

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on February 8, 2007, in Room 123-S of the Capitol.

All members were present except:

Derek Schmidt arrived, 9:42 A.M.

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:

Attorney General Paul Morrison

Kyle Smith, Deputy Director, KBI

Others attending:

See attached list.

The hearing on **SB 204--Requirements for persons required to register pursuant to Kansas offender registration act** was opened.

Attorney General Paul Morrison testified in support, indicating this legislation tightens the procedures involved with the sex offender registration process and brings Kansas into compliance with several provisions of the Adam Walsh Child Protection and Safety Act, passed by Congress in 2006. The bill will improve law enforcement's ability to track the activity of registered sex offenders without creating an increased burden (Attachment 1).

Kyle Smith appeared in favor, stating this bill will improve the offender registration system. He provided a brief overview of the bill. Mr. Smith proposed two amendments, one would include aggravated trafficking as defined in K.S.A. 2006 Supp. 21-3447 and the other would repeal K.S.A. 22-4912 as it is no longer a necessary statute (Attachment 2).

Written testimony in support of **SB 204** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 3)

The hearing on **SB 204** was closed.

The Chairman called for final action on **SB 86--Change of judge by application in civil cases.**

Chairman Vratil gave a brief overview of the bill. Following discussion, the committee indicated a desire to refer the topic to an interim committee. Senator Allen moved, Senator Journey seconded, to send SB 86 to an Interim Judicial Committee. Motion carried.

Final action on **SB 87--Kansas offender registration act; prohibition from adopting or enforcing the residency restrictions.**

The Chairman provided a review of the bill heard on January 31. There were no proposed amendments. Senator Goodwin moved, Senator Umbarger seconded, to recommend SB 87 favorably for passage. Motion carried.

Final action on **SB 97--Third or subsequent conviction for burglary, sentence.**

Senator Schmidt indicated there was a proposed amendment recommended by Helen Pedigo during her testimony (Attachment 4). Senator Schmidt moved, Senator Umbarger seconded, to amend SB 97 on page 5, line 41, to strike "third or subsequent" and on page 5, line 42, to strike "or 21-3716" and authorize the

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revisors to make any necessary conforming changes. Motion carried.

Senator Schmidt moved, Senator Umbarger seconded, to recommend **SB 97**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 103--Fingerprints and photos of juveniles in custody.**

Chairman Vratil reviewed the bill and the proposed amendments recommended by Kyle Smith, Kansas Bureau of Investigation (Attachment 5). Senator Schmidt moved, Senator Goodwin seconded, to amend the bill in the manner recommended by Kyle Smith. Motion carried.

The Chairman indicated there was an amendment recommended by Elizabeth Gillespie, Director, Shawnee County Corrections, to Section 1(b), subsection 5, adding to the last sentence “except after an escape and necessary to assist in apprehension”.

Senator Donovan moved, Senator Schmidt seconded, to amend **SB 103** as recommended by Ms. Gillespie. Motion carried.

Senator Journey moved, Senator Lynn seconded, to recommend **SB 103**, as amended, favorably for passage. Motion carried.

Final action on **SB 54--Criminal procedure; signing of arrest warrant.**

Chairman Vratil reviewed the bill heard January 23. Senator Bruce moved, Senator Betts seconded, to remove the sentence beginning on line 31 and ending on line 32. Motion carried.

Senator Bruce moved, Senator Lynn seconded, to recommend **SB 54**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 41--Negligence; ordinary care required when gun possession at issue in personal injury or wrongful death action.**

Chairman Vratil reviewed the bill heard January 22 and indicated there were no proposed amendments at that time. Senator Journey moved, Senator Lynn seconded, to recommend **SB 41** favorably for passage. Motion carried.

Final action on **SB 74--Recovery of medical assistance, probate code.**

Chairman Vratil reviewed the bill heard January 30 and distributed a balloon amendment (Attachment 6). Senator Donovan moved, Senator Journey seconded, to amend **SB 74** as reflected in the balloon. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend **SB 74**, as amended, favorably for passage. Motion carried.. Senator Haley voted no and requested his vote be recorded.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is February 9, 2007.