

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On January 31, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused
Representative Candy Ruff - Excused

Committee staff present:

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

Conferees appearing before the committee:

Chris Collins, Kansas Medical Society
Paul Davis, Kansas Bar Association
Kathy Olsen, Kansas Bankers Association
Beverly Peterson, Emporia
Marla Luckert, Chair, Judicial Council Criminal Law Advisory Committee
Karen Suddath, Director Mental Health Substance Abuse Treatment & Recovers, Social & Rehabilitation Services

Chris Collins, Kansas Medical Society, requested a bill which would make it legal for health care providers to provide sterile syringes to illegal drug users. (Attachment 1) Representative Loyd made the motion to have the request introduced as a committee bill. Representative DeCastro seconded the motion. The motion carried.

Paul Davis, Kansas Bar Association, had two request. The first would expand the number of Court of Appeals judges from 10 to 14 over a four year period. (Attachment 2) Representative Patterson made the motion to have the request introduced as a committee bill. Representative DiVita seconded the motion. The motion carried.

The second request clarifies a defect that is contained in K.S.A. 21-4614 in which a person convicted in a criminal action would have jail time credits but a person who plead non contest would not. (Attachment 3) Representative Loyd made the motion to have the request introduced as a committee bill. Representative DiVita seconded the motion. The motion carried.

Kathy Olsen, Kansas Bankers Association. Requested a bill that would treat those who are repeatedly convicted of check forgery more harshly. (Attachment 4) Representative Loyd made the motion to have the request introduced as a committee bill. Representative Long seconded the motion. The motion carried.

The committee received a bill request requiring mandatory jail time for first misdemeanor for cruelty to animals and completion of an anger management program. Representative Shriver made the motion to have the request introduced as a committee bill. Representative Crow seconded the motion. The motion carried.

Another bill request would amend the Crime Victims Compensation Act to allow health care provides the ability to access the CVCA. Representative O'Neal made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

The request from the Riley County Police Department would make it a crime to use and have possession of illegal inhalants. Representative O'Neal made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Representative Pauls received a request that would mandate all district magistrate judges been elected in all counties in with they serve. Representative DiVita made the motion to have the request introduced as a committee bill. Representative Williams seconded the motion. The motion carried.

Hearings on **HB 2003 - authorized dispositions in child in need of care cases**, were opened.

Beverly Peterson, Emporia, appeared as a proponent of the bill. The purpose of the proposed bill is to allow the judges the option of looking at all situations when there is the need to determine an order of custody. (Attachment 5)

Hearings on **HB 2003** were closed.

Hearings on **HB 2084 - for the purpose of a criminal proceeding, a mentally ill person subject to involuntary commitment is a mentally ill person who is likely to cause harm to self or to others**, were opened.

Marla Luckert, Chair, Judicial Council Criminal Law Advisory Committee, stated that the Judicial Council was asked to study the issue of how Kansas should deal with those who allegedly commit crimes but are incompetent to stand trial and are not likely to become competent in the future due to mental retardation. The issue was assigned to the Criminal Law Advisory Committee which looked at what other states are doing and found that each of the states approaches were resource driven. The committee proposed the amendment which would return the statute as it was prior to 1996. (Attachment 6)

Karen Suddath, Director Mental Health Substance Abuse Treatment & Recovery, Social & Rehabilitation Services, commented that the proposed bill attempts to address a problem in which not all person who are incompetent to stand trial are mentally ill. She believes that the bill would be a step backwards and questioned whether the provisions are constitutional. SRS does not want these types of people in a secure state hospital. (Attachment 7)

Hearings on **HB 2084** were closed.

HB 2074 - administration of the KBI; associated directors, deputy directors and assistant directors are unclassified state employees

Representative Loyd made the motion to report HB 2074 favorably for passage. Representative Swenson seconded the motion. The motion carried.

The committee meeting adjourned at 4:45. The next meeting is scheduled for February 5, 2001.