

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:30 A.M. on March 11, 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

Conferees appearing before the committee:

Representative Scott Schwab
Major Bret Cortright, Office of Johnson County Sheriff
Officer Kyle Shipps, Prairie Village Police Department

Others attending:

See attached list.

The Chairman opened the hearings on **HB 2227 -- Allowing for the issuance of arrest warrants based on DNA profiles.**

Jason Thompson, Staff Revisor, reviewed the bill.

Representative Scott Schwab testified in support of **HB 2227** (Attachment 1). He stated that the bill was similar to a bill he sponsored last year, but that it addressed a concern raised by Senator Vratil relating to stale evidence.

Senator Haley asked, "Do other states have similar laws?"

Representative Schwab responded, "Missouri and Nevada have similar statutes. In Wisconsin, there is a Court decision which supported the procedure."

Written testimony in support of **HB 2227** was submitted by Ed Klumpp, Kansas Assn. of Chiefs of Police, Kansas Sheriffs Assn. and Kansas Peace Officers Assn. (Attachment 2).

No testimony in opposition to **HB 2227** was submitted.

The Chairman called the committee's attention to the fiscal note for **HB 2227**.

The Chairman closed the hearings on **HB 2227**.

The Chairman opened the hearings on **HB 2104 -- Medical confidentiality exception for law enforcement at crime scenes.**

Jason Thompson, Staff Revisor, reviewed the bill.

The Chairman asked, "Does the bill violate the provisions of HIPPA?"

Mr. Thmopson replied, "The bill was drafted with the intent to not violate HIPPA."

Senator Pilcher-Cook asked, "Does the bill apply only to current patients?"

Mr. Thompson replied, "Yes."

Major Brett Cortright testified in support of **HB 2104** (Attachment 3). He stated that the bill would help a law enforcement officer when determining whether an individual should be taken

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to a jail or to a treatment facility. He added that it would provide additional safety for the officer at a crime scene.

Kyle Shipps testified in support of **HB 2104** (Attachment 4). He stated that currently law enforcement officers are stymied in their efforts to gather information regarding a person's mental health status.

Representative Pat Colloton rose to provide information relating to HIPPA. She stated that HIPPA contains an exception that allows disclosure of information for law enforcement purposes. She added that the current Kansas provision prohibiting disclosure of information is stricter than what is required under HIPPA.

Senator Bruce expressed concerns with the bill. He noted that on page 3, line 18 that there is no requirement that the individual be arrested.

Senator Kelly and the Chairman expressed concern that the wording in the bill would have broader application than the proponents realize.

The Chairman called the committee's attention to the fiscal note for **HB 2104**.

The Chairman closed the hearings on **HB 2104**.

Committee Action:

The Chairman called the committee's attention to **SB 159 -- Parole and postrelease supervision for violent offenders and sex offenders**.

Senator Pilcher-Cook reviewed the balloon amendments that had been distributed to the committee at the meeting on March 10, 2011 [See minutes of March 10, 2011, Attachment 15.].

Senator Pilcher-Cook moved, Senator Lynn seconded, that the amendments as shown in the balloon be adopted. The motion was adopted.

Senator Pilcher-Cook moved, Senator Lynn seconded, that **SB 159** be passed as amended.

Senator Pilcher-Cook stated that the bill is necessary to allow for greater supervision, yet protect the Constitutional rights of these offenders.

Senator Haley asked, "Does the bill allow for the search of the person? If so, what is the scope of the search?"

Senator Pilcher-Cook stated, "It is the same scope as that allowed if the person had been arrested."

Senator Haley remained concerned that the consent to the search is obtained under duress.

Senator Bruce noted that these suspicion-less searches had been conducted for years—until the Supreme Court ruled that the Kansas statute did not authorize such searches.

The Chairman announced that work on **SB 159** would continue after the updated fiscal note is received.

The Chairman called the committee's attention to the cumulative bed impact report that had been prepared by Lauren Douglass and Robert Allison-Gallimore, Research Staff, (Attachment 5).

Meeting adjourned at 10:29 A.M. The next meeting is scheduled for March 14, 2011.