

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 30, 2006 in Room 313-S of the Capitol.

All members were present except:

Becky Hutchins- excused  
Delia Garcia- excused  
Michael Peterson- excused  
Mike Kiegerl- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Tim Owens  
Lieutenant John Eichkorn, Kansas Highway Patrol  
Mark Bennett, Kansas County & District Attorneys Association

Representative Marti Crow appeared before the committee with a bill request to set the limitations on the placement of sexual offender treatment facilities. She made the motion to have her request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Chairman O'Neal opened the hearing on **HB 2586 - test refusal for driving under the influence, first time, if granted diversion, administrative penalty for drivers license 30 day suspension, 330 restricted.**

Representative Tim Owens appeared as the sponsor of the proposed bill because it would be a much better and more practical approach than what is currently being done. It would allow anyone who refuses to submit to a Breathalyzer test on a first offense to be able to enter into a diversion agreement in lieu of further criminal proceedings. (Attachment 1)

Lieutenant John Eichkorn, Kansas Highway Patrol, appeared in opposition to the bill. Breathalyzer test are an important part of the evidence when building a case. The proposed bill would cause an increase in test refusals if the individuals know that they can later enter into a diversion and receive nearly the same punishment as for failing a test. Current laws are in place to serve as a deterrent to drunk drivers. (Attachment 2)

The committee requested information on how many individuals who are convicted of a 1<sup>st</sup> time DUI re-offend. Also, information from Kansas Department of Transportation as to whether the state would lose money from the Federal Government if the provisions are enacted due to their requirement of a hard suspension on 1<sup>st</sup> time offenders and pushing for stronger DUI laws.

The hearing on **HB 2586** was closed.

The hearing on **HB 2617 - violation of protective order includes an order issued in a criminal case ordering the defendant to refrain from having contact with another person**, was opened.

Mark Bennett, Kansas County & District Attorneys Association, explained that current law addresses instances where a no contact order has been issued as a condition of bond. The problem is with those individuals who do not bond out and are contacting the victim or witnesses to influence how they will testify. The proposed bill will criminalize the act and will allow law enforcement to stop this type of behavior. (Attachment 3)

Written testimony in support of the proposed bill was distributed from Kansas Coalition Against Sexual and Domestic Violence (Attachment 4)

The hearing on **HB 2617** was closed.

The committee meeting adjourned at 4:15 p.m. The next meeting was scheduled for 3:30 p.m. January 31, 2006 in room 313-S