

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on February 4, 2008, in Room 123-S of the Capitol.

All members were present except.

Barbara Allen arrived, 9:39 A.M.
Donald Betts arrived, 9:36 A.M.
Terry Bruce arrived, 9:37 A.M.
Les Donovan arrived, 9:37 A.M.
Greta Goodwin, excused
Julia Lynn arrived, 9:39 A.M.
Dwayne Umbarger arrived, 9:36 A.M.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Kathy Olson, Kansas Bankers Association
Travis Harrow, Assistant District Attorney, Ford County

Others attending:

See attached list.

Bill Introductions

Tim Madden requested introduction of a bill regarding the moratorium on residential restrictions of sex offenders. The moratorium should not interfere with a locality's ability to regulate through zoning the location of congregate dwellings of offenders such as group homes. Senator Umbarger moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

Kathy Porter requested introduction of a bill to establish a family dispute resolution funded by an increase in docket fees. Senator Betts moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 467–Manufactured housing, filing of security notice.**

Kathy Olson appeared in support stating this is a small technical change to the Kansas statute on manufactured homes to conform to the US Bankruptcy Code and Kansas law regarding vehicles (Attachment 1).

Written testimony in support of **SB 467** was submitted by:

Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association (Attachment 2).

There being no further conferees the hearing on **SB 467** was closed.

The hearing on **SB 476–Arrest for violating condition of probation or conditions of release** was opened.

Travis Harrod spoke in support, stating **SB 476** would correct an unintended consequence of the statutory language of Kansas Statutes 22-3716(a) and 75-5217(b) regarding the arrest of probationers and parolees for violations of conditions of release (Attachment 3). In response to the Kansas Supreme Court decision *State v. Anderson*, this bill will remove the requirement that when an offender is arrested for violation of condition of release, a written order for the detention must be simultaneously delivered.

Tim Madden appeared in favor, supporting Mr. Harrow's testimony, indicating **SB 476** will allow court services officers, community corrections services officers, and parole officers to authorize law enforcement officials to arrest an offender under supervision through a verbal order (Attachment 4).

There being no further conferees the hearing on **SB 476** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 4, 2008, in Room 123-S of the Capitol.

The Chairman opened the hearing on **SB 46–Defacing identification marks of a firearm, increase from class B nonperson misdemeanor to a severity level 10, nonperson felony.**

Senator Journey testified in support as sponsor of the bill (Attachment 5). The bill will raise the level of criminality for defacing identification marks of a firearm to be more aligned with federal criminal statutes. Such an act is usually done in anticipation of another crime and should be taken into account by raising this to a felony crime.

There being no further conferees the hearing on **SB 46** was closed.

Senator Vratil called for final action on **SB 301–Criminal procedure, expungement.** The Chairman requested Senator Betts review the bill. The Senator distributed a balloon with several technical amendments (Attachment 6). The staff revisor reminded the committee the bill as drafted includes district courts, not just municipal courts.

Senator Betts moved, Senator Umbarger seconded, to amend SB 301 as reflected in the balloon that was distributed. Motion carried.

Senator Haley moved, Senator Betts seconded, to recommend SB 301 favorably for passage as amended. Motion carried.

The Chairman called for final action on **SB 414–Electors of county or counties may establish an office of the district attorney; salary based on felony caseload.** The Chairman reviewed the bill.

Senator Schmidt indicated there may be the need for a technical change to page 3, lines 26-33 to reflect language that was agreed to by the interim committee. The Chairman indicated the bill will be postponed so the revisor may review and correct the bill with the correct language.

Senator Umbarger suggested since there was time, and there appeared no opposition, the committee might take final action on **SB 467** heard earlier in the meeting. The committee agreed.

Chairman Vratil called for final action on **SB 467–Manufactured housing, filing of security notice.**

Senator Donovan moved, Senator Betts seconded, to recommend SB 467 favorably for passage and place it on the consent calendar. Motion carried.

The meeting adjourned at 10:19 A.M. The next scheduled meeting is February 5, 2008.