

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:38 a.m. on January 25, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Steve Morris
Doug Wareham, Kansas Grain and Feed Association and Kansas Fertilizer & Chemical Association
Tim Madden, Department of Corrections (DOC)
Captain James Schwegman, Johnson County Sheriff's Department for the Kansas Sheriff's Association

Others attending: see attached list

Minutes of the January 24, 2001 meeting were approved on a motion by Senator Adkins, seconded by Senator Donovan. Carried.

SB 36—concerning agriculture; re: destruction of field crops; damages

Conferee Morris testified as a proponent of **SB 36**. He discussed the events that led him to introduce this legislation which addresses the serious issue of expanding organized eco-terrorism in the United States and its impact on agriculture throughout the country. (attachment 1)

Conferee Wareham testified as a proponent of **SB 36**, a civil bill, which provides, from the penalties imposed, more than adequate compensation for victims of acts of bio-terrorism. He stated that it is hoped that these stiff penalties will act as a deterrent to this type of crime. He detailed examples of acts of bio or eco-terrorism by special interest extremists who willfully destroy or damage field crops grown for personal, commercial, testing or research purposes and he provided detailed information on media coverage of this crime as well as web site information. (attachment 2) Discussion followed.

Written testimony supporting **SB 36** was submitted by Kansas Grain Sorghum Producers Association. (attachment 3)

SB 26—concerning Kansas standard asset seizure and forfeiture act; re: civil remedies

Conferee Madden testified on behalf of Secretary Simmons in support of **SB 26**, a bill which provides for an amendment to current statutes to “clarify that the forfeiture of contraband items pursuant to regulations governing the inmate disciplinary process is not precluded by the Standard Asset Seizure and Forfeiture Act.” He explained that the bill was a response to a Legislative Division of Post Audit query made during their review of property seizure by law enforcement agencies. (attachment 4) Discussion followed.

SB 27—concerning corrections; re: transfer of offenders

Conferee Madden testified on behalf of Secretary Simmons in support of **SB 27**, a bill which amends current law as follows: requires that whenever the physical custody of an offender sentenced to the DOC is transferred by a sheriff to a non-DOC jurisdiction, the sheriff shall notify both the DOC and the non-DOC jurisdiction that a sentence to be executed by DOC has been imposed; requires the sheriff to notify the DOC to where the offender was taken; requires offenders sentenced to the DOC's custody be transported to a designated correctional facility regardless

of whether the prison portion of the sentence has been served; and addresses the lack of uniformity in references to the correctional facilities. The Conferee discussed the purpose for each of these provisions. (attachment 5) Discussion followed.

Conferee Schwegman testified in opposition to **SB 27** on behalf of Major Robert Johnston and the Kansas Sheriff's Association. He opposed the requirement that offenders be transported to the DOC regardless of whether the prison portion of the offender's sentence has been served explaining that this presented a civil liability risk to the holding sheriff's office. He offered an alternative to this provision and to other provisions which he opposed. (attachment 6) Discussion followed.

SB 16—concerning CINC; re: temporary custody hearing

The Chair reviewed **SB 16** which was heard on January 18, 2001. Following discussion, Senator Adkins moved to table the bill, Senator Oleen seconded. Carried.

SB 20—concerning charitable organizations and solicitations act; re: bonds

The Chair reviewed **SB 20** which was heard on January 18, 2001. Senator Schmidt discussed his proposed amendment to the bill. Following brief discussion Senator Schmidt moved to amend SB 20 and to pass the bill out favorably as amended, Senator Oleen seconded. Carried.

The meeting adjourned at 10:30 a.m. The next meeting is January 30, 2001.