

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on February 2, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Stan Frownfelter- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Marc Goodman, Lyon County Attorney and Chairman of Kansas County & District Attorney Assoc.
Christine Ladner, Assistant District Attorney, Shawnee County
Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence

Others attending:

See attached list.

HB 2096 - Electronic solicitation, child 14 to 16 years of age.

Chairperson Colloton opened by stating that she has asked Athena Andaya, Legislative Research, along with Dr. Pealer, Juvenile Justice Authority, to take a look at the Romeo Juliet Laws and see if something about the statute could be redefined to eliminate those cases that are just purely boyfriend girlfriend.

Chairperson Colloton called on Jason Thompson, Revisors Office, to explain **HB 2096**. He stated the bill is a clean up bill to correct a drafting error when the bill was drafted.

Chairperson Colloton opened the hearing on **HB 2096** and recognized Marc Goodman, Lyon County Attorney, to give his testimony as a proponent of the bill. Mr. Goodman provided a written copy of his testimony. (Attachment 1) He stated that the bill is a technical amendment to clarify the intent and application of the crime of electronic solicitation. Currently electronic solicitation is defined as “enticing or soliciting a person whom the offender believes to be under the age of 16 to commit or submit to an unlawful sexual act” or “enticing or soliciting a person whom the offender believes to be a child under the age of 14 to commit or submit to an unlawful sexual act”. The definition of electronic solicitations was intended to provide two different age groups to apply a stricter penalty for soliciting children under 14 years of age.

In closing he stated the passage of this technical amendment will clarify the intent of the original legislation to ensure that these offenders are receiving the appropriate penalty for the crime.

Upon the completion of Mr. Goodman’s testimony a question and answer session followed.

When the question and answer session was concluded, and there being no opponents to testify on the bill, the chairperson closed the hearing on **HB 2096**.

HB 2098 - Kansas rape shield law, adding aggravated trafficking and electronic solicitation.

Next, the chairperson called on Jason Thompson, Revisors Office, to explain **HB 2098**. He stated that under current law, the sexual conduct of victims of certain sexual offenses is not admissible evidence in court proceedings. This provision in state statute is commonly referred to as the Kansas Rape Shield Law. This bill would add “aggravated trafficking” and “electronic solicitation” to the current list of sexual offenses for which this shield is applied.

A short question and answer session followed.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on February 2, 2009, in Room 535-N of the Capitol.

Upon the completion of the explanation of the bill and the questions and answers, Chairperson Colloton opened the hearing on **HB 2098** and introduced Christine Ladner, Assistant District Attorney, Shawnee County, to give her testimony as a proponent of the bill. Ms. Ladner provided a written copy of her testimony (Attachment 2) She stated the age of the internet requires consideration of electronic solicitation for protection under the Rape Shield Law. The advent of human trafficking, specifically the sexual gratification aspects of human trafficking, also requires consideration of adding this offense as well to the list of crimes protected under the Rape Shield Law. In closing, she urged the Committee to pass **HB 2098** out favorable for passage.

Upon the conclusion of Ms. Ladner's testimony, Chairperson Colloton recognized Marc Goodman, Lyon County Attorney and Chairman of the Kansas County and District Attorneys Association, to give his testimony as a proponent of the bill. Mr. Goodman provided a written copy of his testimony. (Attachment 3) Mr. Goodman stated the Kansas County and District Attorneys Association supports the bill in order to fully protect the victim if the statute is complied with by all parties. He urged the Committee to support **HB 2098**.

Next, Chairperson Colloton introduced Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence to give her testimony as a proponent of the bill. Ms. Barnett provided a written copy of her testimony. (Attachment 4) Ms. Barnett stated **HB 2098** will help protect victims of two recently enacted sex crimes from the same defense strategies already protected by the current Rape Shield Law Act. In closing, she stated the Kansas Coalition Against Sexual and Domestic Violence supports the additions of these two crimes to the coverage of K.S.A. 21-3525 and strongly urges the Committee to pass the bill out favorably.

Upon the conclusion of Ms. Barnett's testimony, the proponents for **HB 2098** stood for questions.

When the question and answer session was completed, Chairperson Colloton called for any opponents to testify on **HB 2098**. There being none, the Chairperson closed the hearing on **HB 2098** and adjourned the meeting at 2:00 p.m. with the next meeting scheduled for February 3, 2009 at 1:30 p.m. in room 535N.