

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on February 24, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Becky Krahl, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Others attending:

See Attached List.

HB 2639 - Traffic in contraband while inmate is outside the DOC institution

Chairman Loyd asked for final action on **HB 2639**

A balloon by DOC and JJA was passed out to review. The Bed Impact in 2005 was 12 for providers and 30 for receivers which is the inmate for a total of 42. In 2014 providers 29 and receivers is 63 for a total 92.

Representative Owens made a motion to adopt the balloon. Representative Goering seconded the motion.(Attachment 1)

The Chairman commented that the Secretary's idea behind the tobacco issue was two fold:

- Long term health impact and the cost the state incurs in treatment.
- The experience is if you make cigarettes the contraband then if there is any focus to get the contraband in to the prison the focus will be on cigarettes instead of drugs. This has been the case in other states.

The motion carried.

Representative Owens made the motion to report **HB 2639** favorably for passage, as amended. Representative Carter seconded the motion. The motion carried.

HB 2636 - Allowing SRS and law enforcement agencies access to victim information.

Representative Owens made the motion to report **HB 2636** favorably for passage. Representataive Carter seconded the motion. The motion carried.

HB 2727 - Exercising the state's option to provide an exemption to disqualification for public assistance to certain drug offenders

Representative Pauls made the motion to report **HB 2727** favorably for passage. Representative Kassebaum seconded the motion. The motion carried.

HB 2638 - Amendments to the community corrections act

Representative Owens made the motion to report **HB 2638** favorably for passage. Representative Carlin seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE at 1:30 p.m. on February 24, 2004 in Room 241-N of the Capitol.

HB 2595 - State pays costs of litigation in civil commitment of sex predator cases

Representative Carlin made the motion to report HB 2595 favorably for passage. Representative Kassebaum seconded the motion.

The committee discussed that the fiscal note on this bill.

A substitute motion by Representative Ward to amend line 30 adding subject to appropriation. The motion carried.

Representative Carter made a substitute motion to line 31 strike the defense attorneys fees. Representative Ward seconded the motion. The motion did not carry.

Representative Owens made the motion to report HB 2595 favorably for passage as amended. Representative Carlin seconded the motion. The motion carried.

HB 2778 - If the sentence of offender remanded, criminal history is that of original sentence.

Representative Owens made a motion to adopt the balloon. Representative Goering seconded the motion. The motion carried. (Attachment 2)

Representative Owens made the motion to report HB 2778 favorably for passage as amended. Representative Goering seconded the motion. The motion did not carry.

HB 2862 - Various amendments to the juvenile justice code and criminal code concerning juveniles.

A balloon from Office of Judicial Administration (Attachment 3) and proposed amendments from the Juvenile Justice Authority. (Attachment 4)

Representative Pauls made a motion to adopt the whole balloon. Representative Kassebaum seconded the motion. The motion carried.

Representative Crow made a motion to remove the balloon language and to restore the italicized language on page 14 and 15. Representative Kassebaum seconded the motion. The motion did not carry.

Representative Ward made a motion to strike the 1st and 3rd sentences leaving the 2nd sentence in the balloon. Representative Crow seconded the motion. The motion carried.

Representative Ward made a motion to strike the original language on from 3 days to 5 days excluding week ends and legal holidays on page 12 line 31. Motion to amend was withdrawn.

Representative Carlin made a motion to adopt the language of the OJA. Representative Horst seconded the motion. Motion to amend was withdrawn.

Representative Carlin made a motion to amend the language in line 31 of the balloon to substitute 3 business days for the term 5 business days and weekends and holidays. Motion died for lack of a second.

Representative Dillmore made a motion to adopt the OJA balloon language on page 12, not striking the word "forthwith". Representative Owens seconded the motion. The motion carried.

Representative Pauls made a motion to strike trial and sentence on page 12 line 33. Representative Carter seconded the motion. The motion carried.

CONTINUATION SHEET

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Representative Carter made a motion to recommend **HB 2862** favorable for passage as amended. Representative Huntington seconded the motion. The motion carried.

HB 2649 - Unlawful use of a controlled substance.

There were three amendments requested by Representative Decker, (Attachment 5) Kansas Highway Patrol, (Attachment 6) and Jan Satterfield, Bulter County Attorney. (Attachment 7)

Staff explained the three amendments. Representative Decker's original intent to include domestic battery when a person was requested to submit to a test, line 31 21-3412a and delete reference to KSA 65-4160 or 65-4162. The Highway Patrol amendment deletes section 1 reference to KSA 21-4160 and section 1 reference to KSA 65-4160 or 65-4162. The Satterfield amendment would establish blood and urine levels with a specific list for both as used by the state of Nevada.

The fiscal note and bed impact that there is a history of this crime and would have an impact on the Sentencing Commission and would probably have to build a new prison for bed impact.

Representative Dillmore made a motion to adopt Representative Decker balloon. Representative Horst seconded the motion. The motion carried.

Representative Dillmore made a motion to adopt Kansas Highway Patrol balloon as consisted with the Decker amendment striking section 1. Representative Horst seconded the motion. The motion was withdrawn.

Representative Carter made a motion to adopt the Satterfield balloon. Representative Pauls seconded the motion. The motion did not carried.

The KBI has testified that their labs and equipment aren't qualified to do this type of testing at this time.

Representative Dillmore made a motion to report **HB 2649** favorable as amended . Representative Crow seconded the motion. The motion carried.

HB 2815 - New crime of absconding from parole; aggravated indecent solicitation child, severity level 3, person felony; new felony while incarcerated or on post-release supervision, mandatory imprisonment for new conviction.

Representative Goering made a motion to adopt the balloon submitted by the Attorney General as a substitute bill, deleting sections 1 and 3 leaving section 2. Representative Dillmore seconded the motion. The motion carried. (Attachment 8)

Representative Goering made a substitute motion to report **Substitute HB 2815** favorably for passage. Representative Carter seconded the motion. The motion carried.

The meeting was adjourned at 2:54 pm. The next scheduled meeting is March 3, 2004.