

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 21, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

SB 180 - preliminary screening tests for alcohol consumption by minors

Representative Hutchins renewed her motion to amend in the provisions of **HB 2913** with the bill referencing K.S.A. 12-105A(a) the definition of municipalities. The second agreed. The motion carried.

Representative Ward made the motion to create a surcharge replacement fund and have the same percentage of money currently being raised by the emergency surcharge go into the fund with the remained going into the SGF. Representative Crow seconded the motion. The motion failed.

Representative Yoder made the motion to report **Substitute SB 180** favorably for passage. Representative Masterson seconded the motion. The motion carried.

SB 431 - expungement of DUI ordinance violations and DUI convictions including diversions; probation

The committee continued the discussion on the conflict between **SB 431 & SB 351**. Representative Pauls provided the committee with a balloon that would address the conflict and clarify the assessment language. (Attachment 1) It was pointed out that the balloon actually negates the intent what the City of Wichita was asking for in **SB 351**, that being the assessment being done after the sentence is imposed. They found that many times individuals who had assessments before sentencing did not come under **SB 123** and therefore was a waste of money.

It was suggested that **SB 351** be amended to read that the assessment would be done post-sentence unless the court ordered an assessment be done pre-sentence and on page 2, line 17 strike "and alcohol" and replace with "abuse". Representative Pauls moved the suggestion. Representative Hutchins seconded the motion. The motion carried.

Representative Davis made the motion to amend in the provisions of **HB 2701 - definition of drug paraphernalia**. Representative Kinzer seconded the motion. The motion carried.

Representative Davis provided the committee with a balloon amendment on **HB 2699**. (Attachment 2) Committee members were concerned with the term "recklessly". He made the motion to amend in the provisions of **HB 2699 - inherently dangerous felonies; endangering a child arson; aggravated arson; criminal use of explosives**. Representative Garcia seconded the motion. The motion carried.

Representative Kinzer made the motion to report **Substitute for SB 431** favorably for passage. Representative Watkins seconded the motion. The motion carried.

SB 506 - persons required to register pursuant to the Kansas offender registration act

Representative Kinzer provided the committee with a balloon amendment from the sub committee. (Attachment 3) It would do several things: preempts cities and counties from prohibiting, adopting, or enforcing residential restrictions; in cases where juveniles are adjudicated for a sexually violent crime the judge has the discretion to order that the juvenile register, not register, or register but the information would not be open to the public or posted on the internet; it moves the civil portions of **HB 2576** into the bill.

Representative Watkins made the motion to adopt the balloon. Representative Kinzer seconded the motion. The motion carried.

CONTINUATION SHEET

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Representative Pauls made the motion to strike “first anniversary” on page 4, line 19 - 24 and replace with “shall expire every year on the date of birth of the licensee”. Representative Kinzer seconded the motion. The motion carried.

Representative Crow made the motion to report **SB 506** favorably for passage, as amended. Representative Kinzer seconded the motion. The motion carried.

SB 505 - electronic access to court records; exemption from fees

Representative Yoder made the motion to amend in sections 1 & 2 of **SB 337 - compensation for certain judicial branch employees**. Representative Loyd seconded the motion. The motion carried.

Representative Yoder made the motion to include language that the supreme court shall not impose a fee, an additional fee, or any other fee than that which is currently being charged by the county. Representative Kinzer seconded the motion. The motion carried.

Representative Kinzer made the motion to adopt the Kansas Press Associations proposed amendment to allow access to probable cause affidavits. Representative Hutchins seconded the motion. Members were concerned that this bill had hearings in another committee that didn't pass it out and that law enforcement and district attorneys are not in support of the proposal. The motion failed.

Representative Kinzer made the motion to report **SB 505** favorably for passage, as amended. Representative Watkins seconded the motion. The motion carried.

SB 337 - compensation for certain judicial branch employees

Representative Loyd made the motion to provide a \$9,000 salary increase for all judges and justices. Representative Colloton seconded the motion. Committee discussion centered on the issue that the district court judges and magistrate judges have appeared before the committee several times requesting a raise and providing statistics on how their salaries compare to other surrounding states and felt that the appellate court should have to request their raise and justify it with research. Others felt that raising docket fees to support an increase in salaries was not where the money should be coming from, but rather it should come out of the SGF. The motion failed.

Representative Kinzer made the motion to have the salary increase apply to only district judges and distract magistrate judges. Representative Watkins seconded the motion. The motion carried.

Representative Loyd made the motion to amend in the provisions of **HB 2612 - establishing the commission on judicial performance**, Representative Kiegerl seconded the motion. There was concern as to how the program would work and with the increase in docket fee. Others believed that the money would be will spent because it would inform voters of judges and their quality of work. The motion carried.

Representative Pauls made the motion to strike the \$100 expungement docket fee and redistribute the percentages. Representative Crow seconded the motion. Representative Yoder pointed out that there is currently a \$50 docket fee on expungements and that \$100 is not that much to provide for a clean record. The motion failed.

Representative Watkins made the motion to sunset the judicial evaluation piece in four years. Representative Yoder seconded the motion. The motion carried.

Representative Loyd made the motion to report **SB 337** favorably for passage, as amended. Representative Kinzer seconded the motion. The motion carried.

The committee meeting adjourned at 5:45. No further meetings were scheduled at this time.