

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 19, 2006 in Room 313-S of the Capitol.

All members were present except:

Jim Ward- excused  
Kasha Kelley- excused  
Marti Crow- excused  
Mike Kiegerl- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department  
Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Dan Hermes, Kansas Ignition Interlock  
Carol Foreman, Kansas Judicial Council  
Randy Hearrell, Kansas Judicial Council  
Jim Puntch, Sedgwick County District Attorney

Dan Hermes, Kansas Ignition Interlock, requested a bill be introduced that would provide that on a person's second, third or fourth occurrence of an alcohol or drug related conviction their suspension period be extend by one year if they do not place an ignition interlock on their vehicle. Representative Kinzer made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Chairman O'Neal requested a bill that would amend the step-parent adoption statute dealing with fathers who are incarcerated. He made the motion to have his request introduced as a committee bill. Representative Kinzer seconded the motion. The motion carried.

Chairman O'Neal opened hearing on **HB 2608 - Kansas health policy authority hearings conducted in accordance with the Kansas administrative procedure act.**

Carol Foreman, Kansas Judicial Council, explained that the newly created Division of Health Policy and Finance is independent from the Department of Administration. The proposed bill would provided that the new Division would conduct its hearings in accordance with the Kansas Administrative Procedure Act and utilize a presiding officer from the Office of Administrative Hearings.

The hearing on **HB 2608** was closed.

Chairman O'Neal opened hearing on **HB 2609 - small claims; forms set forth by judicial council, not the office of judicial administration.**

Randy Hearrell, Kansas Judicial Council, commented that the proposed bill is simply technical change to K.S.A. 61-2707 which directs the Office of Judicial Administration to develop forms. The statute should have been referring to the Kansas Judicial Council instead.

The hearing on **HB 2608** was closed.

Chairman O'Neal opened hearing on **HB 2616 - state may request a preliminary examination on a felony charge.**

Jim Puntch, Sedgwick County District Attorney, stated that the 2004 United States Supreme Court ruled in *Crawford v. Washington* that "testimonial hearsay" was inadmissible in court. This included virtually all statements made by victims and witnesses to police. The ruling did allow for the admission of previous

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testimony, under oath, where the defendant has an opportunity for cross-examination and testimony taken at preliminary hearings is also admissible.

The State of Kansas has no right to hold a preliminary hearing to perpetuate testimony that can be used in trial. The proposed bill would simply allow for prosecutors to request preliminary hearings to preserve testimony. (Attachment 1)

The hearing on **HB 2616** was closed.

The committee meeting adjourned at 4:15p.m. The next meeting was scheduled for 3:30 p.m. on Monday, January 23, 2006 in room 313-S.