

MINUTES

SPECIAL COMMITTEE ON JUDICIARY

November 18, 2002
Room 313-S—Statehouse

Members Present

Senator John Vratil, Chair
Representative Michael O'Neal, Vice Chair
Senator Mark Gilstrap
Senator Lana Oleen
Representative Becky Hutchins
Representative Ward Loyd
Representative Tim Owens
Representative Rick Rehorn
Representative Roger Toelkes
Representative Valdenia Winn

Staff Present

Mike Heim, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Gordon Self, Office of the Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees

Ron Hein, American Bail Bond Coalition

Chairman Vratil called the meeting to order at 10:15 a.m.

Topic No. 3—Bail Bondsmen

Ron Hein, American Bail Bond Coalition, informed the members that he met with Doug Smith, who represents pocket bondsmen, to see if any agreements between the pocket bondsmen and the insurance bondsmen could be reached regarding changes which

would improve the bonding system. It was determined that an agreement could not be reached. He urged the Committee to consider harm that might result in the future if this problem continues to exist, and said he had withdrawn his request for legislation (Attachment 1).

Mike Heim, Kansas Legislative Research Department, refreshed the Committee's memory on the testimony that they received on the bail bondsmen issue (SB 599).

Upon completion of Committee discussion, *Representative O'Neal made the motion that the Committee recommendation should be that no action be taken on Topic No. 3 dealing with the licensure and regulation of private or pocket bondsmen, because there was no evidence presented to indicate a change in the law was necessary. Representative Owens seconded the motion. The motion carried.*

Topic No. 2—Drug Courts

Jerry Ann Donaldson, Kansas Legislative Research Department, provided an overview of what the Committee heard during the interim hearing.

Edward Collister, Colister & Kampshroeder, did not appear before the Committee but provided written testimony supporting the concept of drug courts but expressing concern on how the system would provide those services (Attachment 2).

Upon completion of Committee discussion, *Representative Loyd made the motion that the Committee recommendation should be that the Committee acknowledges the value of drug courts as an alternative to incarceration because in the long run, they will save the state money. The Committee encouraged the district courts to seek federal funds to help implement such programs in their district. Representative O'Neal seconded the motion. The motion carried.*

The discussion turned to the issue of altering the drug grid so those in simple possession of a drug would not serve prison time, but would be required to do some other alternative sentence. There was concern if there would be retroactivity. Jill Wolters, Office of the Revisor of Statutes, informed the Committee that the Sentencing Commission is looking at retroactivity but that it had not made a decision about how far back it would go.

Representative O'Neal made the motion that the Committee authorize the introduction of the Sentencing Commission recommendations in bill form, including any retroactivity provision that might be included. Representative Hutchins seconded the motion. Senator Oleen requested that the motion include a statement recognizing that the Sentencing Commission has done a great job of providing projections and recommendations with regard to prison population and alternative sanctions for drug offenders. With permission of the second the request was included in the motion. The motion carried.

Topic No. 7—Licensing of Private Security Guards

Representative Loyd made the motion that the report read that the Committee expressed concern with not having a statewide uniform licensure of private security guards and the lack of uniform training. The Committee agreed to encourage local units of government to consider adoption of regulations with regard to private security guards. Representative Owens seconded the motion. The motion carried.

Topic Nos. 4 and 9—Adoption and Natural Father Rights

Mike Heim reminded the Committee members of those who appeared to testify on the issue.

Representative Owens made the motion that the Committee report encourage the Legislature to look at the Uniform Parentage Act, with the understanding that there may be some further amendments from the Uniform Law Commission. The Committee encouraged attorneys to provide the Legislature with lists of suggested amendments in the area of adoption. Representative Oleen seconded the motion. The motion carried.

Topic No. 8—Medicaid Fraud

Representative O'Neal made the motion that the report reflect that no creditable evidence was presented that substantial medical fraud exists. Therefore, the Committee recommends no action be taken at this time. Representative Loyd seconded the motion. The motion carried.

Chairman Vratil announced that the completed reports and Committee minutes will be mailed to each Committee member's home, with changes notified to the Chairman by a date certain.

He informed the members that the Legislative Coordinating Council authorized a letter to be sent to the Kansas Congressional Delegation requesting funding for the Violent Offender Incarceration Act/Truth in Sentencing grant program and certain program changes.

The Committee meeting adjourned at 12:15 p.m.

Prepared by Cindy O'Neal
Edited by Mike Heim

Approved by Committee on:

January 3, 2003