

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 28, 2008 in Room 313-S of the Capitol.

All members were present except:
Annie Kuether- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:
Juliene Maska, Governor's Grants Program
Helen Pedigo, Executive Director, Kansas Sentencing Commission
Representative Pat Colloton
Lt. Mike Life, President, Kansas Narcotics Officers Association
Jeff Brandau, KBI Narcotics Supervisor
Jennifer Roth, Kansas Association of Criminal Defense Lawyers

Juliene Maska, Governor's Grants Program, appeared before the committee with requests for three committee bills.

1. Creating a domestic violence tag for all crimes related to domestic violence, a new definition for domestic violence and repeal the domestic battery statute.
2. Allow a sexual assault victim to obtain an examination without requiring the victim to report the crime to law enforcement.
2. The Federal S.T.O.P. Violence Against Women Act Grant requires the prohibiting of polygraph examinations of sexual assault victims as a condition for proceeding with an investigation.

Kinzer made the motion to have the requests introduced as committee bills. Representative Garcia seconded the motion. The motion carried.

Helen Pedigo, Executive Director, Kansas Sentencing Commission, appeared before the committee with a request for a committee bill. It would extend a community corrections pilot program, for one year, in Johnson County. The program allows for the secretary of corrections to make grants to counties for the development, implementation, operation and improvement of community correctional services.

Kinzer made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Representative Colloton requested a bill introduction that would allow court to order a \$400 fee from those convicted of crimes to cover the costs of laboratory analysis. She made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

The hearing on **HB 2545 - controlled substances, ecstasy and certain meth substances a felony**, was opened.

Chairman O'Neal reminded the committee that there was a hearing on the proposed bill during the 2007 Legislative Session.

Lt. Mike Life, President, Kansas Narcotics Officers Association, appeared before the committee in support of the bill. He stated that some teenagers take ecstasy because if they get caught "it's only a misdemeanor." The penalties are not as severe as with some other types of drugs. Ecstasy changes individuals substantially. The proposed bill would make the use of it a felony. Ecstasy use is on the rise. KBI statistics show that from 2005 through 2006 ecstasy use increased 85% . (Attachment #1)

CONTINUATION SHEET

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Jeff Brandau, KBI Narcotics Supervisor, spoke in favor of the bill. Raising the penalty of a “club drug” will, hopefully, help our youths consider these types of drugs as dangerous, not only because of short term effects but also long term brain damage. (Attachment #2)

Written testimony, in support of the bill, was provided by the Kansas Association of Chiefs of Police and the Kansas Peace Officers’ Association. (Attachments #3 & 4)

Jennifer Roth, Kansas Association of Criminal Defense Lawyers, appeared before the committee in opposition of the proposed bill. She stated that there is not any education across the state about the harms of these types of drugs and encouraged the State to provide for some type of public educational program. This should be done before it’s made a felony as not to harm records of teenagers. (Attachment # 5)

Helen Pedigo stated that the fiscal note was based on 2006 arrest/convictions so it probably would need to be readjusted. The KBI projections are based on number of labs that are tested. The actual number is probably somewhere in between the two estimates. The fiscal note is still pretty close for this year.

The hearing on **HB 2545** was closed.

SB 366 - traffic citations; methods of giving notice of failure to comply

Representative Watkins made the motion to report SB 366 favorably for passage. Representative Goyle seconded the motion.

Watkins made the substitute motion to amend the bill with revisors technical amendments. Representative Goyle seconded the motion. The motion carried.

The committee meeting adjourned at 4:45 p.m. The next meeting is scheduled for January 29, 2008.