

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 8, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

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:

Senator Dick Kelsey  
Amy Boydston, Children's Advocacy Centers  
Vicky Roper, Director, Kansas Chapter of Prevent Child Abuse America  
Bill McKean  
Kyle Smith, KBI  
Kristy Beaudette

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2533—Amending requirements and penalties for failure to report suspected child abuse.**

Ms. McBride reviewed the bill. She stated the bill would amend the list of persons required to report suspected child abuse. The bill would amend the existing crime of willful and knowing failure to make a report, which is a class B misdemeanor, by creating two crimes: Failure to report abuse, a class B misdemeanor; and failure to report sexual abuse, a severity level 10, nonperson felony. The bill would change the penalty for intentionally preventing or interfering with the making of a report from a class B misdemeanor to a severity level 8, nonperson felony. The crime of making a false report, a class B misdemeanor, would be amended by replacing knowing lack of factual foundation with the intent to harm, harass, or defame any person. Reporting would not be required if certain privileges or constitutional rights would be violated.

In response to a question by Senator Vratil, Ms. McBride stated the term “contractor” was not defined in the bill, but the term “child” is defined in another provision to mean a person under 18 years of age.

Amy Boydston testified in support of **HB 2533**. She stated her support is conditioned on the bill expanding the list of mandatory reporters. (Attachment 1).

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 8, 2012, in Room 548-S of the Capitol.

Senator Vratil stated he believes the bill narrows the list of mandatory reporters. As an example, he directed the Committee's attention to amendments on pages 1 and 2, relating to the stricken language concerning teachers and other employees of an educational institution, and the new language, relating to certain persons "who work in a position of authority over a child in an official capacity."

Vicky Roper testified in support of **HB 2533**. She stated the bill would help ensure that those who have contact with a child or have any authority over a child because of their position are held accountable for their action or inaction in relation to reporting possible child abuse and neglect. (Attachment 2).

Ms. Roper stated she shared Senator Vratil's concern that the language in the bill narrowed the list of mandatory reporters and would provide amendatory language to address that concern.

Bill McKean testified in opposition to **HB 2533**. He suggested that the criminal penalty for failure to make a report be removed. (Attachments 3 and 3A).

The Chairman closed the hearings on **HB 2533**.

The Chairman opened the hearings on **HB 2613—Allowing for extension of protective orders under certain circumstances**.

Ms. McBride reviewed the bill. She stated the bill would allow a court to extend a protection from abuse (PFA) or protection from stalking (PFS) order for the lifetime of a defendant if the defendant is provided adequate due process and the court determines by a preponderance of the evidence that the defendant has violated a valid protection order or has been convicted of a person felony committed against the plaintiff or member of the plaintiff's household. Violation of an extended protective order would be a severity level 6, person felony.

Senator Kelsey testified in support of **HB 2613**. He introduced his constituent, Kristy Beaudette, who he stated, is the driving force behind the bill. (Attachment 4).

Kristy Beaudette testified in support of **HB 2613**. She gave details of the abuse suffered by her and her daughter. She stated the current system is broken and fails to provide protection to the victims of abuse. (Attachment 4A).

Kyle Smith testified in support of **HB 2613**. He stated the bill is designed to better protect victims of crimes from further abuse. The bill would provide for an extended order in situations for both PFA and PFS orders, where the respondent commits a person felony against the victim or if a respondent has already violated a previous protective order. The bill also would provide that a PFS could be filed where the victim lives, not just where the stalking occurs; and clarify and strengthen Kansas law for failure to report or falsely report such information. (Attachment 5).

CONTINUATION SHEET

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Written testimony in support of **HB 2613** was submitted by Sara Rust-Martin, Ed Klumpp and Charles F. Harris. (Attachments 6, 7 and 8).

The Chairman closed the hearings on **HB 2613**.

The Chairman opened the hearings on **HB 2534—Amending requirements and penalties for failure to report death or disappearance of a child and interference with law enforcement.**

Ms. McBride reviewed the bill. She stated the bill would create two new crimes: Failure to report the disappearance of a child; and failure to report the death of a child. The bill also would amend the definition of the crime of interference with law enforcement.

Donna Booe testified in support of **HB 2534**. She stated the bill would clarify and strengthen Kansas law for failure to report or falsely report such information. The bill would help ensure that those who would withhold that information are held accountable for their actions or inactions. (Attachment 9).

Written testimony in support of **HB 2534** was submitted by Ed Klumpp. (Attachment 10).

The Chairman closed the hearings on **HB 2534**.

The next meeting is scheduled for March 9, 2012.

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