

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on March 1, 2005, in Room 123-S of the Capitol.

All members were present except:

Greta Goodwin- excused  
Donald Betts- excused  
David Haley- excused  
Derek Schmidt- excused

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Wade Bowie, Staff Counsel, Juvenile Justice Authority  
John Badger, Chief Legal Counsel, Department of Social and Rehabilitation Services  
Tim Madden, Senior Legal Counsel, Department of Corrections

Others attending:

See attached list.

Chairman Vratil opened the meeting and hearing on **HB 2034**.

**HB 2034 Judicial review and civil enforcement of agency actions**

Proponent:

Wade Bowie, Staff Counsel for the Juvenile Justice Authority, testified on behalf of the bill. The bill exempts the Juvenile Justice Authority from judicial review, similar to procedures already set in place for the Department of Corrections. The Juvenile Justice Authority was required by statute to create regulations, which go into effect in April 8, 2005, governing the Juvenile Justice Authority. In the process of doing that, it was discovered that, under current law, there is no protection of the Agency's disciplinary action, which means that any offender unsatisfied with the discipline imposed would have the ability to appeal to the district court. This corrects the due process procedures, eliminating the appeal process at the district court level, leaving in place three levels of due process review within the Juvenile Justice Authority. (Attachment 1)

Chairman Vratil closed the hearing on **HB 2034** and opened the hearing on **HB 2130**.

**HB 2130 Confidential mental health records; exchange of information between treatment facilities**

Proponents:

John Badger, Chief Legal Counsel for The Department of Social and Rehabilitation Services, testified in support of the bill. The bill changes K.S.A. 65-5603, expanding the ability to promote continuity of care by allowing the exchange of needed treatment-related information for patients being seen in state psychiatric hospitals or other treatment facilities, including jails and correctional facilities. (Attachment 2)

Wade Bowie, Staff Counsel for the Juvenile Justice Authority, stated the Juvenile Justice Authority supported the bill, but he was requesting a minor amendment be made on page 2, lines 33, 37, and 40, specifically replacing the word "centers" with "facilities" when reference is made to juvenile detention facilities. Mr. Bowie stated that the language error was just realized and needed to be changed in order to be correct. (Attachment 3)

Chairman Vratil closed the hearing on **HB 2130** and opened the hearing on **HB 2147**.

**HB 2147 Psychiatric reports of defendants and inmates, disclosure of**

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on March 1, 2005, in Room 123-S of the Capitol.

Proponent:

Tim Madden, Senior Legal Counsel, Department of Corrections, testified in support of the bill. The bill amends K.S.A. 75-5266 to condition the discretionary release of an inmate's or defendant's psychological evaluation report to the inmate's or defendant's friends upon authorization by the inmate or defendant or their family. (Attachment 4)

Chairman Vratil closed the hearing on **HB 2147** and opened the hearing on **HB 2206**.

**HB 2206 Disposal of abandoned inmate property**

Proponent:

Tim Madden, Department of Corrections, testified in support of the bill. The bill amends K.S.A. 75-5257 so that the disposition of unclaimed property of an inmate would be consistent with the provisions of K.S.A. 75-52,135 and in conformity with the Disposition of Unclaimed Property Act. (Attachment 5)

Chairman Vratil closed the hearing on **HB 2206**.

Chairman Vratil asked the Committee to consider final action on the bills heard and there were no objections.

**Final Action:**

**HB 2206 Disposal of abandoned inmate property**

There was a motion to recommend the bill favorably and put it on the Consent Calendar. Senator Donovan moved, seconded by Senator Bruce, and the motion carried.

**Final Action:**

**HB 2147 Psychiatric reports of defendants and inmates, disclosure of**

There was a motion to recommend the bill favorably and put it on the Consent Calendar. Senator Bruce moved, seconded by Senator Donovan, and the motion carried.

**Final Action:**

**HB 2130 Confidential mental health records; exchange of information between treatment facilities**

There was a motion to amend the bill in the manner proposed by Mr. Bowie in his balloon amendment. Senator Bruce moved, seconded by Senator Journey, and the motion carried. There was a motion to recommend the bill favorably as amended. Senator Journey moved, seconded by Senator O'Connor, and the motion carried.

**Final Action:**

**HB 2034 Judicial review and civil enforcement of agency actions**

There was a motion to recommend the bill favorably. Senator Bruce moved, seconded by Senator O'Connor, and the motion carried.

Chairman Vratil stated that minutes for January 18, 2005, were distributed to the Committee. There was a motion to approve the minutes. Senator O'Connor moved, seconded by Senator Donovan, and the motion carried.

Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for March 2, 2005.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on March 1, 2005, in Room 123-S of the Capitol.