

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 2, 2012, in Room 548-S of the Capitol.
All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Bob Allison-Gallimore, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees appearing before the Committee:

Ashley Dickinson, Department of Corrections
Chris Joseph, Attorney, Joseph and Hollander
Stephen Owens, President, Kansas Bail Agents Assc.
Chris Fisher, Big Fish Bail Bonds, Wichita
Judge Stephen Tatum, 10th Judicial District, Johnson County
Judge James Fleetwood, 18th Judicial District, Sedgwick County, Kansas District Judges Assn.

Others in attendance:

See Attached List

The Chairman recognized Ashley Dickinson for the purpose of presenting information on *Kansas First*, which was part of the Results First Initiative, a study conducted by the PEW Center. (Attachments 1, 2, 3 and 4).

The Chairman opened the hearings on **SB 321–Appearance bond conditions; surety and bounty hunter regulation**.

Jason Thompson, Staff Revisor, reviewed the bill. Mr. Thompson stated the bill concerns appearance (O.R.) bond conditions.

Chris Joseph testified in support of **SB 321**. He stated the bill would provide that only the lowest risk defendants would be released on O.R. bonds. He added that judges would still have discretion over the amount of bond set. (Attachment 5).

Stephen Owens testified in support of **SB 321**. He stated the bill was introduced as a public safety measure. He also stated that O.R. bonds are not an answer to jail overcrowding, but felt that is how they currently were used. (Attachment 6).

Chris Fisher testified in support of **SB 321**. He stated the bill would not increase jail population nor would it eliminate judicial discretion. He added that defendants are less likely to appear when released on O.R.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 2, 2012, in Room 548-S of the Capitol.

bonds. (Attachment 7).

Written testimony in support of the bill was submitted by Shane Rolf, Dennis Berndt and Jerry Watson. (Attachments 8, 9 and 10).

Judge Stephen Tatum testified in opposition to **SB 321**. He stated the bill would remove judicial discretion in pre-trial release decisions. The discretion currently held by judges is necessary in order for judges to base their decisions on the results of effective pre-trial screening. (Attachment 17).

Judge James Fleetwood testified in opposition to **SB 321**. He stated the need for O.R. bonds is well proven in the day-to-day operation of the court and law enforcement, and also have proven successful in meeting the needs of the community. He added that the bill would preempt the current notice requirement to local law enforcement officers, which allows local law enforcement officers the opportunity to accompany out-of-state agents while executing arrest warrants. (Attachment 11).

Written testimony in opposition to the bill was submitted by Dale Goter, Mark Masterson, Nathan Eberline, Robert Hinshaw and Jennifer Roth. (Attachments 12, 13, 14, 15 and 16).

The Chairman closed the hearings on **SB 321**.

The next meeting is scheduled for February 3, 2012.

The meeting was adjourned at 10:30 a.m.