

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 23, 2007 in Room 313-S of the Capitol.

All members were present except:

Ben Hodge- excused
Kevin Yoder- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Tim Madden, Kansas Department of Corrections
Judge Sam Bruner, Kansas Judicial Council
Kyle Smith, Kansas Bureau of Investigation
Randy Hearrell, Kansas Judicial Council

Tim Madden, Kansas Department of Corrections requested a bill relating to program agreements between the secretary and inmates. Representative Kinzer made the motion to have the request introduced as a committee bill. Representative Watkins seconded the motion. The motion carried.

Chairman O'Neal received three requests for bill introductions:

1. Amending the screening panel statute
2. Amending K.S.A. 40-908, attorney fees statute
3. Amending depositions by leave of court statute

Representative Kinzer made the motion to have the requests introduced as committee bills. Representative Watkins seconded the motion. The motion carried.

The hearing on **HB 2059 - upon adoption, the right to inherit from the birth parent ceases**, was opened.

Judge Sam Bruner, Kansas Judicial Council, appeared in support of the proposed bill. The original act was created and adopted in 1996. The objective of this update is to put Kansas in with a majority of other states which cease the right of an adoptive child from inheriting from the biological parents, unless the biological parent does so by a testamentary disposition. (Attachment 1)

The hearing on **HB 2059** was closed.

The hearing on **HB 2074 - fingerprints and photos of juveniles in custody**, was opened.

Kyle Smith, Kansas Bureau of Investigation, appeared as a proponent of the bill. The proposed bill would undo legislation which was adopted during the 2006 Legislative Session by returning the statute back to allowing fingerprinting and photos when a juvenile is arrested not upon conviction. This change allows law enforcement personnel to identify a juvenile with his/her record. (Attachment 2)

Mr. Smith proposed two amendments to the bill:

- page 2, line 21 change "may" to "shall" to make it consistent with the change on page 2, line 17
- add a new paragraph (a)(5) that would allow, not require, photos to be taken at juvenile detention facilities and restrict their distribution.

Randy Hearrell, Kansas Judicial Council, stated that they proposed the changes during the 2006 Legislative Session because the Juvenile Offender Code is a civil code, and therefore, law enforcement should not be creating criminal records until they are charged with a crime.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 23, 2007 in Room 313-S of the Capitol.

The committee expressed concern about juvenile records not being disposed of if charges are not filed. Mr. Smith stated that arrests are an indicator of problems with that juvenile and it makes a trail of the events in which that juvenile was involved in.

Written testimony in support of the proposed bill was provided by Shawnee County Department of Corrections, Kansas Association of Counties, Kansas Association of Chiefs of Police, Kingman County Sheriff's Office, and Kansas Sheriff's Association. (Attachments 3-7)

The hearing on **HB 2074** was closed, pending information to be received from the Kansas Judicial Council.

The meeting adjourned at 4:45 p.m. The next meeting was scheduled for January 24, 2007.