

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 A.M. on February 16, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

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

Conferees appearing before the committee:

Ed Klumpp, KS Assn of Chiefs of Police, KS Sheriffs Assn, KS Peace Officers Assn
Jennifer Roth, Kansas Assn. of Criminal Defense Lawyers
Eric Stafford, The Kansas Chamber
Christopher E. Appel, Attorney, Washington, D.C.
Katy S. Nitcher, District Court Trustee, Seventh District, Lawrence, KS
N. Russell Hazlewood, Kansas Association for Justice, Wichita

Others attending:

See attached list.

The Chairman announced that he was modifying the procedure for the submission of testimony for all future meetings of the committee, as follows: Unless advance arrangements are made, 30 copies of written testimony must be submitted to Room 559-S no later than 24 hours preceding the time of the hearing. (Testimony may be submitted after the deadline, but the Daily Agenda might not reflect that such testimony has been submitted.)

The Chairman opened the hearings on **SB 159 -- Parole and postrelease supervision for violent offenders and sex offenders.**

Jason Thompson, Staff Revisor, reviewed the bill.

Senator Pilcher-Cook testified in support of **SB 159** (Attachment 1). She stated that the bill was introduced in response to a holding in a 2009 Kansas Supreme Court case, *State v. Bennett*. She stated that the bill would:

- Add conditions of supervision for certain violent and sex offenders serving on parole or post-release supervision. Offenders must agree in writing to be subject to search or seizure at any time of the day or night with or without a search warrant and without cause
- Sex offenders must agree in writing not to possess pornographic materials

Senator Pilcher-Cook distributed copies of balloon amendments to the bill (Attachment 2).

Ed Klumpp testified in support of **SB 159** (Attachment 3). He stated that the bill applies to the worst criminal offenders; he suggested that the committee consider expanding the bill's application.

Senator Kelly asked whether a probation officer might conduct a suspicion-less search under current law.

Mr. Klumpp responded, Yes.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 16, 2011, in Room 548-S of the Capitol.

Jennifer Roth testified in opposition to **SB 159** (Attachment 4). She expressed concern with the retroactivity of the provisions as they apply to persons currently on parole. She stated it is not good public policy.

The Chairman called the committee's attention to the fiscal note for **SB 159**.

The Chairman closed the hearings on **SB 159**.

The Chairman opened the hearings on **SB 106 -- Consumer protection act**.

Jason Thompson, Staff Revisor, reviewed the bill.

Eric Stafford testified in support of **SB 106** (Attachment 5). He stated that the bill would protect businesses from frivolous lawsuits filed by individuals who have suffered no real harm.

Christopher E. Appel testified in support of **SB 106** (Attachment 6). He stated the bill amends the Kansas consumer protection act (KCPA), as follows:

- Provide consistency between Kansas and Federal law
- Provide that conduct authorized or permitted by a government agency is outside the scope of the KCPA
- In order to recover damages for violation of KCPA, a plaintiff must show the violation caused the plaintiff to enter into the transaction
- The measure of damages for a private plaintiff is the actual out-of-pocket loss

The Chairman announced that the hearings on **SB 106** would continue after the conclusion of the hearings on **SB 160**, which follow immediately.

The Chairman opened the hearings on **SB 160 -- Collection of child support payments**.

Jason Thompson, Staff Revisor, reviewed the bill.

Senator Lynn, the sponsor of the **SB 160**, expressed her support for the bill.

Katy S. Nitcher testified in support of **SB 160** (Attachment 7). She stated that the bill would allow for the collection of past due child support in non Title IV-D cases in the same manner provided for collection in Title IV-D cases. Ms. Nitcher included copies of balloon amendments to the bill in her testimony.

The Chairman closed the hearings on **SB 160**.

The Chairman re-opened the hearings on **SB 106 -- Consumer protection act**.

Russell Hazlewood testified in opposition to **SB 106** (Attachment 8). He stated that if enacted, the bill would:

- Abdicate the responsibility for safeguarding Kansas consumers to a bureaucracy in Washington, D.C.
- Make the KCPA in applicable to almost every transaction
- Repeal KCPA protections for small businesses and farmers
- Make it nearly impossible for consumers to enforce the KCPA
- Appear to make the KCPA only to pre-transaction misconduct
- Facilitate dishonest marketing of goods and services

Meeting adjourned at 10:29 A.M. The next meeting is scheduled for February 17, 2011.