

Approved: March 27, 2012

(Date)

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 PM on Thursday, February 2, 2012 in 144-S of the Capitol.

All members were present

Committee staff present:

Jackie Lunn, Committee Assistant
Lauren Douglass, Legislative Research
Robert Allison Gallimore, Legislative Research
Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Todd Thompson, County Attorney, Leavenworth County
Neil Vogel, Police Officer, Leavenworth Police Department
John Bryant, Deputy County Attorney, Leavenworth County

Others in attendance:

See attached list.

Chairperson Colloton opened the floor for bill introductions and recognized Representative Greg Smith. Representative Smith made a bill request for a bill concerning the reporting of a missing person.

Representative Smith made a motion to accept the bill request as a committee bill.

Representative Moxley seconded. Motion carried.

Chairperson Colloton recognized Tom Witt who requested a bill to add sexual orientation to KSA 214-003 pertaining to discrimination.

Representative McCray-Miller made a motion to accept the bill request of Mr. Witt.

Representative Moxley seconded. Motion carried.

Chairperson Colloton called for any other bill request; there were none so she introduced Ashley Dickerson, Research Director/Evaluation Administrator, Kansas Department of Corrections. She stated she attended a seminar, Results First, which is a program partnering with states to assess and advance policy options that benefit residents and improve states' fiscal health. Results First

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is an initiative of the PEW Center on the States and the John D. and Catherine T. MacArthur Foundation, with additional support from the Annie E. Casey Foundation. Ms. Dickerson introduced Dr. Gary Lanningham, Director, Results First, with the PEW Center on the States, to give a power point presentation on *Kansas First: Using cost-benefit analysis to support accountability and budgeting*. Dr. Lanningham, provided written copies of his presentation for the committee and staff (Attachment 1). He opened by stating there is a critical need for better ways to triage spending. States are facing incredible fiscal pressures, with national budget gaps of \$527 billion since the start of the Great Recession. State revenues are starting to grow, but costs are growing much faster; over \$30 billion in gaps already estimated for the next fiscal year. States will suffer major cuts in federal funding under a deficit reduction scenario. He went on to say that 12 states are partnering with PEW to employ a cutting-edge cost-benefit analysis model that analyzes key state policy areas and enables states to analyze a wide range of policy choices and identify those that can maximize outcomes and reduce costs. Kansas is one of those 12 states partnering with PEW and are in the beginning stages of implementation and should be up and running within three to five months. A customized model is made for each state with programs in Kansas to reduce recidivism, just to mention one. They will pull all the information needed and training to put in place. The Washington State model has been a very successful initiative. He went on to say that Washington State has experienced great improvement in crime rates and juvenile arrest rates, compared with the nation average. Their incarceration rate is now lower than the national average. They have experienced savings of \$1.3 billion per two-year budget cycle, eliminating the need to build new prisons and making it possible to close an adult prison and a juvenile detention facility.

A question and answer session followed.

After thanking Dr. Van Lanningham, Chairperson Colloton opened the hearing on **HB 2232**—**Amending the culpability for the unlawful possession of prescription drugs** and introduced Todd Thompson, County Attorney for Leavenworth County, to give his testimony as a proponent of the bill. Mr. Thompson provided written copies of his testimony for the committee and staff (Attachment 2). He stated the misuse of prescription pills is fast becoming a major issue in not only Leavenworth County, but throughout the state of Kansas and indeed the nation. It is illegal to possess certain types of someone else's prescription drugs. They are finding that people are now resorting to taking any prescription pills they can find in an effort to "get high". Children are having "pharm parties", a party where people obtain all the prescription medications they can and share them among the other party goers and then wait and see what happens. It is illegal to sell prescription medications over the counter and it should be just as illegal for anyone other than the person to whom the medication is prescribed to possess that medication. In closing, he

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stated he has attached a balloon amendment as an exception for prescription holders allow a third party to possess their medication for safety reasons.

A question and answer session followed with Mr. Thompson and the Committee

Chairperson Colloton introduced Neil Vogel, Police Officer, Leavenworth Police Department, to give his testimony as a proponent of the bill. Officer Vogel provided written copies of his testimony for the committee and staff ([Attachment 3](#)). He stated he is testifying today because he has seen an increase in the amount of prescription pill crimes. It is not uncommon for him to review a report where someone has reported their medication stolen or an officer has recovered an amount of prescription pills on a person who has been arrested. This causes him great concern because people are seeking alternative ways of getting “high” and do not fear any consequences because the pills they are using are not classified as being controlled substances. Prescription pill use is on the rise in everyone’s community. These items are also easy for children and teens to get their hands on simply because they are so plentiful.

A short discussion followed.

Chairperson Colloton introduced John Bryant, Deputy County Attorney, Leavenworth County, to give his testimony as a proponent of the bill. Mr. Bryant provided written copies of his testimony for the committee and staff ([Attachment 4](#)). He stated there has been an increase in cases where non-controlled prescription pills have been recovered. Now individuals are including non-controlled prescription drugs in their substance abuse. These pills will affect the user if taken in a large enough quantity or taken in conjunction with other drugs or alcohol. In closing, he urged the committee to support this bill.

Upon the conclusion of Mr. Bryant’s testimony, Chairperson Colloton called for any others wishing to testify or speak to the bill; there were none so she closed the hearing on **HB 2232** and called on Todd Thompson, Leavenworth County Attorney, to give a brief informational presentation on electronic cigarettes, ([Attachment 5](#)). He stated that an electronic cigarette is a device that generally appears to look like a cigarette, cigar, or pipe and uses heat to vaporize propylene glycol or a glycerin-based liquid solution into an aerosol mist, similar to the way a nebulizer or humidifier vaporizes a liquid solution for inhalation. It is said that these electronic cigarettes contain nicotine and could have cancer causing agents. The government is still debating how to label the electronic cigarette. The FDA initially viewed electronic cigarettes as a drug delivery device, but courts later ruled it to be a tobacco related device. Either way it should be viewed as harmful, or potentially harmful to juveniles. In closing, he stated electronic

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cigarettes should be viewed the same as any other illegal substances that is harmful to our children and should be legalized.

A question and answer session followed.

Chairperson Colloton opened the hearing on **HB 2506—Issuance of motorized bicycle licenses to habitual violators** and introduced the Honorable Judge Phillip Journey to give his testimony as a proponent of the bill. Judge Journey provided written copies of his testimony for the committee and staff (Attachment 6). He stated this legislation would be to allow those declared to be habitual violators by the Kansas Department of Revenue to obtain, Class C moped-only, licenses. He went on to say under current law individuals whose drivers' license have been suspended for reasons such as failing to pay a traffic ticket or failing a breath alcohol test, may receive a moped only license from the Kansas Department of Revenue, however habitual violators may not. The Kansas Department of Revenue may declare an individual to be a habitual violator upon the conviction of three serious traffic misdemeanors in any five-year period. The revocation of a habitual violator's driver's license upon three convictions is for a minimum of three years. Conviction of operating a motor vehicle after being declared a habitual violator is a Class A misdemeanor subject to a penalty of up to one year in custody and a \$2,500 fine. In closing, he stated that mopeds are vehicles defined in Kansas statutes as having less than three and half brake horsepower and a maximum speed of 30 miles per hour. He urged the committee to pass the bill out favorably.

A question and answer session followed.

Chairperson Colloton called on Sean Ostrow, Office of the Revisor of Statutes, to explain the bill to the committee. Mr. Ostrow provided written copies of 8-2110 statute for the committee and staff (Attachment 7). He stated **HB 2506** would allow a person to obtain a class C license for the operation of a motorized bicycle if such person's driving privileges have been suspended for a first time DUI conviction. Further, a person whose license has been revoked for being a habitual violator could obtain a class C license, as long as in the last five years the person has not had a test refusal; test failure; "alcohol or drug related conviction," as defined in Kansas law; or conviction for fleeing or eluding a police officer.

A short question and answer session followed.

Chairperson Colloton introduced Derek Harvey, a private citizen from Haysville, to give his testimony as a proponent of the bill. Mr. Harvey provided written copies of his testimony for the

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committee and staff ([Attachment 8](#)). He stated he would benefit if this bill passes. He lost his Class C drivers license due to not acting in a timely manner on a couple of minor traffic infractions which in turn led him to driving while suspended and he also had a violation for no proof of insurance. He has since taken care of all his fines. He and his wife purchased motorized bicycles and have both been pulled over and told they need a license to drive such vehicles. In closing, he stated he was told by a higher ranking state official that unfortunately he and his wife would be better off to get a DUI as they are being punished at the same severity level as one and in some cases they can get a license for a motorized bicycle.

Chairperson Colloton introduced Jennifer Harvey, to give her testimony as a proponent of the bill. Ms. Harvey provided written copies of her testimony for the committee and staff ([Attachment 9](#)). She stated her driver's license has been revoked until 2014 and alcohol was not involved. It was for not paying tickets and not having liability insurance. She went on to say she has paid all her fines but can't obtain a license to drive a motorized vehicle. She works and goes to school and she would benefit from the passage of this bill.

A short question and answer session followed.

Chairperson Colloton introduced Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and the Kansas Peace Officers Association, to give his testimony as an opponent of the bill. Mr. Klumpp provided written copies of his testimony for the committee and staff ([Attachment 10](#)). He stated that the bill was a bad idea and they strongly encourage the committee not to recommend it favorably. The bill is identical to another bill from last year that failed to get out of the House Judiciary Committee. They feel it is about accommodating persons, who have had their driver's license revoked as a result of being declared a habitual violator by allowing them to operate a motorized bicycle. In closing, he urged the committee not to support the bill.

A question and answer session followed.

The meeting was adjourned at 3:10 pm with the next meeting scheduled for February 3, 2012 at 1:30 pm in room 144 S.

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