

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 26, 2002 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

SB 474 - Protection from stalking act

Staff provided the committee with a balloon which represents the subcommittee's recommendations (Attachment 1).

Representative Pauls made the motion to adopt the subcommittee's report (balloon). Representative Long seconded the motion. The motion carried. By consensus the committee changed the words "other person" to "victim" in line 23.

Representative Pauls made the motion to report SB 474 favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

SB 475 - Protection from abuse act

Staff provided the committee with a balloon which represents the subcommittee's recommendations (Attachment 2)

Committee discussion centered on the fact that once a Protection From Abuse Order is entered into the system how does it get "out" once it expires. It was determined that it would be treated the same as an emergency order which would have an expiration date.

By consensus, the committee reinserted the language "emergency and" on page 5, line 28(b). Representative Long made the motion to adopt the subcommittee's recommendations. Representative Pauls seconded the motion.

Many committee members were concerned with what constitutes "one date" and "dating" to form a dating relationship. By consensus the committee changed the wording "Supreme Court" to "Kansas Judicial Council" on page 2, line 16, so they would develop the petition which would verify the dating relationship.

Representative Dillmore made the motion to change the wording from "may" to "shall" on page 2, line 26 and wording to the affect that the courts must consider the four factors listed but they are not limited to that list and consider other factors that are presented. Representative Owens seconded the motion. The motion carried.

Representative DiVita made the motion to change on page 3 "party" to "parties" for the purpose of support payments. Representative Howell seconded the motion. The motion failed.

Representative Klein made the motion to amend on page 3, lines 27-31 striking subsection (b) and re-lettering. Representative Rehorn seconded the motion. The motion failed.

Representative Newton made the motion to reword & reinsert subsection (b)(3) to be plaintiff specific. Representative DiVita seconded the motion. The motion failed 6-9.

Representative Lloyd made the motion to report SB 475 favorably for passage, as amended. Representative Long seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 26, 2002 in Room 313-S of the Capitol.