

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:35 a.m. on March 19, 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

Others attending:

See attached list.

The Chairman called for final action on **HB 2165 - Establishing recklessness as a standard in unlawfully hosting minors in a person's residence.**

Senator Vratil moved, Senator Lynn seconded, to recommend HB 2165 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2201 - Conditions on licensee if delinquent in child support.**

Senator Lynn moved, Senator Schodorf seconded, to recommend HB 2201 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2250 - Rules of evidence; admissibility of prior acts or offenses of sexual misconduct.** Jason Thompson, staff revisor, reviewed the bill.

Senator Vratil stated his concerns on **HB 2250** based on the testimony heard from Professor Concannon during the hearing on March 9.

Senator Bruce moved, Senator Vratil seconded, to amend HB 2250 by keeping the contents intact and inserting a portion of Senator Bruce's draft proposed during the hearing on March 9.

Following discussion the Committee desires a new draft containing the proposed changes and will continue final action on **HB 2250** tomorrow. Senator Bruce withdrew his motion.

The Chairman recognized Senator Haley. Senator Haley reviewed a proposed substitute draft containing language amended from **SB 17 - Videotaping felony interrogations** and his desire to use **HB 2099** as a vehicle for the bill. (Attachment 1)

Senator Haley moved, Senator Kelly seconded, to strike the language in HB 2099 and insert the proposed substitute draft for SB 17 as Senate Substitute for HB 2099. Motion carried.

Senator Bruce moved, Senator Lynn seconded, to amend Senate Sub HB 2099 in Section 7 (e) by striking the language "and habeas corpus". Motion carried.

Senator Bruce moved, Senator Donovan seconded, to amend Senate Sub HB 2099 in Section 7 (d) by striking the language "and because of the absence of any recording of the interrogation in the case before them, they should weigh evidence of the defendant's alleged statement with great caution and care". Motion carried.

Senator Haley moved, Senator Schodorf seconded, to recommend Senate Sub HB 2099 as amended, favorably for passage. Motion failed.

The Committee returned to final action on **HB 2250 - Rules of evidence; admissibility of prior acts or offenses of sexual misconduct.**

Jason Thompson, staff revisor, distributed a balloon amendment reflecting the language proposed earlier by

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 19, 2009, in Room 545-N of the Capitol.

Senator Bruce. (Attachment 2)

Senator Schodorf moved, Senator Vratil seconded, to amend **HB 2250** as reflected in the distributed balloon. Motion carried.

Senator Vratil moved, Senator Schodorf seconded, to amend **HB 2250** on page 1, line 31, by adding “and probative”. Motion carried.

Senator Bruce moved, Senator Kelly seconded, directing the revisor to add standard severability language to the bill. Motion carried.

Senator Schodorf moved, Senator Pilcher-Cook seconded, to recommend **HB 2250** as amended, favorably for passage. Motion carried.

The next meeting is scheduled for March 20, 2009.

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