

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 March 5, 2009, in Room 535-N of the Capitol.

All members were present except:
Representative Charlie Roth

Committee staff present:
Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Jill Wolters, 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:

Others attending:
See attached list.

Chairperson Colloton opened by calling the Committee's attention to a handout entitled *Criminal Sentencing in the Land of OZ still unfair, Inequitable, Irrational*. (Attachment 1) and a handout from the Kansas Sentencing Commission entitled *HB2332 Representative Kinzer Amendments Comparison Chart*. (Attachment 2) She then recognized Representative Kinzer to continue with his amendments. (Attachment 3)

Representative Kinzer began with an amendment on page 7 and explained the intent. On Page 7 where he changed the severity level, person felony as follows:

Line 32-- change severity level "9" to severity level "7", person felony if the quantity is less than 3.5 grams.

Line 34--change severity level "7" to severity level "6", person felony if the quantity is 3.5 grams or more but less than 100 grams.

Line 42--change severity level "9" to severity level "7", person felony if the quantity of the material is less than 25 grams.

There was no discussion upon the conclusion of Representative Kinzer's explanation of the amendment and he moved his amendment. Motion carried.

The next Kinzer amendment is on page 10 of the bill changing the severity levels on Line 13 and Line 16 from a severity level "10" to a severity level "8".

Representative Kinzer moved his amendment. Representative Patton seconded.

A discussion followed.

Chairperson Colloton called for a vote on the Kinzer amendment on the floor. Motion carried.

Representative Kinzer called the Committee's attention to Page, 48. He is moving the battery of a law enforcement officer causing bodily harm from a level "9" person felony to a level "5".

Representative Kinzer moved his amendment. Motion carried.

Representative Kinzer called the Committee's attention to Page 49 of the bill. The amendment would strike language on Line 43 through line 4 on Page 50 striking the new language on aggravated kidnaping and under existing law aggravated kidnaping is a severity level "1".

A lengthy discussion followed.

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Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on March 5, 2009, in Room 535-N of the Capitol.

Chairperson Colloton called for a vote on the Kinzer amendment changing aggravated kidnaping to a severity level "1" . Motion failed.

Chairperson Colloton recognized Representative Brookens and he has concerns with the border boxes and stated he would be offering an amendment. Chairperson Colloton asked that he get with the Revisors and have them prepare an amendment.

Chairperson Colloton called on Helen Pedigo, Kansas Sentencing Commission to review the border boxes for the Committee and how they came to their decisions on the border boxes.

Chairperson Colloton called on Representative Bethell to give a report on the subcommittee he chaired regarding reimbursement for assessment and treatment costs pursuant to 2003 SB 123. Representative Bethell presented written copy of the subcommittee report. (Attachment 4) He stated the subcommittee recommends the Kansas Sentencing Commission send a letter to the judges regarding the payment requirements in the statute and requesting their cooperation in ordering reimbursement for assessment and treatment costs to be collected by Community Corrections agencies; a flat fee of a minimum of \$300.00 be assessed by the Court at sentencing, with Community Corrections would be required to collect the fee and send it to the Kansas Sentencing Commission; the probation not be extended if fees are still outstanding at the end of the probation term; the outstanding fees being turned over to a collection agency; and the collection of insurance does not waive collection of the \$300 flat fee. No legislation is necessary because its recommendations can be incorporated within the current law. In closing, Representative Bethell thanked the members of the subcommittee and the staff along with the Department of Corrections for all their hard work.

A discussion followed.

Representative Bethell made a motion to adopt the subcommittee report on offender reimbursement. Representative Pauls seconded. Motion carried.

Chairperson Colloton announced to the Committee they would go back to working **HB 2332** and if they did not finish today they would carry over until Monday. She called on Representative Kinzer to continue with the explanations of his remaining amendments one at a time.

He called the Committee's attention to Pages 67 and 68. He explained that starting with Line 24 on Page 67 through Line 7 on Page 68 regarding "aiding escape", the bill changes the severity level from a 4 to a 5, nonperson felony and he would like to strike those lines putting it back to current law.

Representative Kinzer moved his amendment and Representative Brookens seconded.

A discussion followed.

Chairperson Colloton called for a vote on the Kinzer amendment on the floor. Motion carried with one "no" vote by Representative McCray Miller.

Representative Kinzer continued with another amendment. He referred the Committee to Page 68, Line 8 through Line 29 explaining that aiding a person required to register has been reduced from a severity level 5 to a 10. He would like to strike the language in the bill and leave it as current law.

Representative Kinzer moved his amendment. Representative Patton seconded.

A discussion followed with several of the Committee members having concerns with the amendment.

Representative Kinzer moved his amendment. Motion failed.

Representative Kinzer continued with his amendments calling the Committee's attention to Page 156, Line 12 through Line 27, striking the language regarding a person that fails to register putting it back into current law.

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A discussion followed.

Representative Kinzer moved his amendment. Chairperson Colloton called for a vote. Motion failed.

Representative Kinzer continued with his amendments and referred the Committee to Page 212, Line 41, 42 and 43 and Page 213 Lines 1 through 6 regarding the selling of body parts and he would like to strike the language changing it back to current language where it is a severity level 5.

Representative Kinzer moved his amendment. Representative Patton seconded.

A lengthy discussion followed.

Representative Kinzer moved his amendment. Motion carried with 1 “no” vote.

Chairperson Colloton announced to the Committee there is one more amendment to work on HB 2332 and they will carry it over and would like to finish upon this bill on Monday. She adjourned the meeting at 3:00 p.m. with the next meeting scheduled for March 9, 2006.