

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:40 a.m. on March 18, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Mary Pilcher-Cook- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Doug Taylor, Office of the Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Karen Clowers, Committee Assistant

Others attending:

See attached list.

Senator Donovan moved, Senator Kelly seconded, to approve the Committee minutes for January 29 and February 2. Motion carried.

The Chairman called for final action on **HB 2039 - Identification of defendant by unique DNA profile sufficient for reasonable certainty requirement of warrant.**

Senator Vratil moved, Senator Schodorf seconded, to amend HB 2039 so the statute of limitations would continue to run.

Following discussion the committee decided more information is needed regarding how the bill would effect the statute of limitations and to continue **HB 2039** to next session. The motion to amend died.

The Chairman called for final action on **SB 292 - Civil procedure, liens; requiring notice of commencement and notice of furnishings to be filed prior to filing certain commercial property liens.**

The Chairman indicated the interested parties have not reached an agreement on language and he will carry the bill over to next session with the strong request that the parties resolve the issue during the interim.

The Chairman called for final action on **SB 281 - Sentencing for severity level 4 drug crimes; probation or assignment to community.**

Helen Pedigo, Executive Director, Kansas Sentencing Commission, was called upon to provide further explanation of the fiscal note. Following questioning, a balloon amendment was provided by the Kansas Sentencing Commission. (Attachment 1)

Senator Vratil moved, Senator Kelly seconded, to amend SB 281 as reflected the balloon. Motion carried.

Senator Vratil moved, Senator Kelly seconded, to recommend SB 281 as amended, favorably for passage. Motion carried.

Senator Schmidt moved, Senator Schodorf seconded, to delete the language currently in HB 2097 and insert SB 283 and SB 281 as amended by the committee as a substitute bill. Motion carried.

Senator Haley distributed a proposed substitute for **SB 17 - Videotaping felony interrogations.** Senator Haley moved, Senator Lynn seconded, to insert the language in the proposed draft into HB 2097.

Following discussion, the Chairman indicated there was another vehicle available for Senator Haley's bill the Committee could take up at the next meeting. Senator Haley withdrew his motion.

Senator Schmidt moved, Senator Bruce seconded, to recommend Senate Substitute for HB 2097, favorably for passage. Motion carried.

The next meeting is scheduled for March 19, 2009. The meeting was adjourned at 10:32 a.m.