

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:10 a.m. on February 1, 2000 in Room 521-N of the Capitol.

All members were present except: Sen. Bond (excused)
Sen. Harrington (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Rosalie Thornburgh, Bureau Chief for Chief of Traffic Safety, Kansas Department of Transportation (KDOT)
Bill Madden, Chief Counsel, Department of Corrections (DOC)
Marilyn Scafe, Parole Board (PB)

Others attending: see attached list

The minutes of the January 31st meeting were approved on a motion by Senator Donovan and seconded by Senator Vratil. Carried.

BILL INTRODUCTIONS

Conferee Thornburgh requested introduction of a bill which would allow the legislature options to bring Kansas into compliance with the federal law regarding driving under the influence (DUI) repeat offenders. She stated, "the bill requires the imposition of motor vehicle impoundment, immobilization and/or installation of ignition interlock." (attachment 1) Senator Goodwin moved to introduce the bill, Senator Vratil seconded. Carried.

Conferee Madden summarized a bill which addresses issues relating to admission of offenders into the department's custody and requested the bill's introduction. (attachment 2) Senator Goodwin moved to introduce the bill, Senator Vratil seconded. Carried.

The Chair discussed the upcoming confirmation hearing on the reappointment of Larry Woodward to the Parole Board. He stated that unless he received opposition from Committee Members by Monday, February 7, he would not require Mr. Woodward's presence at the hearing to be held on Thursday, February 10.

SB 470—concerning crimes, criminal procedure and punishment; relating to sentencing

Conferee Madden testified in support of **SB 470**. He discussed the proposed amendments including those which would provide for life-time postrelease supervision of inmates who commit new felony crimes while serving an indeterminate sentence with a maximum term of life imprisonment or while serving a sentence for an off-grid offense. (attachment 3) Discussion followed.

SB 471—aggravating factors in departure sentencing

Conferee Madden testified in support of **SB 471**. He discussed a disparity that exists in current law " between the length of time that must be served by an offender who commits an offense while on postrelease supervision and an offender who commits the same offense while incarcerated" and described how **SB 471** would correct this. (attachment 4) Discussion followed.

SB 473—aggravated escape from custody

Conferee Madden explained that **SB 473** corrects a typographical error in the definition of the crime of aggravated escape. (attachment 5) Senator Donovan moved to pass the bill out favorably and place it on the consent calendar, Senator Goodwin seconded. Carried.

SB 472—violations of condition of release by conviction of new misdemeanor

Conferee Scafe testified in support of **SB 472** a bill which she explained amends current law “to provide as a penalty for violations of postrelease supervision that result from a misdemeanor conviction, a confinement of not less than six months nor more than the remaining balance of the period of postrelease supervision as determined by the board.” She described current law and explained how **SB 472** would “allow for more equitable penalty for violations of postrelease supervision.”(attachment 6) Lengthy discussion followed. Senator Vratil made a motion to amend the bill to strike lines 32,33, and 34 on page 2 and insert the following language: “to be determined by the Kansas Parole Board which shall not exceed the remaining balance of the period of postrelease supervision.” Senator Goodwin seconded. Carried. Senator Oleen move to amend the bill to make it effective on date of publication in the Kansas Register, Senator Goodwin seconded. Carried. Senator Oleen made a motion to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

The meeting adjourned at 10:47 a.m. The next scheduled meeting is February 2, 2000.