

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairman Terry Bruce at 9:38 A.M. on January 23, 2007, in Room 123-S of the Capitol.

All members were present except:

Les Donovan arrived, 9:41 A.M.

John Vratil arrived, 9:44 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:

Alice Adams, Clerk of the District Court, Geary County

Marcie Ralston, Department of Revenue, Division of Vehicles

Pam Moses, Chief Clerk, 27th Judicial District

Jane Hrabik, Clerk of the District Court, Rice County

Others attending:

See attached list.

Bill Introductions

Senator Derek Schmidt described a bill regarding determination of penalties for controlled substances based on prior convictions. Senator Schmidt moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

Melissa Wangeman requested the introduction of a bill regarding business entity clarification. Senator Haley moved, Senator Umbarger seconded, to introduce the bill as a committee bill. Motion carried.

The hearing on **SB 52--Regulating traffic; speed limit violations, open record** was opened.

Alice Adams appeared as a proponent, stating current law allows some speeding violations to be omitted from the public record. Additionally, insurance companies may not consider the violations in the determination of policy rates. Ms. Adams suggested removing the wording "shall not be a part of the public record and" from the statute. She indicated that the Department of Motor Vehicles already excludes confidential convictions from the records (Attachment 1).

Marcie Ralston gave neutral testimony, providing current statistics regarding convictions which fall into the confidential category and voiced concern for the increased workload that would be placed on the Driver Control Bureau (Attachment 2).

There being no further conferees, the hearing on **SB 52** was closed.

The hearing on **SB 53--Civil procedure; release of dormant judgments** was opened.

Pam Moses spoke as a proponent, indicating current law requires clerks of the court to release dormant judgements when requested. Clerks are then placed in the position of determining the outcome of release. Ms. Moses expressed concern that judges should make the legal determination and sign the release (Attachment 3).

There being no further conferees, the hearing on **SB 53** was closed.

The hearing on **SB 54--Criminal procedure; signing of arrest warrant** was opened.

CONTINUATION SHEET

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Jane Hrabik appeared in support, indicating issuance of a warrant requires the determination of probable cause before it is signed. Ms. Hrabik requested passage of **SB 54** which would provide consistency with other statutes regarding warrants and require the signature of a judge (Attachment 4).

Final action on SB 14--Offender registration; convictions for manufacture of controlled substance, possession of certain drugs with intent to manufacture controlled substance required to register.

Senator Schmidt provided an overview of the bill and recommended the amendment proposed by Kyle Smith of the Kansas Bureau of Investigation. Chairman Vratil reviewed the proposed amendment and recommended clarifying language. Senator Bruce suggested changing the language to indicate monies collected are to be used solely for law enforcement & criminal prosecution. Senator Schmidt moved, Senator Umbarger seconded to adopt the amendment proposed by Kyle Smith to amend K.S.A. 22-4904, with the following change: on the last line strike “meet normal operating expenses of” and replace with the phrase “reduce the amount of funding otherwise made available to the sheriff’s office”. Motion carried.

Senator Schmidt moved, Senator Umbarger, to recommend **SB 14** as amended favorably for passage. Motion carried.

Final action on **SB 18--Uniform child abduction prevention act.** Chairman Vratil reviewed the bill that was heard on January 16. Senator Vratil noted that he had requested the proposed amendments by Sandy Barnett be presented in separate bill form as they involve statutes that are separate and distinct from this bill and will maintain the uniformity of this law. Senator Goodwin moved, Senator Donovan seconded, that **SB 18** be passed. Motion carried.

The meeting adjourned at 10:20 A.M. The next scheduled meeting is January 24, 2007.