

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:33 A.M. on March 14, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:41 A.M.
Phil Journey arrived, 9:40 A.M.
Derek Schmidt arrived, 9:34 A.M.
Greta Goodwin arrived, 9:39 A.M.
Donald Betts arrived, 9:41 A.M.

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:

Dan Gibbs, Assistant Attorney General
Kyle Smith, Deputy Director, Kansas Bureau of Investigation
Carol Luttjohann
Representative Oletha Faust-Goudeau
Kevin Myles, President, NAACP, Wichita
Cristi Cain, State Coordinator, Kansas Methamphetamine Prevention Project
Bret Welch, Business Owner, Hutchinson
Shawn Harrison, Orionz Outer Limits, Wichita
Dr. Mark Schutter, Superintendent, Larned State Hospital

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2318--Allowing crime scene cleanup as a compensable expense for victims.**

Dan Gibbs appeared in support, indicating **HB 2318** expands the definition of “allowable expense” in K.S.A. 74-7301(a) to include crime scene cleanup and defines the term “crime scene cleanup”. Enactment of the bill will enable the Crime Victims Compensation Board to better assist innocent victims of violent crimes in Kansas (Attachment 1).

Kyle Smith spoke in favor, stating the devastation and destruction left after a violent crime can be extensive. It is a horrific reminder to the victim or victim’s family and a quick cleanup should be an option in every case. This legislation addresses a real need for many crime victims that is often overlooked (Attachment 2).

Carol Luttjohann testified in support and requested the committee include the provisions of **HB 2482** which concerns suicide crime scenes and reports (Attachment 3).

The Chairman indicated her proposed amendment could not be accomplished due to constitutional requirements and suggested checking with the revisor to see if there is an appropriate bill available to accommodate her request.

There being no further conferees, the hearing on **HB 2318** was closed.

The hearing on **HB 2359--Controlled substances, drug paraphernalia** was opened.

Rep. Oletha Faust-Goudeau appeared as a proponent, stating that the citizens of her district are concerned with the sale of drug paraphernalia at local convenience stores (Attachment 4). The drug paraphernalia is blatantly displayed, sending the wrong message to children and teens. It should be just as illegal to sell these items as it is to sell drugs.

Kevin Myles appeared in support, stating his organization, NAACP, became involved with this issue through

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a grass roots effort seeking to improve conditions in their local community. Complaints were received concerning the sale of drug paraphernalia in neighborhood convenience stores. The number of complaints continued to increase and expanded to include other neighborhoods and eventually other towns and cities. The NAACP contacted Rep. Faust-Goudeau and Kyle Smith, KBI, and worked together on drafting a bill that would address the concerns of all involved. **HB 2359** will not eliminate illegal drug use but the permissiveness of current language and the availability of the items attracts criminal elements, lowers property values and exposes Kansas children to drug culture ([Attachment 5](#)).

Cristi Cain spoke in support, providing the committee with the results of a visual survey conducted in March 2006 of 88 Shawnee County convenience stores and which led to the formation of the Drug Paraphernalia Task Force. The Task Force determined through communications with attorneys and law enforcement officers that there is a lack of clarity pertaining to the definition of drug paraphernalia. **HB 2359** clarifies existing statutes. It would reduce the amount of drug paraphernalia available for sale ([Attachment 6](#)).

Kyle Smith appeared as a proponent, stating it is clear current laws are not working as intended. The changes proposed in **HB 2359** address the problems by clarifying exactly what constitutes drug paraphernalia and enhancing the penalties for selling the items near schools ([Attachment 7](#)).

Bret Welch spoke in opposition, indicating several items he now sells would be declared illegal with enactment of this bill. Mr. Welch stated all of the products he sells are for use with tobacco products and are sold only to persons over the age of 18 ([Attachment 8](#)).

Shawn Harrison appeared in opposition providing signatures from citizens affirming products purchased in his store were used only for tobacco products. Mr. Harrison states his store does not carry glass “rose” pipes, “oil burners” or meth pipes ([Attachment 9](#)).

Written testimony in support of **HB 2359** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police ([Attachment 10](#))

Sally Zellers, Director, Safe Streets Topeka-Shawnee County ([Attachment 11](#))

There being no further conferees, the hearing on **HB 2359** was closed.

The Chairman opened the hearing on **HB 2001--Civil commitment of sexually violent predators; rights and rules of conduct; transitional release when predator suffers from permanent dementia; battery against a mental health employee.**

Dr. Mark Schutter testified in support, stating groups of patient throughout the state are very different from each other and should be considered separately based on the abilities and cognitive level of the group. Residents of the Sexual Predator Treatment Program function at a high cognitive level and are not mentally ill outside the area of their sexual offending and do not require the same safeguards with respect to patient rights that other patients do. The Bill of Rights for Mentally Ill Patients does not fit the treatment and security needs of the Sexually Violent Predator population. HB 2001 allows for a more appropriate balance between patient rights with the rights of employees and community members. Dr. Schutter reviewed several changes proposed in the bill ([Attachment 12](#)).

The Chairman indicated the committee was out of time and would continue the hearing on **HB 2001** at the next scheduled meeting.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is March 15, 2007.