

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on January 22, 2008, in Room 123-S of the Capitol.

All members were present except:

Greta Goodwin- excused  
Donald Betts- excused  
David Haley arrived, 9:46 A.M.  
Phil Journey arrived, 9:40 A.M.

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:

Richard Hayse, Past President, Kansas Bar Association  
Ed Klumpp Kansas Association of Chiefs of Police; Kansas Peace Officers  
Bob Keller, Johnson County Sheriff's Office  
Mike Van Stratton, Kansas Bureau of Investigation  
Eric N. Anderson, Attorney, Clark, Mize & Linville Chartered  
Randy Hearrell, Kansas Judicial Council  
Patricia Biggs, Kansas Parole Board

Others attending:

See attached list.

Bill Introductions

Senator Schmidt requested introduction of a bill to address a technical issue relating to the lines of reporting for the Office of the Inspector General. Senator Schmidt moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 413–Collection of certain specimens, probable cause determination.**

Richard Hayse appeared in support, indicating the bill will create a fair balance between the need for law enforcement to utilize available and technologically-evolving investigative tools versus an individual's personal liberties (Attachment 1). Mr. Hayse stated **SB 413** is a reasonable proposal to insert the review of a magistrate in the collection of evidence by requiring a determination of probable cause before a sample is taken.

Ed Klumpp testified in opposition, stating current law is the best approach to the collection of DNA samples which allows for a clean consistent flow of DNA collection (Attachment 2 & 3). Enactment of **SB 413** would be counter productive by increasing costs, additional staff time, and problems ensuring positive identification of an individual. In addition, the current law includes a process to have the sample removed from records if there is a later finding of no probable cause.

Capt. Bob Keller spoke in opposition stating the proposed language is unnecessary and negatively impacts the booking procedure, complicates the identification process, and is an inefficient use of personnel and tax dollars (Attachment 4).

Mike Van Stratton appeared in a neutral capacity voicing the concerns of the KBI regarding the increased costs associated with enactment of **SB 413** (Attachment 5). The fiscal impact will require increased staff support of the DNA Databank, additional equipment, sample collection training, and increased travel costs.

There being no further conferees, the hearing on **SB 413** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on January 22, 2008, in Room 123-S of the Capitol.

The hearing on **SB 412--Health care; medical assistance repayment; discretionary trusts** was opened.

Eric Anderson spoke in support, providing a brief summary on the history of the bill including work done during the interim. Mr. Anderson reported that an agreement on language had been reached with the Kansas Health Policy Authority. He encouraged enactment of **SB 412** (Attachment 6).

Randy Hearrell appeared in support, indicating the bill is similar to 2007 SB 32 as amended and passed by the Judiciary committee (Attachment 7). The Probate Law Advisory Committee has reviewed the bill and supports its passage.

There being no further conferees, the hearing on **SB 412** was closed.

The hearing on **SB 411--Factors affecting inmate's suitability for parole** was opened.

Patricia Biggs provided neutral testimony indicating **SB 411** expands the criteria for determination of parole suitability in three areas: risk factors, facility staff recommendations, and proportionality of time served (Attachment 8). Ms. Biggs stated, while not in the statute, the Parole Board does take into consideration identified risk factors and the recommendations of the Department of Corrections' staff however, proportionality of time served is not currently considered. Enactment of the bill would present several implementation concerns and create a significant workload impact. The Parole Board requested that should **SB 411** be passed, corresponding appropriation be made to accommodate the increased costs.

There being no further conferees, the hearing on **SB 411** was closed.

The meeting adjourned at 10:31 A.M. The next scheduled meeting is January 23, 2008.