

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on February 28, 2007, in Room 123-S of the Capitol.

All members were present except:

Dwayne Umbarger arrived, 9:39 A.M.

Phil Journey arrived, 9:42 A.M.

David Haley- excused

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Nobuko Folmsbee, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Kyle Smith, Deputy Director, Kansas Bureau of Investigation

Tom Williams, Sheriff, Allen County

Ed Klumpp, Kansas Association of Chiefs of Police

Jennifer Roth, Legislative Committee Chair, Kansas Association of Criminal Defense Lawyers

Ron Heim, Midwest Transplant Network & National Kidney Foundation

Rob Linderer, Chief Executive Officer, Midwest Transplant Network

Others attending:

See attached list.

The hearing on **SB 248-Additional months added to sentences for person felonies and certain drug felonies if using firearm** was opened.

Kyle Smith appeared in support, indicating this bill would enhanced penalties for felons who carry or use guns in the commission of a crime (Attachment 1). Mr. Smith stated there were several advantages to the bill such as:

- the threat of substantial additional prison time might deter some felons,
- the provisions will still incapacitate criminals who chose to endanger victims and law enforcement officers by carrying a gun,
- Kansas law would more closely follow federal law providing consistency in punishments, and
- is a powerful incentive to get criminals to plead to the underlying offense, thus avoiding jury trials thereby saving court, defense, and prosecutorial resources.

Tom Williams testified in support, stating this bill would send a strong message to any criminal that might use a firearm in connection with a crime (Attachment 2). Sheriff Williams indicated due to Federal law which makes possession or use of a firearm a separate crime with a mandatory sentence, he has often sought to have the Federal government take over prosecution of certain cases where a firearm is involved.

Ed Klumpp appeared as a proponent, indicating felons carrying a firearm while committing a crime, greatly increase the risk to victims and law enforcement officers (Attachment 3). The consequences of exposure to gunfire extends not only to the victim but to all innocent parties within range of a bullet. Enactment of this bill will help reduce the risk to those persons and to law enforcement protecting them.

Jennifer Roth appeared in opposition, stating portions of the bill providing for enhancements may be unconstitutional (Attachment 4). Ms. Roth continued, stating the enhancements are contrary to Kansas statutory law and are unprecedented as there is no place in the Kansas Sentencing Guidelines Act where additional time is proscribed for certain behavior. Ms. Roth stated there already exists statutes that can enhance penalties, prosecutors need only file for an upward departure. Another suggestion would be to create a separate charge similar to Federal law rather than attempt to tailor each individual statute.

There being no further conferees, the hearing on **SB 248** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on February 28, 2007, in Room 123-S of the Capitol.

The Chairman opened the hearing on **HB 2010--Uniform anatomical gift act** .

Ron Heim appeared in support, relating that the National Conference of Commissioners of Uniform State Laws (NCCUSL) is a national effort to revise the Uniform Anatomical Gift Act (UAGA) to help facilitate the organ donation process (Attachment 5). Additionally, the act improves provisions which have raised issues or concerns for medical practitioners over the years. Adoption of this bill will ensure consistency in the process and procedure for this medical process which is truly interstate in nature.

Rob Linderer spoke in support, indicating **HB 2010** reflects updated language providing an opportunity to reestablish uniformity to state laws governing anatomical gifts bringing them into greater conformity with federal regulations and current transplant practice (Attachment 6). UAGA will strengthen an individual's right to make an anatomical gift and not have that wish denied after their death. Current practice often defers the decision to the next of kin.

Written testimony in support of **HB 2010** was submitted by:  
National Conference of Commissioners on Uniform State Laws (Attachment 7).

There being no further conferees, the hearing on **HB 2010** was closed.

The meeting adjourned at 10:32 A.M. The next scheduled meeting is March 1, 2007.