

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:40 a.m. on March 22, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation (KBI)
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence
Patty Linsner-Hansen, Crisis Center, Great Bend
Tammy Rider, Battery Women's Task Force
Ron Nelson, Kansas Bar Association (KBA)
Kathy Olsen, Kansas Bankers Association
Sergeant Dan Hay, Topeka Police Department
Jeff Bottenberg, Kansas Sheriff's Association

Others attending: see attached list

Minutes of March 21st a.m. and p.m. meetings were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

The Chair informed Committee that **HB 2230** which has passed out of the Senate Judiciary Committee was currently being worked in the House where the provisions in the bill were being put into **SB 67**. He stated that Committee would continue a review of the bill next week in Conference Committee.

Sub HB 2077—concerning protection from abuse orders

Conferee Smith testified in support of **Sub HB 2077**, a bill which amends the protection from abuse law by changing the application of the definition of abuse to cover prohibited abusive acts between certain parties. The Conferee reviewed current law governing protection from abuse (PFA) which states that individuals who have no other legal option may get a PFA order. He discussed the difficulties law enforcement officers face when trying to verify PFA orders and stated these orders can be accessed 24 hours a day when entered into the National Crime Information Center (NCIC) database. He further discussed an amendment which makes the sheriff responsible for the accuracy of the NCIC entry and makes the court ensure the legal validity of the order. (attachment 1)

Conferee Barnett testified in support of **Sub HB 2077**. She deferred to the next conferee after distributing her written testimony. (attachment 2)

Conferee Linsner-Hansen testified in support of **Sub HB 2077**. She cited two abuse cases which illustrate the importance of enhancing the Protection From Abuse Act to include dating relationships. (attachment 3)

Conferee Rider testified in support of **Sub HB 2077**. She stated that many victims of abuse who need protection under the law cannot obtain it due to the current requirements for filing a PFA. She cited cases to support this statement and urged Committee to provide equitable protection to all persons in "romantic" relationships. (attachment 4)

Conferee Nelson testified in opposition to **Sub HB 2077**. He discussed PFA orders stating that when such orders are entered into NCIC there is potential for entry of incorrect records which may be difficult to remove at a later date. He further stated that the amendments provide opportunity for misuse of the system for filing of PFA actions and he objected to expanding the language to include persons in a "dating" relationship because of its subjective nature. He argued that current criminal law covers all of the acts that are addressed by this legislation. (attachment 5) Discussion followed.

HB 2296—concerning check forgery

Conferee Olsen testified in support of **HB 2296**, a bill which amends the forgery statute by delineating the penalty for first, second, and third or subsequent convictions. She stated that currently there are, in Kansas, only mild consequences for committing check forgery which makes this state open to people who make a living forging checks. She referenced a chart of surrounding states' forgery laws and detailed KBA's proposed amendments in **HB 2296** which provide for harsher penalties for persons who commit check forgery including fines, incarceration, and subjection to the forfeiture law. (attachment 6) She also referenced two newspaper articles on the subject of forgery in Kansas. (Journal-World, Lawrence, Kansas, Jan. 10, 2000, pp. 1A and 3A, and the Wichita Business Journal, Dec. 10, 1999) Lengthy discussion followed regarding the asset-seizure portion of the amendment.

Conferee Hay testified in support of **HB 2296**. He distributed samples of forged blank checks and discussed several check forgery case histories on file with the Topeka Police Department. He cited statistics which reveal the prevalence of this crime as well as the cost to citizens and merchants. (attachment 7)

Written testimony in support of **HB 2296** was submitted by Heartland Community Bankers Association. (attachment 8)

Conferee Bottenberg testified in opposition to **HB 2296**. He stated that the KSA supports enhanced penalties for forgery but feels that the mandate that repeat offenders spend time in a county jail instead of the DOC is not acceptable since county jails are already over-crowded and under-funded, a statement supported by detailed evidence he presented. (attachment 9) Discussion followed.

Written testimony in opposition to **HB 2296** was submitted by Michael Pepoon, Sedgwick County Courthouse (attachment 10) and Judy Moler, Kansas Association of Counties. (attachment 11)

The meeting adjourned at 10:33 a.m. There are no further meetings scheduled.