

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on February 5, 2009, in Room 535-N of the Capitol.

All members were present except:  
Representative Spalding

Committee staff present:  
Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:  
Randy Hearrell, Kansas Judicial Council  
State Representative Scott Schawb  
Steve Howe, District Attorney, Johnson County  
Frank Denning, Sheriff, Johnson County  
Captain Bob Keller, Johnson County Sheriff's Office  
Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:  
See attached list.

**HB 2059 - Proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction.**

Chairperson Colloton announced to the Committee they would be hearing four bills today. She opened the hearing on **HB 2059** and introduced Randy Hearrell, Kansas Judicial Council to testify on as a proponent on the bill. Mr. Hearrell provided a copy of his written testimony. (Attachment 1) Mr. Hearrell stated there is a gap in the Kansas Uniform Controlled Substance Act. The Criminal Law Advisory Committee and the Judicial Council are presenting this bill which will close the gap in K.S.A. 65-4142 by including proceeds derived from violations of drug laws from another jurisdiction.

Questions and answers followed.

There being no other proponents or opponents to testify, Chairperson Colloton called the Committee's attention to "written only" testimony of Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Peace Officers Association, (Attachment 2) and closed the hearing on **HB2059**.

**HB 2236 - Recodification of Drug Crimes**

Chairperson Colloton opened the hearing on **HB 2236** and introduced Ed Klumpp, Kansas Criminal Code Recodification Commission, to give his testimony as a proponent of the bill. Mr. Klumpp explained this bill proposes to move all the criminal violations of the drug laws from Chapter 65 (Public Health) to Chapter 21 (Crimes and Punishment). He then introduced the Honorable John Judge White, retired, reporter of the Kansas Criminal Code Recodification Commission, to give his testimony as a proponent of the bill. Judge White provided a written copy of the testimony. (Attachment 3) He stated the work of the Kansas Criminal Code Recodification Committee (KCCRC) proposes the Legislature make the following changes to present drug crimes statutes:

- To move drug crimes from Chapter 65 to Chapter 21 of the Kansas statutes, and
- To group existing statutes into the core offenses of manufacture, distribution, and possession without revising existing Kansas law.

Judge White reviewed the changes referring to a chart that shows how the drug crimes are scattered through out Chapter 65. (Attachment 4) Upon the conclusion of his testimony he stood for questions.

Questions and answers followed.

## CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on February 5, 2009, in Room 535-N of the Capitol.

Chairperson Colloton called for opponents, and there being none, she recognized Helen Pedigo, Executive Director, Kansas Sentencing Commission, to give her testimony as a neutral party. Director Pedigo presented a written copy of her testimony. ([Attachment 5](#)) She stated she is offering technical amendments to the bill regarding pages 58 and 59.

Upon the completion of Director Pedigo's testimony, Chairperson Colloton called for any others to testify on the bill. There being no other persons to testify on **HB 2236**, Chairperson Colloton closed the hearing.

### **HB 2040 - Giving the Kansas parole board the authority to defer subsequent parole hearings for up to 20 years for crimes involving two or more victims or a minor.**

Chairperson Colloton opened the hearing on **HB 2040** and recognized State Representative Scott Schawb to give his testimony as a proponent of the bill. Representative Schawb provided a written copy of his testimony. ([Attachment 6](#)) He explained the bill would give the Parole Board the ability to delay some of their hearings for offenders of serious crimes up to 20 years which would allow victim families to heal their hurts, rather than resurrect them every 10 years. During his testimony he referred the Committee to the "written only" testimony of Stacy Foster Sneed and Cindy Foster, private citizens. ([Attachment 7](#))

Upon the conclusion of Representative Schawb's testimony, Chairperson Colloton called on Patty Biggs, member of the Kansas Parole Board, to give a general overview of the Parole Board. Ms. Biggs presented a written copy of her testimony. ([Attachment 8](#)) She stated the Parole Board consists of three members-no more than two of whom may be of the same political party. They are involved in release decisions and conditions that attempt to contain the risk of revictimization. This bill would apply to at least 80% of the cases the Board hears.

Next, Chairperson Colloton recognized District Attorney Howe, Johnson County, to give his testimony as a proponent of **HB 2040**. Mr. Howe provided a written copy of his testimony ([Attachment 9](#)) He stated that the people being affected by this bill are the "worse of the worst". Deferring parole eligibility up to 20 years has positive consequence for victims and victim's families. In closing, Mr. Howe offered amendments changing some of the language.

Chairperson Colloton called for opponents of the bill, seeing none she opened the floor for questions on **HB 2040**.

Upon the conclusion of the questions and answer session, Chairperson Colloton closed the hearing on **HB 2040**.

### **HB 2039 - Identification of defendant by unique DNA profile sufficient for reasonable certainty requirement of warrant.**

Chairperson Colloton opened the hearing on **HB 2039** and called on State Representative Schwab to give his testimony as a proponent of **HB 2039**. Representative Schwab provided a copy of his written testimony. ([Attachment 10](#)) He stated the bill allows for a warrant of arrest to be issued to a person who meets a DNA profile.

Chairperson Colloton introduced Captain Bob Keller, Johnson County Sheriff's Office who appeared on behalf of Sheriff Denning, Johnson County, a proponent of the bill, who was unable to appear. Captain Keller referred the Committee to Sheriff Denning's written testimony. ([Attachment 11](#)) and stated the Sheriff supports this bill because it will be a valuable tool for public safety.

Chairperson Colloton recognized Steve Howe, Johnson County District Attorney, to give his testimony as a proponent of the bill. Mr. Howe provided a written copy of his testimony. ([Attachment 12](#)) He stated DNA identifies the perpetrator of a crime and in investigations where the suspect denies any physical/sexual contact with a victim, DNA can actually establish the fact of the crime itself. In closing, he stated the Office of the District Attorney of Johnson County supports this bill.

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Chairperson Colloton , recognized Ed Klumpp, Kansas Police Officer's Association and the Kansas Chief of Police Association, to give his testimony as a proponent of the bill. Mr. Klumpp provided a written copy of his testimony (Attachment 13) Mr. Klumpp stated the use of DNA, coupled with the capability of computerized national DNA offender database comparisons, provides opportunities to bring previously unidentified offenders to justice. In closing, he stated the Kansas Police Officer's Association and the Kansas Chiefs of Police Association support this bill and urged the Committee to pass it out of Committee favorable.

Question and answers for the proponents followed.

Chairperson Colloton called for opponents, there being none, she closed the hearing on **HB 2039** and announced the Committee would be working bills next week and there would not be a meeting on February 6, 2009. With that said, she adjourned the hearing at 3:00 p.m. with the next meeting scheduled for February 9, 2009 at 1:30 p.m. in room 535 N.