

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:38 a.m. on March 6, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Commissioner Albert Murray, Juvenile Justice Authority (JJA)
Judge Graber, Sumner County
Judge Marla Luckert, Criminal Law Advisory Committee, Judicial Council

Others attending: see attached list

Minutes of the March 5th meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

SB 263—collection of DNA specimens

The Chair reviewed **SB 263**. Senator Schmidt explained his purpose in proposing an amendment to the bill. Following his remarks he made a motion to amend SB 263 by striking the word “person” on line 18, Senator Umbarger seconded. During discussion it was the consensus of the Committee that Senator Schmidt draft a bill with a time table to move toward DNA testing of all felonies. Senator Schmidt withdrew his motion with the consent of Senator Umbarger. Following brief discussion Senator Adkins moved to amend SB 263 to include two KBI amendments, one for exoneration purposes and the other to expand the statute of limitation to 10 years or 1 year after a hit was made. Senator Goodwin seconded. Carried. Senator Adkins moved to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

SB 291—creating the crime of causing harm to another person by motor vehicle

The Chair reviewed **SB 291**. Senator Schmidt moved to pass the bill out favorably, Senator Donovan seconded. Following discussion Senator Schmidt withdrew his motion with the consent of Senator Donovan and Senator Umbarger moved to amend the age from 7 to 10 on line 15 of the bill, Senator Donovan seconded. Carried. Senator Schmidt moved to pass the bill out favorably as amended, Senator Donovan seconded. Carried.

SB 302—concerning the Kansas juvenile justice code; re: sentencing

Conferee Murray testified in support of **SB 302**, a bill which he stated would make two changes: insure that all convicted juvenile offenders receive a criminal justice sanction for a certain term commensurate with the nature of the offense and offender’s history; and prohibit the courts placing juvenile offenders in the Commissioner’s custody and having those juvenile offenders remain at home. He briefly elaborated on the purpose for these changes. (attachment 1)

Conferee Graber testified in opposition to **SB 302** stating that provisions in the bill are contrary to the goals fixed in the juvenile justice code as they disrupt families. He discussed potential problems which could arise due to ambiguous language in the bill and revealed how setting a specific time period for the offender to be out of the home would increase the cost to the state. Brief discussion followed. (attachment 2)

HB 2083—concerning criminal procedure; re: release on appearance bond

Conferee Luckert testified in support of **HB 2083**, a bill which amends current law that relates to the surrender of

an obligor by a surety. She presented a brief history of the bill (**2000 SB 90**) and the events which initiated the amendments. She stated that this bill gives discretionary power to the court in dealing with the accused and specifies that in order to be discharged, the surety must give sworn reasons for cancelling or terminating the bond. (attachment 3)

The meeting adjourned at 10:32 a.m. The next meeting is March 7, 2001.