

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on January 17, 2008, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen arrived, 9:36 A.M.  
David Haley arrived, 9:36 A.M.  
Phil Journey arrived, 9:38 A.M.  
Derek Schmidt arrived, 9:42 A.M.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Bruce Kinzie, Office of Revisor of Statutes  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Willa DeCastro, American Adoptions

Others attending:

See attached list.

Bill Introductions

Melissa Wangeman, Office of the Secretary of State, requested the introduction of three bills. The first bill would remove outdated U.C.C. forms from statute and allow the Secretary of State to prescribe the forms.

The second bill would add a reference to the general corporate code governing cooperatives to clarify that cooperative associations are subject to the corporate code. Without the default to the corporate code, cooperatives are unable to file certain documents with the Secretary of State.

The third bill repeals the authority of a cemetery to use its permanent maintenance fund to build a mausoleum. The maintenance fund is a fund designed exclusively for the perpetual care of the cemetery and using the money for capital improvements contravenes the purpose of the law.

Senator Umbarger moved, Senator Goodwin seconded, to introduce the bills. Motion carried.

Chairman Vratil indicated the sponsor of **SB 236–Hospitals and doctors' offices, not authorized to carry concealed weapon** has requested the bill not be pursued and there will be no further action on the bill this session.

The Chairman opened the hearing on **SB 301–Criminal procedure, expungement**.

Senator Betts testified in support, as sponsor of the bill (Attachment 1). The Senator explained the bill would reduce the waiting period for a request of expungement of criminal records from three years to two years. The reduced waiting period would enable individuals to get on with their lives once they have served their time.

There being no further conferees, the hearing on **SB 301** was closed.

The hearing on **SB 48–Municipal court, accused person's competency to stand trial, mental health evaluation** was opened.

Senator Journey testified in support as the sponsor of the bill (Attachment 2). The Senator indicated the bill would allow municipal courts the ability to place a case with the district court for determination of competency when there is a high likelihood the defendant is incompetent to stand trial. Senator Journey suggested amending page 2, line 5, which only refers to defendants charged with a felony to include all crimes in district court along with the resolution of this matter for municipal court. Enactment of this bill would enhance Kansas criminal procedure and provide aid to municipal courts under difficult circumstances.

Written testimony in support of **SB 48** was submitted by:

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on January 17, 2008, in Room 123-S of the Capitol.

Karen Arnold-Burger, Presiding Judge, Overland park Municipal Court (Attachment 3)

There being no further conferees, the hearing on **SB 48** was closed.

The Chairman called for final action on **HB 2186-Restrictions on advertising for adoption and child placement agencies.**

At the request of the Chair, Willa DeCastro, American Adoptions, provided a review of the bill heard March 6, 2007. Ms. DeCastro distributed a balloon amendment based on recommendations from the Office of the Attorney General addressing concerns raised during the hearing (Attachment 4).

Senator Umbarger moved, Senator Donovan seconded, to amend **HB 2186** as reflected in the balloon amendment. Motion carried.

Senator Umbarger moved, Senator Goodwin seconded, to recommend **HB 2186** favorably for passage. Motion carried.

Approval of Minutes

Senator Donovan moved, Senator Haley seconded, to approve the Committee minutes of January 15 and January 16. Motion carried.

The meeting adjourned at 10:03 A.M. The next scheduled meeting is January 22, 2008.