

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on February 3, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

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:

Kevin O'Connor, Assistant District Attorney, Sedgwick County
Carl Folsom, Kansas Association of Criminal Defense Lawyers

Others attending:

See attached list.

Chairperson Colloton called the Committee's attention to the handout she just received entitled *Kansas Department of Corrections Additional Budget Reductions Fiscal Year 2009* stating it was showing additional budget cuts and instructed the staff to make copies and distribute to the Committee before the end of the meeting. (Attachment 1)

HB 2097 - Criminal Jury Trials, Alternate or Additional Juror Selections

Chairperson Colloton then called on Jason Thompson to explain **HB 2097**. He stated current law authorizes a judge to select alternate or additional jurors immediately after the jury has been empaneled and sworn in. This bill would amend current law and also allow judges to select alternate or additional jurors at the same time as the regular jury is being selected.

Chairperson Colloton opened the hearing on **HB 2097** and recognized Kevin O'Connor, Deputy District Attorney, Sedgwick County testifying on behalf of Nola Tedesco Foulston, District Attorney, Sedgwick County, and representing the Kansas County and District Attorneys Association, to give his testimony as a proponent of the bill. Mr. O'Connor provided a written copy of his testimony. (Attachment 2) He stated this bill is just a common sense approach which is more efficient and effective use of Judicial resources and urged the Committee to pass the bill out favorably.

Chairperson Colloton asked for any more proponents or opponents to testify on the bill and there being none, she closed the hearing on **HB 2097**.

HB 2099 - Withdrawal of Guilty Plea, Time Limitation

Chairperson Colloton called on Jason Thompson to explain **HB 2099**. Mr. Thompson stated current law permits courts to allow a guilty plea to be withdrawn to correct a manifest injustice as a result of a court error. The bill would amend current law to require guilty pleas to be withdrawn within one year of the following: a Kansas appellate court's final order or termination of an appeal; or the U.S. Supreme Court's final order on or denial of an appeal. The time limit may be extended by the court if excusable neglect can be shown.

Chairperson Colloton recognized Kevin O'Connor, Deputy District Attorney, Sedgwick County testifying on behalf of Nola Tedesco Foulston, District Attorney, Sedgwick County, and representing the Kansas County and District Attorneys Association, to give his testimony as a proponent of the bill. Mr. O'Connor provided a written copy of his testimony. (Attachment 3) He stated this bill is another common sense bill. Time limits exist in all appellant matters. The lack of a time limit in the statute causes undue pain and suffering to victims and/or their families; places an undue burden on law enforcement; wastes limited resources; and runs contrary to the vital societal interest in finality in criminal judgements, particularly guilty pleas. He urged the Committee to pass this bill out favorably for passage.

At the conclusion of Mr. O'Connor's testimony there was a question and answer session with the Committee.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on February 3, 2009, in Room 535-N of the Capitol.

The Committee has some concerns regarding the language of the bill. Chairperson Colloton asked Mr. O'Connor to bring new language to address the intent of the bill and the concerns of the Committee when the bill is worked next week.

Chairperson Colloton introduced Carl Folsom representing the Kansas Association of Criminal Defense Lawyers, to give his testimony as an opponent of **HB 2099**. Mr. Folsom provided a written copy of his testimony (Attachment 4) He stated the Kansas Association of Criminal Defense Lawyers believe this bill alters the original intent of the statute by putting a expiration date on the showing manifest injustice.

A lengthy questions and answer session followed.

With no further questions, Chairperson Colloton closed the hearing on **HB 2099** and adjourned the meeting at 2:25 p.m. with the next meeting scheduled for February 5, 2009 at 1:30 p.m. in room 535N.