

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on February 6, 2008, in Room 123-S of the Capitol.

All members were present.

David Haley, excused  
Greta Goodwin, excused  
Donald Betts, excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Bruce Kinzie, Office of Revisor of Statutes  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Tom Stanton, Kansas County and District Attorneys Association  
Robert Sanders, Kansas Parole Board  
Rep. Peggy Mast  
Teresa Walters, Emporians for Drug Awareness  
Judy Moler, General Counsel, Kansas Association of Counties  
Craig Murphy, Butler County Sheriff's Office  
Peter Ninemire, Families Against Mandatory Minimums

Others attending:

See attached list.

The Chairman opened the hearing on **SB 479– Post release supervision for certain offenders convicted under K.S.A. 21-4628.**

Tom Stanton testified in favor, indicating **SB 479** will correct an anomaly in the law which currently acts to free persons who have been convicted of crimes for which the sentence is life from post-release supervision (Attachment 1). Currently a prisoner serving a life term can shorten his or her parole/post release supervision term by committing a felony while in prison

Robert Sanders spoke as a proponent, stating enactment of **SB 479** is a positive step toward introducing greater parity in sentencing (Attachment 2). The Board requested the provisions of **SB 479** be expanded so that offenders serve the longest term of post incarceration supervision carried by any of the offenses, determinate or indeterminate, for which they have been convicted and sentenced. The Chairman suggested they provide a balloon amendment with the requested changes.

There being no further conferees, the hearing on **SB 479** was closed.

The hearing on **SB 481–Controlled substance, schedule I. salvia and gypsum weed** was opened.

Tom Stanton appeared in support as author of the bill (Attachment 3). Mr. Stanton provided background on the effects of the drugs, trafficking as an uncontrolled substance, and increased use among Kansas teenagers. Enactment of the bill will take a proactive stance in the fight against harmful drugs and protect the children of Kansas.

Written testimony in support of **SB 481** was submitted by:

Rep. Peggy Mast (Attachment 4)  
Teresa Walters, Emporians for Drug Awareness (Attachment 5)

There being no further conferees, the hearing on **SB 481** was closed.

The Chairman opened the hearing on **SB 482–Substance abuse treatment for certain offenders.**

Senator Derek Schmidt testified in support, indicating this bill is one of three intended to provide an additional treatment option for offenders with substance abuse problems (Attachment 6). **SB 482** is not

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intended to disrupt the existing treatment regime established by 2003 SB 123 but will provide the courts with the additional option of incarceration based treatment for third time offenders sentenced pursuant to 2003 SB 123.

Craig Murphy appeared in support, stating that state drug treatment programs outlined in **SB 482** will set the stage for an offenders successful reentry into society while addressing one of the major public health and safety issues of our time (Attachment 7).

Peter Ninemire spoke in a neutral capacity, indicating he supported the bill with some reservations (Attachment 8). Mr. Ninemire stated jails and prisons do not cure addiction but are a necessary element of change. They remove offenders from their lifestyle, environment, association and addiction forcing them to some level of accountability. However, the approach that has shown consistent promise for reducing substance abuse and criminal recidivism combines community-based drug treatment with ongoing criminal supervision in the respective communities of origin of the offenders.

Written testimony in support of **SB 482** was submitted by:

Judy Moler, General Counsel, Kansas Association of Counties (Attachment 9)  
Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 10)  
Ed Klumpp, Kansas Peace Officers (Attachment 11)

Written testimony in opposition to **SB 482** was submitted by:

Helen Pedigo, Kansas Sentencing Commission (Attachment 12)  
Roger Werholtz, Secretary, Kansas Department of Corrections (Attachment 13)

The Chairman called for final action on **SB 433–Uniform prudent management of institutional funds act**. Chairman Vratil reviewed the bill and a minor amendment recommended by the Uniform Law Commissioners and the Kansas Judicial Council amending page 1, line 32.

Senator Bruce moved, Senator Donovan seconded, to amend SB 433 on page 1, line 32, changing the word “and” to “or”. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend SB 433 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 434–Code of civil procedure, electronically stored information** and reviewed the bill.

Senator Journey moved, Senator Schmidt seconded, to recommend SB 434 favorably for passage

The Chairman called for final action on **SB 435– Amendments to revised Kansas juvenile justice code and revised Kansas code for care of children**. The Chairman reviewed the bill indicating most of the changes to the code are technical in nature with one substantive change which defines the term *infectious diseases* and replaces inconsistencies with references to *infectious diseases*. The Chairman reviewed several technical amendments proposed by the Judicial Council in a balloon amendment during testimony heard January 30.

Senator Bruce moved, Senator Donovan seconded, to amend SB 435 as reflected in the balloon amendment distributed January 30 by the Kansas Judicial Council. Motion carried.

Senator Donovan moved, Senator Betts seconded, to recommend SB 435 as amended, favorably for passage. Motion carried.

Approval of Minutes

Senator Bruce moved, Senator Schmidt seconded, to approve the committee minutes of January 17 and January 24. Motion carried.

The meeting adjourned at 10:19 A.M. The next scheduled meeting is February 7, 2008.