

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Vice-Chair Joe Patton at 1:30 p.m. on February 9, 2009, in Room 535-N of the Capitol.

All members were present.

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:

Others attending:

See attached list.

HB 2096 - Electronic solicitation, child 14 to 16 years of age.

Vice-Chair Patton announced to the Committee they would be working on **HB 2096**.

After a short discussion, Representative Pauls moved HB 2096 out favorably for passage. Representative Dillmore seconded. Motion carried.

Vice-Chair Patton called for a short recess.

HB 2097 - Criminal jury trials, alternate or additional juror selection.

Chairperson Colloton called the meeting to order and announced to the Committee they would now work **HB 2097**.

After a short discussion Representative Roth moved HB2097 out favorably for passage. Representative Brookens seconded. Motion carried.

HB 2098 - Kansas rape shield law, adding aggravated trafficking and electronic solicitation.

Chairperson Colloton called the Committee's attention to **HB 2098**. A short discussion followed.

Representative Pauls made a motion to move HB 2098 out favorably for passage. Representative Frownfelter seconded. Motion carried.

HB 2099 - Withdrawal of guilty plea, time limitation.

Chairperson Colloton called the Committee's attention to **HB 2099**. A discussion followed.

Chairperson Colloton recognized Richard Saminiego who provided a balloon amendment for the bill.

In order to inidate discussion of the bill, Representative Spalding made a motion to move HB 2099 out favorable for passage. Bethel seconded.

A discussion followed. Chairperson Colloton referred the Committee to written copy of the revised **HB 2099**. (Attachment 1)

Representative Kinzer made a motion to move the balloon amendment with changes adding (e)(1) line 38, page 1. Representative Bethel seconded.

A lengthy discussion followed.

Chairperson Colloton called for a vote on the amendment. Motion carried.

Chairperson Colloton moved the Committee's attention back on **HB 2099** as amended. The discussion

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continued.

Representative Patton made a motion to add on lines 39 through 43 on page 1, “must be brought with in one year after plea” and strike the rest of that paragraph. Representative Brookens seconded.

A discussion followed.

Chairperson Colloton stated she would like to table the discussion and have the Revisor work further with the Kansas County and District Attorneys Association to bring new language on the bill.

Representative Dillmore made a motion to table the discussion. Representative Brookens seconded. Motion carried.

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

Chairperson Colloton moved the Committee’s attention to **HB 2059.**

Representative Dillmore recommended to move HB 2059 out favorable for passage. Brookens 2nd. Motion carried.

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

Chairperson Colloton called the Committee’s attention to HB 2039. Representative Brookens moved 2039 out favorable for passage. Representative McCray-Miller seconded.

A short discussion followed.

Chairperson Colloton called for a vote on HB 2039. Motion carried.

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 moved the Committee’s attention to **HB 2040.**

Representative McCray-Miller moved the bill out favorable for passage. Representative Kinzer seconded.

A discussion followed. During the discussion Representative McCray-Miller withdrew her motion.

Representative Brookens made a motion to move the bill out favorably for passage as amended changing 10 years to 20 years in all the appropriate places and on Page 8, and to delete 3 through 9. Representative Pauls seconded.

A discussion followed and **Jason Thompson, Revisors office, stated there would be some technical clean up needed on the bill. The technical clean up was accepted by the mover of the motion and the second of the motion on the floor.**

Chairperson Collation called for a vote on the amendment. Motion carried.

Chairperson Collation moved the Committee’s attention back to the HB 2040 as amended and the discussion continued.

Representative Dillmore made a motion to move the HB 2040 out favorably as amended for passage. Representative Bethel seconded. Motion carried.

Chairperson Collation announced to the Committee that a formal motion was need to withdraw the original proportionality bill which was requested in the meeting on January 14, 2009.

Representative Patton made a motion to withdraw the bill request for the proportionality recodification

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bill. Representative Bethel seconded. Motion carried.

Chairperson Colloton reviewed what was on the agenda for February 10, 2009 and adjourned the meeting at 2:23 p.m. with the next meeting scheduled for February 10, 2009 at 1:30 p.m. in room 535 N.