

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 16, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, 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:

Britt Nichols, Juvenile Justice Authority

Others in Attendance:

See Attached List

The Chairman turned the Committee's attention to **SB 453–Driving under the influence**.

Written testimony concerning **HB 453** was submitted by Ed Klumpp. (Attachment 1).

A proposed amendment, labeled Criminal Refusal Amendment, was distributed to the Committee. (Attachment 2).

In response to a question by Senator Kelly relating to the look back provisions and juveniles, Mr. Thompson stated he would double-check but he believed that an adjudication is not included within the definition of a conviction. Only offenses for which a juvenile was convicted as an adult would be counted when determining whether a conviction is a second or subsequent offense.

Senator Bruce stated if a child is at least 13 years of age, and if there is a conviction, it is counted. He added that a “kiddy” DUI is an administrative suspension and is not counted.

*Senator King moved, Senator Donovan seconded, that **SB 453** be amended by adoption of the proposed Criminal Refusal Amendment, including the alternative conviction language found on page 9 of the proposed amendment. Motion adopted.*

Senator Kelly made a substitute motion that the Criminal Refusal Amendment be modified to exclude test refusals by persons less than 18 years of age. Motion adopted.

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Senator King moved, Senator Donovan seconded, that **SB 453** be amended by adoption of the proposed Criminal Refusal Amendment, including the alternative conviction language and as modified by the amendment offered by Senator Kelly. Motion adopted.

Senator Haley voted no.

Senator Donovan moved, Senator Lynn seconded, that **SB 453** be amended on page 29, by reinserting the language in line 14 through 20, relating to the funding for the community corrections supervision fund. Motion adopted.

Senator King moved, Senator Donovan seconded, that **SB 453** be passed, as amended. Motion adopted.

The Chairman turned the Committee's attention to **SB 359–Interest on judgments in civil actions.**

Copies of a proposed **Substitute for SB 359** (12rs2422) were distributed to the Committee. (Attachment 3).

Senator Vratil moved, Senator Bruce seconded, that **SB 359** be amended by introduction of the **Substitute for SB 359.**

Senator King, Senator Lynn seconded, made a substitute motion that **SB 359** be amended by introduction of the **Substitute for SB 359** but to specify in the Substitute Bill that damages are liquidated upon entry of the verdict. Motion adopted.

Senator Vratil moved, Senator King seconded, that **SB 359** be passed, as amended. Motion adopted.

The Chairman turned the Committee's attention to **HB 2313–Exhaustion of administrative remedies for patients in the custody of secretary of social and rehabilitation services.**

Copies of a proposed **Substitute for HB 2313** (12rs2445) were distributed to the Committee. (Attachment 4).

The Chairman recognized Britt Nichols to explain the proposed Substitute Bill. Mr. Nichols stated the bill concerns out-of-state juvenile offenders who are placed in Kansas and placement is not pursuant to the Interstate Compact for Juveniles. The bill would require the supervisor of the residential placement facility to: Provide a completed residential placement registration form to the Commissioner of the Juvenile Justice Authority (JJA) and the city or county law enforcement agency in which the facility is located; inform the Commissioner and the city or county law enforcement agency in which the facility is located of a juvenile offender's release or discharge from the facility within three business days of release or discharge; immediately notify the Commissioner and the city or county law enforcement agency in which the facility is located of any unexpected or unauthorized absence of the juvenile offender; and upon request, provide information to any law enforcement agency for the purpose of determining the juvenile offender's

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whereabouts.

Senator King moved, Senator Haley seconded, that **HB 2313** be amended by introduction of the proposed Substitute Bill and **HB 2313** be passed, as amended. Motion adopted.

The Chairman turned the Committee's attention to **SB 321–Appearance bond conditions; surety and bounty hunter regulation**.

Senator Lynn moved, Senator Donovan seconded, that **SB 321** be amended: On page 3, in line 20, by striking all before the period; and by authorizing the revisor to make any necessary clean up amendments. Motion adopted.

Senator Lynn moved, Senator Bruce seconded, that **SB 321** be passed, amended.

Senator Vratil expressed concern with unintended consequences of the bill.

Senator Vratil moved, Senator Donovan seconded, that **SB 321** be tabled. Motion adopted.

The Chairman turned the Committee's attention to **SB 423–Supreme court authority to allocate judicial resources, including assignment of judges**.

Mr. Thompson reminded the Committee that it had previously amended the bill on February 20, 2012,

Copies of a proposed amendment, labeled sb423_king_revised_balloon, were distributed to the Committee. (Attachment 5).

Senator King explained that the amendment would provide in judicial districts in which the number of judges equals or exceeds the number of counties in the district, there shall be at least one judge assigned to each county.

Senator Vratil moved, Senator Donovan seconded, that **SB 423** be passed, as amended. Motion adopted.

Senator King voted no.

The Chairman turned the Committee's attention to **HB 2629–Relating to a product liability claim arising from an alleged defect in a used product**.

Senator Bruce moved, Senator Lynn seconded, that **HB 2629** be amended: On page 1, in line 36, by striking all after the comma; on page 2, by striking all in lines 1 and 2; in line 3, by striking all before “or intentional”; and the bill be passed, as amended. Motion adopted.

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The Chairman turned the Committee's attention to **HB 2684–Repealing statutes relating to the ombudsman of corrections.**

*Senator Lynn moved, Senator Haley seconded, to amend **HB 2684** by adding an amendment, which would delete a reference to the Ombudsman of Corrections in K.S.A. 45-221; and the bill be passed, as amended. Motion adopted.*

The Chairman turned the Committee's attention to **HB 2318–Amendments to the recodified criminal controlled substances provisions and the drug sentencing grid.**

Copies of written testimony concerning **HB 2318** submitted by Jennifer Roth were distributed to the Committee. (Attachment 6).

Copies of a proposed **Senate Substitute for Substitute for HB 2318** (12rs2375) were distributed to the Committee. (Attachment 7).

Mr. Thompson noted that this version of **Senate Substitute for Substitute for HB 2318** is different than the version which had been distributed on February 1, 2012. He added that this version is similar to **House Substitute Bill for HB 2318** and would move the drug sentencing grid from a 4-level grid to a 5-level grid. He added that this version of **Senate Substitute for Substitute for HB 2318** would retain current law regarding drug paraphernalia.

*Senator King moved, Senator Bruce seconded, that the policy in **Senate Substitute for Substitute for HB 2318** be adopted. Motion adopted.*

*Senator King moved, Senator Umbarger seconded, that **HB 2318** be further amended by adding the provisions of **SB 368** regarding presumptive probation and border boxes on the drug sentencing grid and any conforming amendments deemed necessary by the revisor. Motion adopted.*

*Senator King moved, Senator Umbarger seconded, that **HB 2318** be passed, as amended. Motion adopted.*

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