

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 2:00 p.m. on March 11, 2009 , in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

State Representative Sharon Schwartz
James & Tina Smith, private citizen
Nick & Jennifer Keller, private citizens
Jennifer Roth, Kansas Association of Criminal Defense Lawyers
Barry Wilkerson, Kansas County and District Attorneys Association

Others attending:

See attached list.

Chairperson Colloton opened by calling the Committee's attention to the minutes for approval.

Representative Frownfelter moved to approve the minutes for January, 13, January 14th, January 20th, January 21st, January 22nd. Representative Dillmore seconded. Motion carried.

HB 2333 - Creating the crime of use of a controlled substance endangering a child.

Chairperson Colloton opened the hearing on **HB 2333** and introduced State Senator Sharon Schwartz to give her testimony as a proponent of the bill. Representative Schwartz provided written copy of her testimony. (Attachment 1) She stated it is time that the state of Kansas passes legislation that will create a new crime that would apply to a pregnant woman who knowingly uses a controlled substance. The bill would require a pregnant woman to submit to a drug abuse examination and evaluation in either a public or private treatment facility or state institution. If determined to be a drug abuser, she would be required to enter into a drug abuse treatment program as a condition of release.

Representative Schwartz stood for questions and a discussion followed.

Chairperson Colloton introduced Jennifer Keller, a private citizen, to give her testimony as a proponent of the bill. Ms. Keller provided written copy of her testimony. (Attachment 2) Mrs. Keller stated she had first hand knowledge of the effects of a baby born to a pregnant woman who used controlled substances. She and her husband have adopted 6 children that were born to mothers who used controlled substances during their pregnancy. She reviewed all the physical challenges and medical issues of the children she and her husband have adopted because of their birth mothers use of controlled substances during pregnancy. In closing she stated they do not know the long term affects of a child born to mothers who used controlled substances while pregnant and urged the Committee to pass the bill out favorably.

Chairperson Colloton introduced Tina Smith, a private citizen, to give her testimony as a proponent of the bill. Mrs. Smith provided written copy of her testimony. (Attachment 3) She also knows first hand the affects of controlled substance abuse while pregnant. She and her husband have adopted two children that were born to a mother who abused controlled substances during her pregnancy. She told of the medical affects the controlled substances have had on her children and physical challenges they face on a daily basis. In closing, she urged the Committee to pass the bill out favorably.

A discussion followed.

Chairperson Colloton called on Jason Thompson, Office of the Revisor and Athena Andaya, Legislative

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 2:00 p.m. on March 11, 2009, in Room 535-N of the Capitol.

Research, to do a memo on what the 26 states that have bills similar and bring before the Committee. Chairperson Colloton introduced Barry Wilkerson, Kansas County & District Attorneys Association, to give his testimony as an opponent of the bill. Mr. Wilkerson provided written copy of his testimony. (Attachment 4) Mr. Wilkerson stated they have a concern with subsection (2)(1) and (a) (3). He reviewed his concerns for the Committee. In closing, he stated the issue of expectant mothers using controlled substances and alcohol has been with us for years. The issues sought to be addressed by this legislation deserve serious attention but he does not feel this legislation accomplishes that goal.

A discussion followed. During the discussion the Committee asked if Mr. Wilkerson could get with Representative Schwartz to address his issues and come to an agreement.

Chairperson Colloton announced the hearing would be continued to tomorrow with one opponent left to testify and adjourned the meeting at 3:15 p.m. with the next scheduled meeting being March 12, 2009 at 1:30 p.m. in room 535 N.