

Approved: 10-09-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 9, 2005 in Room 241-N of the Capitol.

All members were present except:
Kathe Decker - excused

Committee staff present:
Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:
Bill Lucero, Murder Victims' Families for Reconciliation
Sister Therese Bangert, Kansas Catholic Conference
Mary Ann Slattery
Professor Jeff Jackson, WU Law

Others attending:
See attached list.

Staff provided additional information on the Kleypas decision, the bill, and the Attorney General Carla Stovall testimony and comments to the House Judiciary Committee, March 14, 1995. (Attachment 1)

HB 2061 – Death penalty; if aggravating circumstances outweigh mitigating circumstances, the sentence is death; if circumstances are equal, the defendant is not sentenced to death.

Chairman Loyd reopened the hearing on **HB 2061**.

Testimony was presented for Nola Foulston, District Attorney Eighteenth Judicial District, in opposition of the bill, by Mike Jennings. (Attachment 2) The District Attorney strongly urged the member of the Kansas Legislature not to pursue any premature legislative action based upon the Marsh decision until the judicial review process is allowed to run its course.

Chairman Loyd closed the hearing on **HB 2061**

Bill Lucero, Kansas Coordinator of Murder Victims' Families for Reconciliation, appeared as an opponent to the death penalty. (Attachment 3) As a steadfast opponent of capital punishment, suggests that capital punishment will not provide needed closure for murder victims families and will only exacerbate their grief and make healing that much more difficult to attain.

Sister Therese Bangert, Kansas Catholic Conference, opposes the death penalty. (Attachment 4) In the name of the Catholic Bishops of Kansas, urges the committee to "end not mend" the death penalty in Kansas.

Mary Ann Slattery, presented testimony in opposition of the death penalty. (Attachment 5) Requested the committee to vote to repeal the death penalty and to put the limited financial resources where they will benefit all Kansans.

Richard Ney, provided written testimony in opposition to the death penalty. (Attachment 6)

Jeffrey Jackson, Professor Washburn University School of Law, testified as neutral on the death penalty. (Attachment 7) Information was provided on recent proposals other states have considered to enhance the

reliability of the decisions in death penalty cases and to help ensure that no innocent person is sentenced to death.

- Open file Discovery
- Safeguards for Eyewitness Testimony
- Investigation Procedures
- Informant Testimony

The proposed changes to the Weighting Equation in the proposed amendment **HB 2061** provides that death will be the result only where the aggravating circumstances outweigh the mitigating circumstances, and makes it clear that death will not be imposed where the aggravating and mitigating circumstances are equal. This language is certainly sufficient to correct the problem identified by the Kansas Supreme Court.

HB 2147 – Psychiatric reports of defendants and inmates, disclosure of.

Representative Owens made a motion to move **HB 2147** out favorably. Representative Sharp seconded the motion.

Representative Davis moved to adopt the balloon that is a clean up on lines 15 and 16 and lines 26 and 27 of removing the specific name of the correctional facilities. Representative Owens seconded the motion. The motion carried.

Representative Pauls made a motion to move **HB 2147** out favorably as amended. Representative Owens seconded the motion. The motion carried.

HB 2062 – Creating the office of district attorney in judicial districts that vote for approval.

The chairman was authorized by the committee to write a letter requesting the Judicial Council to study this issue and make recommendation to the Legislature.

The meeting was adjourned at 2:52 pm. The next meeting is February 10, 2005.