

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on January 24, 2006, in Room 123-S of the Capitol.

All members were present,

Les Donovan arrived, 9:37 a.m.  
Barbara Allen arrived, 9:38 a.m.  
Phil Journey arrived, 9:40 a.m.  
Derek Schmidt arrived, 9:42 a.m.  
David Haley arrived, 9:55 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Helen Pedigo, Office of Revisor of Statutes  
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council  
Don Hymer, Kansas Judicial Council  
Mark Gleeson, Office of Judicial Administration  
Ron W. Paschal, Deputy District Attorney, Sedgwick County

Others attending:

See attached list.

Bill Introductions

Nancy Bryant, Secretary of State Business Services Division, requested the introduction of a bill regarding reinstatement of corporate status. Senator Bruce moved, Senator Umbarger seconded, to introduce the bill as a committee bill. Motion carried.

Pat Scalia, Director, State Board of Indigent Defense requested the introduction of a bill to exempt fees for electronic access. Senator Goodwin moved, Senator Schmidt seconded, to introduce the bill as a committee bill. Motion carried.

The hearing on **SB 261–Revised Kansas juvenile justice code** was opened.

Randy Hearrell spoke in support giving a brief history and overview of the bill, and providing extensive written comments on the changes recommended (Attachment 1). He indicated that this is a companion piece to the work done on the revised Kansas code for care of children and was an attempt to simplify and reorganize the existing code. The goal of the Judiciary Council was to make the bill as effective as possible which resulted in three types of changes:

- technical, which are intended to clarify the bill
- organizational changes
- substantive and procedural changes

Don Hymer took over and explained some of the more significant changes to the code, indicating that most of the changes cleaned up language but that there were thirty-one policy changes. He also requested that no one provision should hold up the total package and would rather keep *status quo* on any particular issue that is of concern.

Mark Gleeson spoke as a proponent but was concerned about Section 57, which requires a judge to hold a jury trial for any juvenile offender accused of a felony offense upon the motion of an attorney (Attachment 2). The actual fiscal impact is very difficult to determine, providing a right to jury trial has significant consequences to county budgets in the form of jury fees, available courtrooms, and increased prosecution and representation costs. Also, the increase in workload for judges and court clerks would require additional personnel.

## CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on January 24, 2006, in Room 123-S of the Capitol.

He also requested the committee consider the language in new Section 35 (b) which would require the court to select from four options if the court determines that reasonable efforts to prevent the removal of a juvenile were not made. He noted that one of the options would make the State ineligible for federal Title IV-E funds.

Ron Paschal spoke in support of the bill and stated concern on Section 57 and the impact it would have on the system from a fiscal standpoint (Attachment 3). It would greatly increase the cost of resolving juvenile cases and possibly delay resolution of a case.

Another point of concern was with Section 70 relating to good time credits. Mr. Paschal requested an amendment to insert "For an offense committed on or after July 1, 2006, such good time credits shall not exceed 15% of the placement sentence" (Attachment 4). This language is consistent with the language in the statutes regarding the application of good time credit in adult sentences. This provision will ensure truth in sentencing, provide uniformity in the application of law and ensure that our most dangerous offenders and offenders who have failed on community based supervision, remain incarcerated for a period of time ordered by the sentencing court.

Chairman Vratil requested the Judicial Council provide their viewpoints on the proposed amendments by Mr. Gleeson and Mr. Paschal.

There being no further conferees, the Chairman closed the public hearing on **SB 261**.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is January 25, 2006.