

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on March 12, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:39 A.M.
Phil Journey arrived, 9:46 A.M.
Derek Schmidt- excused
Dwayne Umbarger arrived, 9:45 A.M.
Donald Betts arrived, 9:39 A.M.
David Haley- excused

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Dale Goter, City of Wichita
Helen Pedigo, Executive Director, Kansas Sentencing Commission
Lt. John Bannister, Wichita Police Department, Bomb Unit
Rose Rozmiarek, Chief, Investigative Division, Office of the State Fire Marshall
Representative Mario Goico

Others attending:

See attached list.

The hearing on **SB 366--Traffic citations; method of giving notice of failure to comply** was opened.

Dale Goter, proponent, stated **SB 366** would improve the efficiency and effectiveness for notifying motorists with delinquent traffic citations. A large number of "failure to comply" notices are returned as non-deliverable. By allowing the ticketing officer to give this notice it would save postage (Attachment 1).

There being no further conferees, the hearing on **SB 366** was closed.

The hearing on **HB 2087--Kansas sentencing commission assumes the functions of the state statistical analysis center from the Kansas criminal justice coordinating council** was opened.

Helen Pedigo appeared in support, briefing the committee on the bill and explaining the mutually agreeable House amendment (Attachment 2).

Written testimony in support of **HB 2087** was submitted by Roger Werholtz, Chair, Kansas Criminal Justice Coordination Council (Attachment 3).

There being no further conferees, the hearing on **HB 2087** was closed.

The Chairman opened the hearing on **HB 2062--Criminal use of explosives**.

Lt. John Bannister appeared as a proponent, indicating current statutes omit many commonly encountered devices and vague language opens it to differing interpretations by judges, prosecutors and defense lawyers (Attachment 4). Of special significance is language that defines a chemical reaction bombs and simulated or hoax explosive devices. Lt. Bannister voiced concern with current wording "explosive" versus "explosion" as well as the actual physical construction of a chemical reaction bomb and recommended better definition of chemical reactions bombs and simulated or hoax devices. He related a recent experience where teenage girls constructed several chemical reaction bombs using carbonated soda and aluminum foil and attacked another teen. The incident was prosecuted in Sedgwick County and the defense lawyer was able to successfully argue the case by attacking the wording of the statute.

Senator Bruce stated that this particular question confronted the conference committee last session, and the

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legislative intent that the words “chemical compounds that form explosives” would indeed cover the situation Lt. Bannister described and the legislative branch opposed the interpretation and supports his amendment to clarify the language.

Rose Rozmiarek testified in support, indicating most terrorist attacks involve the use of explosives because the materials are easy to obtain and involve many normal household items (Attachment 5). Ms. Rozmiarek also stated the need to clarify “other explosive devices” which should include those constructed from consumer fireworks that can be purchased during the Fourth of July holiday season.

Another concern to the Fire Marshall’s Office is the increasing number of bomb threats using simulated or hoax devices and the associated cost including building evacuations and business interruptions. Simulated or hoax devices, improvised fireworks devices, and chemical bombs can be used to draw first responders to a specific location only to have a more powerful explosive secondary device target the responders. Following a clarifying question, Ms. Rozmiarek responded that the term “Class C fireworks” was a Department of Transportation classification and is no longer used and that there is no current definition for the term “consumer fireworks”.

Representative Goico appeared as a sponsor of the bill reviewing the need for clarifying language and reviewed changes made by the House (Attachment 6).

There being no further conferees, the hearing on **HB 2062** was closed.

The Chairman called for final action on **SB 351--Office of administrative hearings; exception to use of by the office of state bank commissioner.**

The Chairman reviewed the bill.

Senator Bruce moved, Senator Journey seconded, to amend SB 351 on page 2, line 32 striking the language beginning with the word “Except” and continuing through lines 41, ending with the word “professions”. Motion carried.

Senator Journey moved, Senator Donovan seconded, to amend SB 351 on page 1, line 30, after the word “officers” insert “within 60 days”. Motion carried.

Senator Journey moved, Senator Lynn seconded, to recommend SB 351, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2360--Arrest powers of federal law enforcement officers; removing the sunset.**

The Chairman reviewed the bill.

Senator Journey moved, Senator Goodwin seconded, to restore the language on page 1, line 43, and change the date to July 1, 2009. Motion carried.

Senator Journey moved, Senator Donovan seconded, to recommend HB 2360, as amended, favorably for passage. Motion carried.

Approval of Minutes

Senator Donovan moved, Senator Bruce seconded, to approve the Committee minutes of February 1, 2007 and February 5, 2007. Motion carried.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is March 13, 2007.