

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

Chairman Tim Owens called the meeting to order at 9:34 A.M. on March 2, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Steve Howe, Johnson County District Attorney
Debra Billingsley, Kansas Board of Pharmacy

Others attending:

See attached list.

The Chairman opened the hearings on **HB 2008 -- Making identity theft a person felony.**

Jason Thompson, Staff Revisor, reviewed the bill.

Steve Howe testified in support of **HB 2008** (Attachment 1). Under current law identity (ID) theft is a nonperson felony for which repeat offenders receive probation. Under the bill, repeat offenders could be sentenced to prison. He stated that the fiscal effect of the bill would not be felt for a couple of years since offenders would have to establish a criminal history of ID theft.

Senator Haley asked, "Are there other person felonies which do not require "contact" with the victim?"

Mr. Howe replied, "An example is burglary of a residence and possibly violation of a restraining order."

Senators Kelly and Vratil expressed concern with the cost of implementing the bill as described in the fiscal note. Mr. How stressed the fiscal effect would not be felt for up to five years. The bill is an attempt to "head off" the career criminal.

The Chairman noted that the fiscal note describes the "worst case" scenario and that we (taxpayers of the state) need to pay the price or let the scourges remain on the street. ID theft is costly to the victims of the crime.

No testimony in opposition to **HB 2008** was offered.

Senator Vratil requested an update on the revised prison bed impact statement that had been prepared for **HB 2008**.

Sarah Fertig, Executive Director, Kansas Sentencing Commission, stated that she agrees with Mr. Howe's statement that the costs of implementing **HB 2008** would not be felt until FY 2013.

The Chairman closed the hearings on **HB 2008**.

The Chairman announced that the hearings on **HB 2071 -- Inheritance rights; automatically revoking ex-spouses inheritance rights upon divorce** have been canceled and the topic would be referred to the Kansas Judicial Council for study.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on March 2, 2011, in Room 548-S of the Capitol.

The Chairman opened the hearings on **HB 2023 -- Continuation of certain exceptions to disclosure under the open records act.**

Jason Thompson, Staff Revisor, reviewed the bill.

Debra Billingsley testified in support of **HB 2023** (Attachment 2). Ms. Billingsley noted that K.S.A. 65-4102 required the Board of Pharmacy to submit an annual report to the legislature that lists the controlled substances that the Board proposes to be scheduled, rescheduled or deleted from the controlled substances schedules. She stated that the bill would implement those recommendations and that the changes in the bill would conform the Kansas law to federal law.

The Chairman called the committee's attention to the fiscal note for **HB 2023**.

The Chairman closed the hearings on **HB 2023**.

Meeting adjourned at 10:25 A.M. The next meeting is scheduled for March 3, 2011.