

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 7, 2006 in Room 313-S of the Capitol.

All members were present except:

Kasha Kelley- excused  
Michael Peterson- 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 John Grange  
Judge John Sanders, Chief Judge of 13<sup>th</sup> Judicial District  
Neal Harrison, Court Administrator, 13<sup>th</sup> Judicial District  
Representative Forrest Knox  
Representative Frank Miller  
Ramona Carpenter, Greenwood County Farm Bureau  
Stan Skaer, Greenwood County Commissioner  
Becky Lindamood, District Magistrate Judge, 13<sup>th</sup> Judicial District  
Mark Kennison, Sheriff Greenwood County  
Ross McIlvain, Greenwood County Attorney  
Matt Wilson, Individual  
Representative Ward Loyd  
Leslie Huss, Social & Rehabilitative Services  
David Owens, Homeless Come Home Family Reunification  
Rita Noll, Chairperson, Crime Victims Compensation Board  
Carol Luttjohann, Individual

Chairman O'Neal opened the hearing on **HB 2787 - eliminating designation of location of district judges in 13<sup>th</sup> judicial district.**

Representative John Grange appeared as the sponsor of the proposed bill. The 13<sup>th</sup> judicial district is one of the few remaining districts that have a residency requirement. The proposed bill would simply allow the four district judges to live anywhere in the district. He believes that this change would allow a larger pool of attorneys to seek the position of district judge. The pool of attorneys living in Greenwood is very limited and most are unwilling to leave private practice. (Attachment 1)

Judge John Sanders, Chief Judge of 13<sup>th</sup> Judicial District, supported the proposed bill because it would provide flexibility and opportunities to those interested in being a judge. He proposed an amendment which would require there be four district judges in the 13<sup>th</sup> judicial district with one position of division being in the counties of Greenwood or Elk, the second, third, and fourth shall be in Butler county. (Attachment 2)

Neal Harrison, Court Administrator, 13<sup>th</sup> Judicial District, doesn't believe that the removal of the residency requirement would affect court proceedings. All four judges currently hear cases in each county. An overwhelming percentage of cases are located in Butler County. The district has two district magistrate judge positions and they currently live in Greenwood and Elk Counties. (Attachment 3)

Representative Forrest Knox appeared as an opponent of the bill because it would cause harm to Greenwood & Elk Counties due to the fact that there would not be a judge available to sign documents when needed. (Attachment 4)

Representative Frank Miller signed on as a sponsor of the proposed bill but appeared in opposition to it after he heard from constituents who were opposed to removing the residency requirement. (Attachment 5)

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Ramona Carpenter, Greenwood County Farm Bureau, opposed the proposed bill. Retaining a residency requirement would insure access and availability to the courts for the citizens of Greenwood County. (Attachment 6) Committee members commented that they did not hear from proponents about shortening the hours that the Greenwood County Courthouse would be opened.

Stan Skaer, Greenwood County Commissioner, was concerned about the loss of professional individuals living in Greenwood County. Small rural towns are struggling to survive and removing the residency requirement would allow judges to live in Butler County. (Attachment 7)

Becky Lindamood, District Magistrate Judge, 13<sup>th</sup> Judicial District, (Attachment 8) & Mark Kennison, Sheriff (Attachment 9) were opposed to the bill because it's important that judges be available to sign warrants and protection from abuse orders at any time. Committee members pointed out that district magistrate judges can sign most warrants, although it would add another step in some court cases.

Ross McIlvain, Greenwood County Attorney, reminded the committee that Kansas is seeing an increase in methamphetamine labs and cases, therefore causing an increase in the number of motions being filed. He was concerned that without a judge residing in Greenwood County, the court system would not exist. (Attachment 10)

Matt Wilson, Individual, expressed concern that while rural areas are working hard to create jobs in Kansas, and that the proposed bill would take away an opportunity for attorneys or judges to live in Greenwood County. (Attachment 11)

The hearing on **HB 2787** was closed.

The hearing on **HB 2760 - sex offender policy board established within the Kansas criminal justice coordination council**, was opened.

Representative Ward Loyd requested the proposed bill which would create, at the recommendation of the 3R's Committee, a sex offender policy board. The board would consist of seven members who would make recommendations on policy changes with regard to sexual offenders. (Attachment 12)

Leslie Huss, Social & Rehabilitative Services, currently manages Kansas' Sexual Predator Treatment Program which contains and treats 137 sexually violent predators and therefore has a great interest in the safe and effective management of all issues related to sexual offenders. (Attachment 13)

David Owens, Homeless Come Home Family Reunification, supported the proposed bill because the board would likely make strict requirements on sexual offenders living in our state. He suggested that they should consider allowing those individuals to be transferred to other states to live with their families. (Attachment 14)

The following organizations did not appear before the committee but requested their written testimony be included in the minutes:

Kansas Department of Corrections (Attachment 15)

Children's Alliance of Kansas (Attachment 16)

The Saint Francis Academy (Attachment 17)

YouthVille (Attachment 18)

The hearing on **HB 2760** was closed.

Chairman O'Neal opened the hearing on **HB 2761 - crime victims compensation; reasons compensation reduced or denied**.

Rita Noll, Chairperson, Crime Victims Compensation Board, explained that the proposed bill would allow the Board the ability to reduce or deny any claim that it deems reasonable if the applicant for compensation was involved in an unlawful activity at the time of the crime. An example would be someone who is battered

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in a robbery of his illegal drugs and requests his medical expenses be paid. (Attachment 19)

Carol Luttjohann, Individual, requested an amendment to the proposed bill which would include those who are survivors of suicides to request financial assistance for funerals and mental health services. (Attachment 20)

The hearing on **HB 2761** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on Wednesday, February 8, 2006 in room 313-S.