial time during appeal by the prosecution.**

Steve McAllister appeared in favor stating the bill will amend current law by defining “an appeal by the prosecution” to include appeals, interlocutory appeals and appeals that seek discretionary review in the Kansas Supreme Court or the United States Supreme Court. Appeals would be considered pending until the court that handles the final appeal issues a resolution. (Attachment 6)

The Chairman called for final action on **HB 2098 - Kansas rape shield law, adding aggravated trafficking and electronic solicitation.**

Senator Schmidt moved, Senator Kelly seconded, to amend **HB 2060** by adding the contents of **HB 2096 - Electronic solicitation, child 14 to 16 years of age** and recommended it as amended, favorably for passage.

Jason Thompson, staff revisor, indicated there was a technical correction needed on one of the bills. Senator Schmidt withdrew his motion.

Senator Schmidt moved, Senator Kelly seconded, to amend **HB 2060** by adding the contents of **HB 2096 - Electronic solicitation, child 14 to 16 years of age** and authorize the revisor to make any technical changes as deemed needed and recommended it as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2096 - Electronic solicitation, child 14 to 16 years.**

Senator Schmidt moved, Senator Schodorf seconded, to amend **HB 2096** by deleting the existing language and inserting the contents of **SB 278** and recommend it favorably for passage. Motion carried.

The Chairman called for final action on **HB 2233 - Criminal procedure, tolling speedy trial time during appeal by the prosecution.**

Senator Schmidt moved to amend **HB 2233** by retaining the existing contents and adding the contents of **HB 2207, HB 2099 and HB 2097.** Senator Schmidt withdrew the motion.

Senator Schmidt moved, Senator Donovan seconded, to amend **HB 2233** by retaining the existing contents and adding the contents of **HB 2099 and HB 2097.** Motion carried.

Senator Schmidt moved, Senator Schodorf seconded, to recommend **HB 2233** as amended favorably for passage. Motion carried.

The Chairman called for final action on **HB 2207 - Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond.**

Senator Schmidt moved, Senator Kelly seconded, to recommend **HB 2207** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2232 - Authorizing increased membership for corrections advisory boards.**

Senator Schmidt moved, Senator Vratil seconded, to recommend **HB 2232** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2060 - Violation of battery against a law enforcement officer causing bodily harm, sentence is presumed imprisonment.**

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Senator Schmidt moved, Senator Kelly seconded to amend HB 2060 by retaining the contents of the bill and inserting the contents of SB 26. Motion carried. Senator Haley voted no and requested his vote be recorded.

Senator Schmidt moved, Senator Schodorf seconded, to amend HB 2060 by inserting the contents of SB 238 as passed by the full Senate. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend HB 2060 as amended, favorably for passage. Motion carried. Senator Haley voted no and requested his vote be recorded.

The next meeting is scheduled for March 12, 2009.

The meeting was adjourned at 10:30 a.m.