

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. on February 7, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton - Excused
Representative Clark Shultz - Excused
Representative Daniel Williams - Excused

Committee staff present:

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

Conferees appearing before the committee:

Tom Stanton, Kansas County & District Attorneys Association
Susan Bechard, Kansas County & District Attorneys Association
John Badger, Chief General Council, Social & Rehabilitation Services

Hearings on **HB 2136 - for criminal history classification for involuntary manslaughter while DUI, prior violation of DUI law would be considered**, were opened.

Tom Stanton, Kansas County & District Attorneys Association, appeared as a proponent of the bill. This bill would include municipal court convictions for DUI as a prior convictions. Each DUI conviction, regardless of whether it is in district court or municipal court, represents an occasion during which a defendant has place the lives of others at risk of being killed. (Attachment 1)

Hearings on **HB 2136** were closed.

Hearings on **HB 2137 - traffic citation for violation of habitual violator statute**, were opened.

Susan Bechard, Kansas County & District Attorneys Association, appeared before the committee in support of the bill. The proposed bill simply list violations of K.S.A. 8-287 as offenses that may be filed by citation, which would be timesaving to law enforcement officers, court and prosecutors. (Attachment 2)

Hearings on **HB 2137** were closed.

Hearings on **HB 2178 - controlled substances; gamma hydroxybutyric acid, recognizing the differences between the illicit drug & the medical use drug**, were opened.

Susan Bechard, Kansas County & District Attorneys Association, appeared on behalf of Matt Treaster, Harvey County Attorney. She commented that the proposed bill would mirror federal law which recognizes the differences between illicit GHB & the medical GHB. (Attachment 3)

Written testimony was provided by the following people: Bonnie Martin (Attachment 4), Mrs. Janet Sharp (Attachment 5), Orphan Medical Corporation (Attachment 6), Susan Linn, Kansas State Board of Pharmacy (Attachment 7)

Hearings on **HB 2178** were closed.

Hearings on **HB 2176 - unlawful sexual relations; offender is an employee of SRS; victim is a patient**, were opened.

John Badger, Chief General Counsel SRS, would like to criminalize those employees who have sexual relations with patients in an SRS facility. He requested an amendment that the bill apply only to those 16 years of age or older. (Attachment 8)

Hearings on **HB 2176** were closed.

HB 2194 - admissibility of forensic reports

Representative Pauls made the motion to report **HB 2194** favorably for passage. Representative Rehorn seconded the motion. The motion carried.

HB 2208 - district magistrate judges have jurisdiction over limited actions

Representative Long made the motion to report **HB 2208** favorably for passage. Representative Swenson seconded the motion.

Representative Long made the substitute motion to add on line 30 language to the affect that “excluding actions filed under the code of civil procedure for limited actions, K.S.A. 2000 Supp. 61-2801 et seq., and amendments thereto.” Representative Swenson seconded the motion. The motion carried.

Representative Long made the motion to report **HB 2208** favorably for passage as amended. Representative Swenson seconded the motion. The motion carried.

HB 2137 - traffic citation for violation of habitual violator statute

Representative Pauls made the motion to report **HB 2137** favorably for passage. Representative DeCastro seconded the motion. The motion carried.

HB 2178 - controlled substances; gamma hydroxybutyric acid, recognizing the differences between the illicit drug and the medical use drug

Representative Klein made the motion to report **HB 2178** favorably for passage. Representative Long seconded the motion. The motion carried.

The committee meeting adjourned at 4:30 p.m. The next meeting is scheduled for February 8, 2001.