

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 7, 2012, in Room 548-S of the Capitol.

All members were present, except Senator Umbarger who was excused.

Committee staff present:

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

Conferees appearing before the Committee:

Representative Sean Gatewood
Kari Ann Rinker, State Coordinator, Kansas NOW
Sarah M. Gillooly, Planned Parenthood of Kansas and Mid-Missouri
Amber Versola, Convenor, Kansas City Metro NOW

Others in attendance:

See attached list

The Chairman opened the hearings on **SB 91–Public health care; sexual assault survivors right to emergency contraception information.**

Jason Thompson, Staff Revisor, reviewed the bill. Mr. Thompson stated the bill would require all licensed medical care facilities providing emergency care to sexual assault survivors to amend their evidence collection protocol when providing treatment to such survivors. The facilities would be required to provide information about emergency contraception as a means of preventing pregnancy, the proper use of the contraception and appropriate follow-up care.

Representative Gatewood testified in support of **SB 91**. He stated emergency contraception is a drug that is similar to ordinary birth control medication; it is simply given at a higher dosage. He added that the drug may be obtained from a pharmacist without a prescription by any woman over the age of 17. It must be used in a timely manner and his concern is that in a time of crisis, a woman might not think of the option until it is too late for its use. (Attachment 1).

Kari Ann Rinker testified in support of **SB 91**. Ms. Rinker stated the bill would require the inclusion of information concerning the availability, efficacy and use of emergency contraception in the sexual assault evidence collection protocol. She stated the bill would add a measure of consistency to the process. The bill does not require the provision of emergency contraception. (Attachment 2).

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Amber Versola testified in support of **SB 91**. Ms. Versola stated the bill would provide compassionate and empowering assistance to victims of sexual assault. (Attachment 3).

In response to a question raised by Senator Donovan, Representative Gatewood stated the bill does not require a victim to take emergency contraception treatment.

Written testimony in support of **SB 91** was submitted by Sarah M. Gillooly and Joyce Grover (Attachments 4 and 5).

There was no testimony offered in opposition to **SB 91**.

The Chairman closed the hearings on **SB 91**.

The Chairman turned the Committee's attention to **SB 281–Relating to the commission on judicial performance**.

*Senator Vratil moved, Senator Haley seconded, that **SB 281** be passed.*

Senator Vratil stated, even though the Commission on judicial performance had never recommended the removal of a judge, there had been testimony presented which stated some judges chose to retire following an evaluation rather than stand for retention.

Senator Vratil's motion failed on a vote of 5 to 5.

The Chairman turned the Committee's attention to **SB 305–Time for criminal trials; competency decision time not counted against the state**.

Senator Vratil moved, Senator Schodorf seconded, to strike the retro-activity provision contained in subsection (j). The motion was adopted.

*Senator Vratil moved, Senator King seconded, that **SB 305** be passed as amended. The motion was adopted.*

The Chairman turned the Committee's attention to **SB 306–Intimidation of a witness; including SRS personnel and mandatory abuse reporters as protected witnesses**.

*Senator Schodorf moved, Senator Kelly seconded, that **SB 306** be passed. The motion was adopted.*

The Chairman turned the Committee's attention to **SB 307–Jury instructions on lesser included crimes in felony murder cases**.

Written testimony, submitted jointly by Jennifer Roth and Randall L. Hodgkinson in opposition to **SB 307**,

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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was distributed to the Committee. (Attachment 6).

A proposed amendment in the form of a substitute bill was distributed by the revisor, who stated the amendment would provide there is no lesser degree of felony murder. (Attachment 7).

Senator Bruce raised concern over the retro-activity provision contained in the proposed substitute bill.

The Chairman deferred action on the proposed substitute bill in order to give the Committee more time to consider the changes proposed.

The next meeting is scheduled for February 8, 2012.

The meeting was adjourned at 10:30 a.m.