

Approved: March 30, 2000

Date

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 6, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused  
Representative Tony Powell - Excused  
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Larry Woodward, Kansas Parole Board  
Tim Madden, Chief Legal Counsel, Department of Corrections

Hearing on **SB 347 - Parole board, membership; members pro tem; hearings**, was opened.

Larry Woodward, Kansas Parole Board, appeared in support of the bill. He explained that the bill would reduce the Parole Board to three members. The workload has been diminishing due to sentencing guidelines taking affect. The bill would also require anyone serving on the Parole Board to have a baccalaureate degree. He suggested that the committee delete this provision. ([Attachment 1](#))

Tim Madden, Chief Legal Counsel, Department of Corrections, informed the committee that they support the provision which allows Department of Correction personnel to act as an hearing officer. ([Attachment 2](#))

Hearing on **SB 347** was closed.

Hearing on **SB 472 - Violation of conditions of release**, was opened.

Larry Woodward, Kansas Parole Board, stated that the proposed bill would allow for a more equitable penalty for violations of postrelease supervision. It would give the Parole Board discretion to have offenders who are revoked for a new misdemeanor conviction to serve from six month up to the remaining period of postrelease supervision. ([Attachment 3](#))

Hearing on **SB 472** was closed.

Hearing on **SB 473 - Aggravated escape from custody**, was opened.

Tim Madden, Chief Legal Counsel, Department of Corrections, informed the committee that the bill corrects a typographical error in the definition of the crime of aggravated escape. ([Attachment 4](#))

Hearing on **SB 473** was closed.

Hearing on **SB 471 - Commission of offense while incarcerated as aggravating factor in departure sentencing**, was opened.

Tim Madden, ChiefLegalCounsel, Department of Corrections, commented that this would define a new aggravating factor for a crime that was committed by an offender while he was incarcerated. It would allow the judge to impose a longer sentence than called for by the sentencing grid. ([Attachment 5](#))

Hearing on **SB 471** was closed.

Hearing on **SB 470 - Sentences of person who commits crimes while incarcerated or on post-release**

## CONTINUATION SHEET

supervision, was opened.

Tim Madden, Chief Legal Counsel, Department of Corrections, stated that the bill would provide that inmates who commit a new felony crime while serving an indeterminate sentence with a maximum term of life are to remain on postrelease supervision for life or until discharged from supervision by the Kansas Parole Board. (Attachment 6)

Hearing on **SB 470** was closed.

### **SB 347 - Parole board, membership; members pro tem; hearings**

Representative Loyd made the motion to strike on page 1, lines 35-37, requiring board members to have a baccalaureate degree. Representative Carmody seconded the motion. The motion carried.

Representative Loyd made the motion to report **SB 347** favorably for passage, as amended. Representative Carmody seconded the motion.

Representative Klein made the substitute motion to have the Parole Board appoint a hearing officer from the General Hearing Office. Representative Pauls seconded the motion. Committee discussion touched on the fact that the reason the Parole Board suggested using Department of Correction Officers as hearing officers was to save money. By using the General Hearing Office it would negate the costs saving. The motion carried.

Representative Loyd made the motion to update statutory references. Representative Carmody seconded the motion. The motion carried.

Representative Loyd made the motion to strike all language in section 3, (b), which allows the Parole Board to appoint a hearing officer. Representative Gregory seconded the motion. The motion carried.

Representative Loyd made the motion to report **SB 347** favorably for passage, as amended. Representative Gregory seconded the motion. The motion carried. Representative Haley requested he be recorded as voting no.

### **SB 472 - Violation of conditions of release**

Representative Carmody made the motion to report **SB 472** favorably for passage. Representative Loyd seconded the motion. The motion carried.

### **SB 473 - Aggravated escape from custody**

Representative Carmody made the motion to report **SB 473** favorably for passage and be placed on the consent calendar. Representative Lightner seconded the motion. The motion carried.

### **SB 470 - Sentences of person who commits crimes while incarcerated or on post-release supervision**

Representative Carmody made the motion to report **SB 470** favorably for passage. Representative Long seconded the motion. The motion carried.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for March 7, 2000.