

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:37 A.M. on February 7, 2008, in Room 123-S of the Capitol.

All members were present except:

Donald Betts- excused

Julia Lynn arrived, 9:42 A.M.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers Association

Capt. Bob Keller, Johnson County Sheriff's Office

Jennifer Roth, Kansas Association of Criminal Defense Lawyers

Gerald Gilkey, Sheriff, Sumner County

Others attending:

See attached list.

Bill Introductions

Senator Lee requested introduction of a bill regarding trafficking of contraband at Larned State Hospital. Senator Goodwin moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 483– Substance abuse treatment for violation of conditions of release.**

Ed Klumpp requested that his testimony be written rather than oral to allow other conferees to testify and he would address this bill during the hearing on **SB 484 (Attachments 1 & 2).**

Capt. Bob Keller testified in support, indicating there were a number of prisoners currently in the Johnson County jail who would benefit from intensive substance abuse treatment in response to post release violations (Attachment 3). Re-directing violators would allow jail bed space to remain available for those that pose a more immediate risk to our communities.

Jennifer Roth appeared in a neutral capacity, addressing her remarks to both bills, **SB 483** and **SB 484** (Attachment 4 & 5). She stated support of treatment for individuals with substance abuse problems but expressed concern that treating offenders in a DOC facility would move them away from home, jobs, and family. Individuals fighting addiction need treatment paired with supervision in the place they live. They need the support of their communities while getting treatment and to have a better chance of success. Ms. Roth urged the committee to expand treatment options in communities.

Written testimony in support of **SB 483** was submitted by:

Tom Stanton, President, Kansas County & District Attorneys Association (Attachment 6)

Written neutral testimony on **SB 483** was submitted by:

Roger Werholtz, Secretary, Kansas Department of Corrections (Attachment 7)

There being no further conferees, the hearing on **SB 483** was closed.

The hearing on **SB 484– Driving under the influence, substance abuse treatment facility** was opened.

Ed Klumpp spoke in support, indicating the proposal of “incarceration with treatment” combination provides the best hope for successful results (Attachments 8 & 9). Enactment of this bill will result in fewer offenders going to the general prison population, fewer innocent people will suffer from the offenders’ acts, relieve the strain currently on county jails, while retaining imprisonment sentencing for those that continue to be non-

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responsive to treatment.

Gerald Gilkey appeared in favor, stating treatment of repeat DUI offenders is good public policy having the potential to benefit communities across the state (Attachment 10). Current law has increased pressure on local jail populations and the proposed legislation will aid in relieving the situation.

Written testimony in opposition to **SB 484** was submitted by:
Douglas E. Wells, Attorney, Topeka, Kansas (Attachment 11)

Written neutral testimony on **SB 484** was submitted by:
Roger Werholtz, Secretary, Kansas Department of Corrections (Attachment 12)

There being no further conferees, the hearing on **SB 484** was closed.

The Chairman announced the formation of a Judiciary sub-committee consisting of Senator Journey, Senator Goodwin and himself to study **SB 409, SB 482, SB 483, SB 484** as well as proposals by the Sentencing Commission, and other related items. The first meeting will be held some time next week.

The Chairman called for final action on **SB 448–Applicability of Kansas general corporation code to certain cooperative**. The Chairman reviewed the bill.

Senator Haley moved, Senator Bruce seconded, to recommend SB 448 favorably for passage. Motion carried.

The Chairman called for final action on **SB 449– UCC secured transactions, striking forms**. The Chairman reviewed the bill.

Senator Lynn moved, Senator Haley seconded, to recommend SB 449 favorably for passage and place it on the consent calendar. Motion carried.

The Chairman called for final action on **SB 450–Cemetery corporations, investment of permanent maintenance fund**. The Chairman reviewed the bill indicating a corrected version had been printed.

Senator Goodwin moved, Senator Donovan seconded to recommend the corrected version of SB 450 favorably for passage. Motion carried.

The meeting adjourned at 10:17 A.M. The next scheduled meeting is February 11, 2008.