

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on January 31, 2005, in Room 123-S of the Capitol.

All members were present except: Donald Betts- excused  
David Haley- excused

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Helen Pedigo, Office of Revisor of Statutes  
Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman Vratil opened the meeting and asked for bill introductions. Patricia Biggs, Kansas Sentencing Commission, requested the introduction of an amendment to K.S.A. 21-4729, which was passed in **SB 123** in 2003. The amendment would make the primary offense in a drug possession attempt, conspiracy or solicitation for possession; would include the attempt, conspiracy or solicitation for the sale or manufacture offenses; and, at the court's discretion, would allow out-of-state residents or out-of-country residents to be sentenced not by this statute (which would divert offenders to drug treatment) but as otherwise provided by law. Senator Goodwin moved, seconded by Senator Donovan, and the motion carried.

Chairman Vratil opened the discussion on **SB 27**.

**SB 27 Unlawfully selling drug products containing Ephedrine or Pseudoephedrine, pharmacy controls; rebuttable presumption of intent if possession of more than nine grams**

Chairman Vratil distributed a handout table which listed all the proposed amendments and proposed bill features offered by the various interested parties. (Attachment 1) Additionally, a hybrid bill was distributed and discussed. (Attachment 2) After much discussion, the Committee could not come to a consensus on the bill features. The Chairman announced the bill would be set aside for approximately two weeks.

Chairman Vratil asked the Committee to consider final action on **SB 7**.

**Final Action:**

**SB 7 In child custody residency, relevant factors include whether parent is residing with registered offender or person convicted of child abuse; notifications to other parent if parent is residing with such offender**

Chairman Vratil noted that there have been several technical changes made to the bill not affecting the substance of the statute. The main amendment affecting the substance is regarding page 1, line 17. The Kansas Offender Registration Act, in existence since 1994, currently requires sex offenders to register and stay on a list for 10 years. Senator Journey offered an amendment to change page 1, line 17 to strike "or has been" there and in any other places in the bill. If offender is on the list they would be required to notify his/her spouse if on the list, and the presumption would be that if one were on the list, that he/she would not be a fit person to have custody of the child. Senator Journey moved, Senator O'Connor seconded, and the motion to amend the bill carried. A motion was made to recommend the bill favorably as amended, including the technical corrections. Senator Journey moved, seconded by Senator O'Connor, and the motion carried.

Senator Allen introduced a bill that would require where Social Security numbers are on public records, that the numbers be deleted from such public records. Senator Allen moved, seconded by Senator Donovan, and the motion carried. Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for February 1, 2005.