

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:38 A.M. on February 22, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Committee Action:

The Chairman turned the committee's attention to **SB 135 -- Kansas racketeer influenced and corrupt organization act.**

Jason Thompson, Staff Revisor, reviewed the bill. He also stated that the bill was patterned after the law in Florida. He also reminded the committee of Senator King's concern with including the crime of involuntary manslaughter.

Senator Schodorf moved, Senator Bruce seconded, to strike the provisions of SB 135 relating to manslaughter. The motion was adopted.

Senator Bruce moved, Senator Schodorf seconded, to strike the provisions of SB 135 relating to vehicular homicide. The motion was adopted.

Senator Bruce moved, Senator Schodorf seconded, to strike the provisions of SB 135 relating to voluntary manslaughter. The motion was adopted.

Senator Schodorf moved, Senator Bruce seconded, that SB 135 be passed as amended. The motion was adopted.

The Chairman turned the committee's attention to **ERO 34 -- Abolishing Parole Board and Establishing the Prisoner Review Board within the Department of Corrections.**

The Chairman informed the committee that the ERO would become effective unless either the Senate or the House of Representatives adopts a resolution of disapproval within 60 days of the date that the ERO is filed. The ERO was filed on January 24, 2011. If the committee adopts a resolution of disapproval, action by the full Senate will be taken not later than March 22nd or March 23rd.

Senator Schodorf expressed concern for the policy established in **ERO 34.**

Senator Vratil expressed support for adoption of a resolution of disapproval. He stated that he does not believe an annual savings of \$500,000 will be realized. In addition he stated that there is a need to maintain an independent neutral parole board.

Senator Haley expressed concern with the perception of a conflict of interest that **ERO 34** creates. Currently 49 of the 50 states have an independent parole board.

Senator Bruce suggested that the Constitutional issues could be addressed if the Board is placed within the Department of Corrections by maintaining the current process of gubernatorial appointment of members to the Parole Board.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:38 A.M. on February 22, 2011, in Room 548-S of the Capitol.

Senator Bruce moved, Senator Kelly seconded, that the discussion of **ERO 34** be tabled. The motion passed on a vote of 5 to 4.

The Chairman turned the committee's attention to **SB 160 -- Collection of child support payments**.

Jason Thompson, Staff Revisor, reviewed the bill. Mr. Thompson also reminded the committee of the technical amendment that had been proposed on the date of the original hearings (Attachment 1).

Senator Lynn moved, Senator Bruce seconded, that the proposed amendment to **SB 160** be adopted. The motion was adopted.

Senator Lynn moved, Senator Bruce seconded, that **SB 160** be passed as amended. The motion was adopted.

The Chairman turned the committee's attention to information regarding the bed impact of **SB 63 -- Amending the crime of sexual exploitation of a child**, which had been provided by the sentencing commission (Attachment 2).

The Chairman called the committee's attention to information provided by Patti Biggs in response to questions raised by members of the committee relating to **ERO 34 -- Abolishing Parole Board and Establishing the Prisoner Review Board within the Dept of Corrections** (Attachment 3).

Meeting adjourned at 10:25 A.M. The next meeting is scheduled for February 24, 2011.