

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 11:00 AM on February 13, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Sidney Carlin – Excused  
Representative Eric Carter – Absent  
Representative Jeff Goering - Excused.

Committee staff present:

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

Conferees appearing before the committee:

Denise Everhardt  
Candy Shively

Others attending:

See Attached List.

**HB 2320 – Dispositions for children in need of care because of truancy**

Chairman Loyd opened the continued hearing on **HB 2320**.

Commissioner Denise Everhart, Juvenile Justice Authority, appeared before the committee to provide information on the issue of truancy. Children not attending school are considered under the “child in need of care” umbrella, which currently falls under the authority of the Department of Social and Rehabilitation Services for case administration. The JJA involvement with truants is through the Juvenile Intake and Assessment Services and funding of a number of truancy prevention programs throughout the state. It should be noted that truancy is considered a status offense. If youth found to be truant are detained or otherwise treated as a juvenile offender with no other criminal charge, the state could be found to be in violation of federal regulations and subject to financial penalty for violating this mandate. (Attachment 1)

The Commissioner attached the following truancy related information:

Juvenile Intake and Assessment Services’ (JIAS) statistical data on school attendance  
JJA Prevention/Intervention grants for truancy prevention programs  
Communities That Care sample data  
Research article from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the U.S. Department of Education  
An article from the Fall 2003 edition of the JJA Focus newsletter, highlighting truancy diversion programs in Wyandotte County.

The JJA included some technical considerations regarding the proposed language for the Committee to consider when the bill is worked.

Candy Shively, Deputy Secretary of SRS, appeared to provide information on SRS policies regarding children not attending school and truancy programs in the state of Kansas. For a child age 7 – 12 years, a report of non-school attendance requires a family based assessment by SRS to determine what intervention or services are needed to the factors causing the truancy. Children 13 –17 years of age are

reported directly to the county or district attorney. Kansas communities have responded to truancy concerns with a variety of programs. Some counties have used family or mental health services while other counties have used the legal system to address truancy. (Attachment 2)

Pat Baker, Kansas Association of School Boards, supplied additional written information for the committee. (Attachment 3)

Chairman said that a subcommittee would be appointed to further look at this issue.

**HB 2319 – Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages**  
**SB 197 – Alcoholic beverages; furnishing to and consumption by persons under age 21**

Chairman reopened the debate on HB 2319 and SB 197 and reminded the committee the motion that was made. (Attachment 4)

Representative Kassebaum made a motion to accept the subcommittee report. Representative O’Malley seconded the motion. The motion carried.

Representative Dillmore made a motion to move SB 197 out favorably. Representative Crow seconded the motion.

Representative Owens moved to amend by striking subsection (e) lines 41 – 43 page 1 and page 3 lines 2 – 6. Representative Pauls seconded the motion. Motion fails.

Representative Pauls made a motion to strike the word “minor” and insert appropriate language. Representative Dillmore seconded the motion. The motion carried.

Representative Owens made a motion to make language consistent on page 1 section (e) and page 3 line 5. Representative Kassebaum seconded the motion. The motion carried.

Chairman Loyd moved that page 4 section (a) line 33 insert owned or procured. Representative Dillmore seconded the motion. Motion was with drawn.

Representative Pauls moved that page 4 section (a) line 33 insert owned, occupied, or procured. Representative Dillmore seconded the motion. The motion carried.

Representative Yoder moved to make language consistent on page 3 section (b) with furnishing statute. Representative Owens seconded the motion. The motion carried.

Representative Dillmore made a motion to move SB 197 as amended favorably for passage. Representative O’Malley seconded the motion. The motion carried.

**HB 2621 – Crime of harming, disabling or killing a game warden dog.**

Representative Pauls made a motion to move HB 2621 out favorably. Representative Dillmore seconded the motion. The motion carried.

Chairman Loyd opened the floor for consideration of action on HB 2693, but because a necessary balloon is not ready withdrew the request.

**HB 2575 – Reporting of abuse; ministers**

Representative Dillmore moved that the committee remove HB 2575 from the table. Representative Crow seconded the motion. The motion carried.

Representative Dillmore made a motion to move HB 2575 as amended for passage. Representative Crow seconded the motion. The motion carried.

The meeting was adjourned at 1:38 PM. The next meeting is February 16, 2004.

