

Approved: March 19, 2012

(Date)

**MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE
COMMITTEE**

The meeting was called to order by Chairperson Pat Colloton at 1:45 AM on Monday, January 23, 2012 in 144-S of the Capitol.

All members were present except:

Tom Moxley

Kay Wolf

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Lauren Douglass, Legislative Research

Robert Allison-Gallimore, Legislative Research

Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

State Representative Ramon Gonzalez

Detective Kirk Vernon, Jefferson County Sheriff's Department

Scott Schultz, Executive Director, Kansas Sentencing Commission

Others in attendance:

See attached list.

Chairperson Colloton announced to the Committee that they would be having a meeting on Wednesday that would be a joint committee meeting with Senate Judiciary on DUI. They will meet at noon in room 159 S and that the Committee would not meet at 1:30 that day.

Chairperson Colloton opened the hearing on **HB 2467–Creating the crimes of unlawful dissemination and possession of a depiction of a minor**, and called on Sean Ostrow, Office of the Revisor of Statutes, to explain the bill to the Committee. He stated the bill would charge any minor who knowingly transmits a visual depiction of a minor 14 years of age or older in a state of nudity with the new crime of unlawful transmission of a visual depiction of a minor. The first conviction of the new crime would be a severity level 9 nonperson felony.

A discussion followed with Sean addressing the questions of the Committee.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE CORRECTIONS AND JUVENILE JUSTICE Committee at 1:45 pm on Monday, January 23, in 144-S of the Capitol.

Chairperson Colloton introduced State Representative Ramon Gonzalez, Jr., to give his testimony as a proponent of the bill. Representative Gonzalez provided written copies of his testimony for the Committee and Staff ([Attachment 1](#)). He stated that today, a child that can operate a computer can take a picture and play games with a cell phone. Middle school children can text, send and receive pictures, and take videos of themselves, without regard to the potential consequences to themselves or others. The bill addresses the transmission of photos of minor children in visual depiction in the state of nudity with the intent to harass, embarrass, intimidate, defame, or otherwise inflict emotional, psychological, or physical harm. In closing, he urged the Committee to pass the bill out favorably for passage.

A short question and answer session followed with Representative Gonzalez and the Committee.

Chairperson Colloton introduced Kirk Vernon, a Detective Sergeant with the Jefferson County Sheriff's Office, to give his testimony as a proponent of the bill. Detective Vernon provided written copies of his testimony for the Committee and Staff ([Attachment 2](#)). He stated he has been working with the Jefferson County Sheriff's Office since 1994 and has witnessed virtually every type of victimization of a child including what this bill covers. He went on to say that the adolescent brain is not fully developed and they are unaware, in most cases, of the implications of their actions and bad decisions are made. The idea of obtaining inappropriate images is not a new one but technology of today removes the accountability. In closing, he urged the Committee to support this bill.

A short question and answer session followed.

Chairperson Colloton called the Committee's attention to the "written only" neutral testimony of Marc Bennett, Deputy District Attorney, Eighteenth Judicial District, and ([Attachment 3](#)).

Chairperson Colloton called on Scott Schultz, Executive Director, Kansas Sentencing Commission, to discuss the bed impact on the bill. The Committee was provided copies of the Bed Impact Memorandum ([Attachment 4](#)). He stated the bill would result in 36 to 54 juvenile probationers in FY 2013 through FY 2022 in the juvenile probation population. It would result in two to three additional juvenile facility beds in each year. Director Schultz addressed the questions of the Committee during his testimony.

Chairperson Colloton called on Patrick Vogelsberg who represents the County and District Attorneys Association and asked him to go back to his association and bring back their comments to the Committee regarding this bill.

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A discussion followed.

Chairperson Colloton called for others wishing to testify or speak to the bill and recognized Jenifer Roth who represents the Defense Attorneys. Ms. Roth stated that the language in this bill could require offender registration and did not think that was the intent of the bill. Chairperson Colloton agreed that needed to be considered.

The meeting was adjourned at 2:40 pm with the next meeting scheduled for January 24, 2012 at 2:00 pm in room 144 S.

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