

Approved: June 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 5, 2012, in Room 548-S of the Capitol.

All members were present except Senators Bruce and Schodorf, who were excused.

### Committee staff present:

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

### Conferees Appearing before the Committee:

Kristiane Bryant, Office of the Attorney General  
Todd Hiatt, Office of the District Attorney, Third Judicial District  
Christopher Joseph, Attorney  
Melissa Johnson, KCDA  
Kyle Smith, KBI  
Tim Madden, Senior Legal Counsel, Department of Corrections  
Detective Victoria Fogarty, Bonner Springs Police Department

### Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2464—Amending criminal discovery statute to prohibit release of child pornography evidence to the defense.**

Mr. Thompson reviewed the bill. He stated the bill would require any material constituting a visual depiction, as defined in the crime of sexual exploitation of a child, to remain in the custody of either the prosecution, law enforcement or the court. If the state makes such material reasonably available to the defendant, the court will deny any reproduction of the material by the defendant.

Kristiane Bryant, on behalf of Amy Hanley, testified in support of **HB 2464**. She stated the bill would prevent the copying and dissemination of child pornography in Kansas prosecutions. (Attachment 1).

Todd Hiatt testified in support of **HB 2464**. He stated the bill would create a framework where discovery of child pornography can be managed safely and responsibly during pending criminal litigation. Defense counsel and experts would be allowed to inspect, view and examine the evidence of child pornography so long as the evidence remains in a secure facility. (Attachment 2).

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Melissa Johnson testified in support of **HB 2464**. She stated the bill would bring Kansas law into alignment with federal law (Adam Walsh Act). (Attachment 3).

Kyle Smith testified in support of **HB 2464**. He stated the bill would help control the spread of contraband, protect child victims from being re-victimized and reconcile a serious problem in criminal discovery. (Attachment 4).

Written testimony in support of **HB 2464** was submitted by Ed Klumpp, Keith Henderson and Ernie Allen. (Attachments 5, 6 and 7).

Christopher Joseph testified in opposition to **HB 2464**. He stated the bill would cause great expense because expert witnesses would be required to travel to Kansas to examine the evidence. The bill would not prevent the images from being copied and removed from a secure facility. (Attachment 8).

The Chairman closed the hearings on **HB 2464**.

The Chairman opened the hearings on **HB 2465—Authorizing sentencing court to order lifetime electronic monitoring for certain sex offenders**.

Mr. Thompson reviewed the bill. He stated the bill would require courts to order lifetime electronic monitoring for released Jessica's Law offenders and requires the Prisoner Review Board to determine and order partial or complete reimbursement for such monitoring.

Tim Madden testified in support of **HB 2465**. He stated the Department supports the amendment that would require the Prisoner Review Board to determine the extent of the offender's financial responsibility for electronic monitoring costs. (Attachment 9).

Kyle Smith testified in support of **HB 2465**. He stated the bill would clarify the intent of Jessica's law that after serving their prison sentence, offenders should be placed on parole for the rest of their lives and subject to electronic monitoring. (Attachment 10).

Written testimony in support of **HB 2465** was submitted by Ed Klumpp. (Attachment 11).

The Chairman closed the hearings on **HB 2465**.

The Chairman opened the hearings on **HB 2494—Statute of limitations for sexually violent offenses when victim is a child**.

Mr. Thompson reviewed the bill. He stated the bill would provide that the statute of limitations for a sexually violent crime when the victim was under 18 at the time of the offense would start to run the day

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after the victim's 18<sup>th</sup> birthday. The prohibition on prosecution after a victim turns 28 would only apply to the subsection in which it appears, rather than the entire statute.

Kyle Smith testified in support of **HB 2494**. He stated the bill would address a major problem in the efforts to protect children. The current statute of limitations leaves many children unprotected and offenders free. (Attachment 12).

Victoria Fogarty testified in support of **HB 2494**. She stated victims of child sexual abuse are hesitant or too afraid to disclose abuse. (Attachment 13).

Written testimony in support of **HB 2494** was submitted by Ed Klumpp and Michael and Angie Bryant. (Attachments 14 and 15).

The Chairman closed the hearings on **HB 2494**.

The next meeting is scheduled for March 6, 2012.

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