

Approved: March 27, 2012

(Date)

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Vice-Chair Lance Kinzer at 1:30 PM on Thursday, March 8, 2012 in 144-S of the Capitol.

All members were present except:

Pat Colloton

Committee staff present:

Jackie Lunn, Committee Assistant

Lauren Douglass, Legislative Research

Robert Allison-Gallimore, Legislative Research

Sean Ostrow, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:

State Representative Rob Olson

Others in attendance:

See attached list.

Vice-Chair Kinzer opened the hearing on ***SB 39–Sub for SB39 by Committee on Judiciary; creating the classification of "aggravated sex offender" and establishing residency restrictions*** and called on Sean Ostrow, Office of the Revisor of Statutes to explain the bill. Mr. Ostrow stated the bill would amend the Kansas Offender Registration Act to create the category of aggravated sex offender, which would be defined as any person who is convicted of any sexually violent crime, if any of the parties involved under 16 years of age. Such offenders would be prohibited from residing within 500 feet of school property containing a structure used for K-12 instruction or activities. The prohibition would not apply to any state institution or facility. The sentencing court and the registering law enforcement agency would be required to inform such offenders of the residency restriction.

Vice Chair Kinzer introduced State Senator Rob Olson to give his testimony as a proponent of the bill. Senator Olson provided written copies of his testimony for the committee and staff (Attachment 1,2,3). He stated an aggravated sex offender shall not reside within 500 feet of the real property of any school upon which is located a structure used by a unified school district or an accredited non-public school for student instruction or attendance or extra-curricular activities of pupils enrolled in kindergarten or any grades one through twelve. The subsection shall not apply if such aggravated sex offender is in the custody of a correctional facility or in the care or

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custody of any treatment facility. The offender must be informed of the residency restrictions at sentencing and at discharged and paroled or released.

A question and answer session followed.

Vice Chair Kinzer called for others wishing to testify or speak to the bill and recognized Sergeant Al Deathe, Douglas County Sheriff's Office. He stated he worked with the Offender Registration Group for Douglas County and stated he has concerns with the bill because he is not sure how they can make it work. The bill is not specific in regard to who would keep up the list of were registered offenders could live or even if there would be a list. If not, how he would know to tell them where they could or could not live. Vice Chair Kinzer asked him if he could provide a written copy of his testimony to the committee. He stated he would.

A lengthy question and answer session followed.

Vice Chair Kinzer recognized Kyle Smith, Assistant Attorney General/Deputy Director of the KBI. Mr. Smith stated he is a neutral party but wanted to alert the committee that there would be a fiscal note to update their software so that it would accommodate the information requested in this bill.

Vice Chair Kinzer called for any others wishing to testify or speak to the bill; being none, he closed the hearing on **SB 39** and opened the floor for consideration of **SB 306—Intimidation of a witness; including SRS personnel and mandatory abuse reporters as protected witnesses. Representative Moxley made a motion to pass the bill out favorably. Representative Roth seconded.**

A discussion followed with **Representative Brookens making a motion to amend the bill and remove on line 11, the word "victimization", on line 16, remove the word "victimization". Representative Smith seconded.**

A discussion followed with **Representative Brookens withdrawing his original motion, with the permission of the second, Representative Smith, and made another motion. Representative Brookens made a new motion to remove the word "victimization" on lines 11,16, and 30 and to add language on line 30 in the place of victimization "in connection with a crime". Representative Cassidy seconded.**

A discussion followed.

Vice Chair Kinzer called on Representative Brookens who moved his amendment.

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Motion carried.

Representative Cassidy made a motion to pass the bill out favorably as amended.

Representative Moxley seconded. Motion carried.

The meeting was adjourned at 2:20 pm, with the next scheduled meeting to be on March 12, 2012, at 1:30 pm in room 144 S.

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