

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 12, 2012, in Room 548-S of the Capitol.

All members were present.

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:

Ed Klumpp, KSA, KACP and KPOA
Representative Pat Colloton
Rick Cagan, Executive Director, NAMI, Kansas
Capt. Bill Cochran, Topeka Police Dept.
Kevin Walker, American Heart Assn., American Stroke Assn., Midwest Affiliate
Susan Gray, RN, BSN

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2600–Amending the medical information confidentiality exception as pertaining to detention of a mental health patient.**

Mr. Thompson reviewed the bill. He stated the bill would allow mental health treatment facilities to disclose whether a person is, or has been a patient within the last 6 months, when a person has been detained by law enforcement upon reasonable suspicion that the person is committing, has committed or is about to commit a crime, and is suffering from mental illness. Such disclosure also could be made if the law enforcement officer has a reasonable belief such person may benefit from treatment, rather than placement in a correctional institution, jail, or juvenile facility.

Representative Pat Colloton testified in support of **HB 2600**. Stated the bill would eliminate a requirement that an individual has been arrested in order for the exception to apply. (Attachment 1).

Written testimony in support of **HB 2600** was submitted by David Wiebe. (Attachment 2).

The Chairman closed the hearings on **HB 2600**.

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The Chairman opened the hearings on **HB 2427—Amending the open records act to exclude personal information concerning law enforcement officers.**

Mr. Thompson reviewed the bill. He stated the bill would create an exception to the Open Records Act for records of a public agency identifying the home address or home ownership of a law enforcement officer, parole officer, probation officer, court services officer or community correctional services officer.

In response to a question by Senator King, Mr. Thompson stated the definition of law enforcement officer would not include a prosecutor or a judge.

Ed Klumpp testified in support of **HB 2427**. He stated the bill would provide a mechanism for law enforcement officers and others in the criminal justice system to have their personal information withheld from public open records. Acts of revenge or acts of desperation are not common, but the level of concern among law enforcement is high. The bill would make it more difficult to obtain that information and do so at a reasonable cost. Mr. Klumpp included a suggested amendment in his testimony, which would expand the scope of the bill. He also stated he would not oppose including prosecutors within the application of the exception. (Attachment 3).

Written testimony in support of **HB 2427** was submitted by Ron Brown. (Attachment 4).

The Chairman closed the hearings on **HB 2427**.

The Chairman opened the hearings on **HCR 5032—A Concurrent Resolution recognizing and promoting the Crisis Intervention Team program.**

Mr. Thompson reviewed the resolution. He stated the resolution would recognize the outstanding leadership of the Crisis Intervention Team (CIT) programs. The resolution would encourage law enforcement agencies to lead the effort in partnership with community mental health centers and local advocacy organizations representing individuals living with mental illnesses and their family members to establish local and regional crisis intervention team programs.

Rick Cagan testified in support of **HCR 5032**. He stated he appreciated the Committee's consideration of the resolution as a means of recognizing an effective, voluntary program which contributes to public safety and the decriminalization of mental illnesses and encourages the expansion of the international program on a statewide basis. (Attachment 5).

Capt. Bill Cochran testified in support of **HCR 5032**. He stated the CIT program is a unique alliance between police and the community for the common goals of safety, understanding and service to the mentally ill and their families. The program was developed to provide a more effective, compassionate

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and safer approach to interacting with people who suffer a mental illness or developmental disability crisis. Through special training, the program provides officers with a more intelligent approach to mental health crisis events in our community. (Attachment 6).

The Chairman closed the hearings on **HCR 5032**.

The Chairman opened the hearings on **HB 2562—Relating to emergency care or assistance at the scene of an emergency or accident**.

Mr. Thompson reviewed the bill. He stated the bill would create protection from civil liability for persons who are not health care providers who provide good faith emergency care or assistance, without compensation, to a person at the scene of any emergency or accident. This protection would extend to assistance to minors without the prior consent of a parent or guardian. The person providing assistance would still be liable for damages occasioned by gross negligence or by willful or wanton acts or omission while providing care.

In response to a question by Senator Vratil, Mr. Thompson stated there may be case law that provides such protection from civil liability, but there is not statutory protection in Kansas.

Kevin Walker testified in support of **HCR 2562**. He stated the bill would clarify Kansas law and send a clear message that bystanders should not be afraid to render aid in an emergency. (Attachment 7).

Susan Gray testified in support of **HCR 2562**. She stated the bill would protect the good neighbor who does not stand by when someone is need of help. (Attachment 8).

Written testimony in support of **HB 2562** was submitted by Richard Sigle Jr. (Attachment 9).

Written testimony in opposition to **HB 2562** was submitted by Callie Denton. (Attachment 10).

The Chairman closed the hearings on **HCR 2562**.

The Chairman turned the Committee's attention to **HB 2600**.

*Senator Vratil moved, Senator Kelly seconded, that **HB 2600** be passed. Motion adopted.*

The Chairman turned the Committee's attention to **HCR 5032**.

*Senator Kelly moved, Senator King seconded, that **HCR 5032** be adopted. Motion adopted.*

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Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 12, 2012, in Room 548-S of the Capitol.

The Chairman turned the Committee's attention to **HB 2427**.

Senator Vratil moved, Senator Umbarger seconded, that **HB 2427** be amended by adoption of the amendment suggested in the testimony offered by Ed Klumpp (See Attachment 3). Motion adopted.

Senator King moved, Senator Kelly seconded, to amend **HB 2427** to insert a provision similar to subsection (a)(51) which would apply to prosecutors and judges. Motion adopted.

Senator Kelly moved, Senator Vratil seconded that **HB 2427** be passed, as amended.

The next meeting is scheduled for Noon today, March 12, 2012.

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