

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 14, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita- Johnson - Excused  
Representative Judy Morrison - Excused  
Representative Doug Patterson - Excused  
Representative Rick Rehorn - Excused  
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research  
Jill Wolters, Department of Revisor of Statutes  
Sherman Parks, Department of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Senator James Barnett  
John Eichkorn, Kansas Highway Patrol  
Margi Grimwood, Coordinator of Safe & Drug Free School  
Sgt. Lane Ryno, Emporia Police Department  
Jim Murphy, Kansas Department of Health & Environment  
Dr. Duane Bolin, Lab Director, Kansas Department of Health & Environment  
Tim Madden, Chief Legal Counsel, Kansas Department of Corrections  
Ami Hyten, Office of Judicial Administration

Announcement of Protection From Abuse/Stalking subcommittee:

Representative Long - Chair  
Representative Patterson  
Representative Morrison  
Representative Pauls  
Representative Crow

**SB 392 - Habitual violator, definition**

Representative Loyd made the motion to amend in the Department of Motor Vehicle balloon. Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to amend in provisions regarding the reinstatement of a license effect that suspension or revocation will remain in effect until it is determined that the other party to an accident cannot be located. (Attachment 1) Representative Dillmore seconded the motion. The motion carried.

Representative Loyd made the motion to report SB 392 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

Hearing on **SB 208 - driving under the influence of an inhalant**, was opened.

Senator James Barnett appeared as the sponsor of the proposed bill. Huffing is not uncommon in today's society. Many use this method to get high and then drive under the influence and could kill many people. (Attachment 2)

John Eichkorn, Kansas Highway Patrol, supported the bill and proposed an amendment which would strike subsection ( r ) and replace it with "for purposes of this section, drug includes any inhalant or other substance, which, when taken into the human body, can impair the ability of the person to operate a vehicle safely." The propose amendment would define "drug" more effectively for the purpose of using it with DUI statutes. (Attachment 3)

CONTINUATION SHEET

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Margi Grimwood, Coordinator of Safe & Drug Free School, was concerned with the increasing usage of inhalants in the Emporia area. Statistics show that 13% of 10<sup>th</sup> graders have use inhalants. (Attachment 4)

Sgt. Lane Ryno, Emporia Police Department, appeared as a proponent of the bill. These types of vapors effect the brain the same as alcohol & drugs. Therefore, it should be treated as a “drug” under the DUI statute. (Attachment 5)

Hearing on **SB 208** was closed.

Hearing on **SB 416 - expenditures from the driving under the influence equipment fund**, was opened.

Jim Murphy, Dansas Depatrment of Health & Environment, informed the committee that many of the funds from the Driving while under the Influence Equipment Fund could be used to pay travel expenses, supplies, instrument services and repairs for equipment.

Dr. Duane Boline, Lab Director, Kansas Department of Health & Environment, appeared in support of the bill. Currently, these funds are used to purchase breath alcohol testing equipment. (Attachment 6)

Hearing on **SB 416** was closed.

Hearing on **SB 433 - motor vehicle; DUI notice to Kansas Secretary of Corrections; inpatient or outpatient treatment**, was opened.

Tim Madden, Chief Legal Counsel, Kansas Department of Corrections, appeared on behalf of Secretary Charles Simmons. He explained that the ability to require a substance abuse treatment program selected by the Department to occur during the post-release supervision period. (Attachment 7)

Ami Hyten, Office of Judicial Administration, appeared as a proponent of the bill because it allows the clerk of the district court to deliver the journal entry and/or judgement form together with the order of commitment of the officer having charge of the offender. (Attachment 8)

Hearing on **SB 433** was closed.

Hearing on **SB 434 - expanded the definition of unlawful sexual relations to include contracted employees**, was opened.

Tim Madden, Chief Legal Counsel, Kansas Department of Corrections, appeared before the committee in support of the bill, which treats contractors the same as parole officers with regards to unlawful sexual relations with an inmate. (Attachment 9)

Hearing on **SB 434** was closed.

Hearing on **SB 443 - personal property of inmates; abandonment; disposition**, was opened.

Tim Madden, Chief Legal Counsel, Kansas Department of Corrections, appeared as a proponent of the bill which clarifies that an inmate’s property shall be considered abandoned if not claimed within 90 days of the inmate’s death. (Attachment 10)

Hearing on **SB 443** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for March 18, 2002.