

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Colloton at 1:30 p.m. on March 19, 2009, in Room 535-N of the Capitol.

All members were present except:  
Representative Bob Brookens-excused

Committee staff present:  
Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Others attending:  
See attached list.

Chairperson Colloton welcomed the Satin Sandles Red Hat ladies from Tonganoxie to the meeting and recognized Representative McCray-Miller and she introduced Ms. Dawn Bailey, Vice-President and Assistant to the President, of Southwest College. Chairperson Colloton welcomed her as well.

Chairperson Colloton referred the Committee's attention to an article in the *USA Today* regarding the Kansas Department of Corrections. (Attachment 1) She review the article for the Committee.

Chairperson Colloton moved the Committee's attention to the committee minutes for February 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>.

**Representative Bethel moved to approve the minutes for Feb 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>. Representative Dillmore seconded. Motion carried.**

**HB 2340 - Sub. For H 2340 by Committee on Corrections and Juvenile Justice - Legislative review of parole board factors and rationale for granting or denying parole.**

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to explain the Substitute for **HB 2340**. (Attachment 2) During his explanation it was noted the dates were not correct and should be 2009 instead of 2010.

A discussion followed and it was decided the last part of the paragraph on the last page of the bill should be moved to the beginning because all records and reports in the information received in the report from the Parole Board should be confidential.

**Representative Dillmore moved to approve the substitute for HB 2340. Representative Bethel seconded.**

A discussion followed.

**Representative Dillmore moved to change the year 2010 to 2009 on the first line of paragraph (w) Representative Bethel seconded. Motion carried.**

**Representative Dillmore made a motion to direct the Revisor to move the section of paragraph that deals with the summary of facts and rationale and rearrange so that it is clear they are also subject to non-disclosure. Representative Bethel seconded. Motion carried.**

**Representative Dillmore made a motion in paragraph (w) where the word "information" is used in conjunction with records and reports, the word "information" be stricken. Representative Kinzer seconded. Motion carried.**

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**A discussion followed.**

**Chairperson Colloton made a motion to add the word “documents” everywhere in the bill before the words “records and reports” where it appears. Representative McCray-Miller seconded. Motion carried.**

**Representative Dillmore moved to report Sub for HB2340 as amended out favorably for passage. Representative Bethel seconded. Motion carried.**

Chairperson Colloton announced to the Committee that the domestic violence tag bill had amendments offered from the Governor’s Task Force on Domestic Violence and neither side could agree and she had submitted the bill and all the amendments to the Judicial Council and they should have something for the Committee next session.

**HB 2235 - Fleeing or eluding a police officer, appropriately marked official vehicle or bicycle.**

Chairperson Colloton moved the Committee’s attention to **HB 2235** stating it had been assigned back to the Committee because of some concern on the bill by the House members.

**Representative McCray-Miller moved to adopt HB 2235. Representative Pauls seconds.**

A discussion followed with Representative Pauls stating she was offering an amendment. (Attachment 3)

**Representative Pauls moved an amendment which she believes would address the concerns. Representative Spaulding seconded.**

A discussion followed with Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Police Officers Association, entering the discussion and offering his suggestions for the Pauls amendment.

**After a lengthy discussion Representative Pauls and Representative Spaulding withdrew their motion.**

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to give the language of a new amendment. Mr. Thompson stated it should read as follows: “ **(2) It shall be an affirmative defense to any prosecution under this paragraph that the driver’s conduct in violation of this sub-section by caused by such driver’s belief that such vehicle or bicycle pursuing is not a police vehicle or police bicycle.**”

**Representative Pauls moved to approve the amendment by the Revisor, Jason Thompson. Representative McCray-Miller seconded. Motion carried.**

Chairperson Colloton recognized Representative Roth . He offered an amendment that would add the language, “locked down or disrupted as to regular, ongoing activities” to 21-3149a, Aggravated criminal threat. After the word “evacuated” and before the word s “as a result of the threat or threats.” (Attachment 4)

**Representative Roth moved his amendment. Representative Bethel seconded. Motion carried.**

Chairperson Colloton recognized Representative Pauls. She offered an amendment for the Kansas Sentencing Commission on 21-4715, Offenders criminal history, that stated “should the offender later challenge such persons criminal history which has been previously established, the burden should be on the offender to prove such persons criminal history by a preponderance of evidence.” She explained the reason for the amendment.

**Representative Pauls moved her amendment. Representative Kinzer seconded. Motion carried.**

**Representative Roth moved to pass HB 2335 out favorably as amended. Representative Bethel seconded.**

Representative Colloton thanked the Committee for all their hard work this session and adjourned the meeting at 3:00 p.m. with no other meetings scheduled for this session.

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