

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 11:05 A.M. on February 17, 2006, in Room 514-S of the Capitol.

All members were present except:

Kay O'Connor, excused
Dwayne Umbarger, excused
Donald Betts arrived, 11:10 a.m.
Barbara Allen arrived, 11:17 a.m.
David Haley arrived, 11:17 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Others attending:

See attached list.

The Chairman announced the bills being worked have all had hearings in subcommittee and have recommendations. Copies of the Vratil Subcommittee Report (Attachment 1), the Bruce Subcommittee Report (Attachment 2), and the Donovan Subcommittee Report (Attachment 3) were distributed.

The Chairman called for final action on **SB 434--Extending Johnson county adult offender community supervision program to July 1, 2008.**

Senator Vratil reviewed the subcommittee hearing which recommended it for passage without amendments.

Senator Donovan moved, Senator Bruce seconded, to recommend SB 434 favorably. Motion carried.

The Chairman called for final action on **SB 435--Requiring a standardized risk assessment tool be used as part of a pre-sentence investigation.**

Senator Vratil reviewed the subcommittee hearing which recommended it for passage with two amendments (See attachment 1, 1-6 through 1-8).

Senator Goodwin moved, Senator Schmidt seconded, to adopt the amendments as recommended by the subcommittee. Motion carried.

Senator Bruce moved, Senator Donovan seconded, to recommend SB 435 as amended favorably for passage. Motion carried.

The Chairman called for final action on **HB 2609--Small claims; forms set forth by judicial council not office of judicial administration.**

Senator Vratil reviewed the subcommittee hearing which recommended it for passage and placement on the Consent Calendar.

Senator Bruce moved, Senator Goodwin seconded, to recommend HB 2609 favorably for passage and be placed on the consent agenda. Motion carried.

The Chairman called for final action on **HB 2485--Prohibited acts by notaries public related to services offered to non-English speaking persons.**

Senator Vratil reviewed the subcommittee hearing which made a technical amendment and recommended the bill favorably for passage.

Senator Donovan moved, Senator Schmidt seconded, to amend the bill on page 1, line 15 to insert the word

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“new” before Section 1 so as to read “New Section 1”. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend **HB 2485** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2555--Criminal justice recodification, rehabilitation and restoration project committee.**

Senator Vratil reviewed the subcommittee hearing which recommended it for passage.

Senator Bruce moved, Senator Schmidt seconded, to amend **HB 2555** to include the Frazier fix. Motion carried.

Senator Schmidt moved, Senator Bruce seconded, to recommend **HB 2555** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 354--Guardians and conservators, reports and accountings.**

Senator Bruce reviewed the subcommittee hearing which recommended it for passage and placement on the consent agenda.

Senator Bruce moved, Senator Betts seconded, to recommend **SB 354** favorably for passage and place it on the Consent Calendar. Motion carried.

The Chairman called for final action on **SB 431--Expungement of DUI ordinance violations and DUI convictions including diversions; prohibition.**

Senator Bruce reviewed the subcommittee hearing which recommended it favorably for passage with an amendment to delete the prohibition against DUI expungements and diversions. A balloon amendment was distributed (Attachment 4).

Senator Bruce moved, Senator Journey seconded, to adopt the amendment as reflected in the balloon. Motion carried.

Senator Goodwin proposed an amendment to limit the criminal decay factor to 15 years as reflected in a balloon amendment (Attachment 5). Following discussion the decay factor was changed to 12 years.

Senator Goodwin moved, Senator Betts seconded, to adopt the amendment reflected in the balloon. Motion carried.

Senator Bruce moved, Senator Donovan seconded, to limit the Department of Revenue records decay factor to 12 years. Motion carried.

Senator Donovan moved, Senator Goodwin seconded, to recommend **SB 431** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 432--Prosecution of juvenile traffic offenders; traffic offense includes violation of requirement of motor vehicle liability insurance coverage.**

Senator Bruce reviewed the subcommittee hearing which recommended it for passage without amendments.

Senator Bruce moved, Senator Goodwin seconded, to recommend **SB 432** favorably for passage. Motion carried.

The Chairman called for final action on **SB 351--Drug possession sentencing, drug abuse assessment after sentencing, not presentence; sentencing nonresidents and offenders not lawfully present in the U.S.**

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Senator Bruce reviewed the subcommittee hearing which recommended it for passage without amendments.

Senator Bruce moved, Senator Goodwin seconded, to recommend **SB 351** favorably for passage. Motion carried.

The Chairman called for final action on **SB 450--Court not grant child custody/residency to a parent who is residing with registered offender or person convicted of child abuse; material change of circumstances.**

Senator Bruce reviewed the subcommittee hearing which took no action on the bill.

Following discussion Senator Journey moved, Senator Betts seconded, to table **SB 450**. Motion carried. Senator Goodwin and Senator Bruce voted no, and requested their votes be recorded.

The Chairman called for final action on **SB 220--Domestic battery; allowing one diversion during lifetime.** Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 6).

Senator Schmidt moved, Senator Donovan seconded, to adopt the amendment as reflected in the balloon. Motion carried.

Senator Donovan moved, Senator Haley seconded, to recommend **SB 220** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 355--Probate code; appeals.**

Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 7).

Senator Donovan moved, Senator Schmidt seconded, to adopt the amendment as presented in the balloon. Motion carried.

Senator Schmidt moved, Senator Goodwin seconded, to recommend **SB 355** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 366--Departure sentence; aggravating factors include offender playing a major role as the organizer.**

Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 8).

Senator Bruce moved, Senator Haley seconded, to adopt the amendment as presented in the balloon. Motion carried.

Senator Bruce moved, Senator Donovan seconded, to recommend **SB 366** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 462--Increasing domestic relation docket fees by \$9 to fund child exchange and visitation centers.**

Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 9).

Senator Donovan moved, Senator Schmidt seconded, to adopt the amendment as presented in the balloon. Motion carried.

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Senator Haley moved, Senator Donovan seconded, to recommend **SB 462** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 451--Medicaid cards, medicaid pharmacy claim forms and criminal acts and violations.**

Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 10).

Senator Donovan moved, Senator Schmidt seconded, to adopt the amendment as presented in the balloon. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend **SB 451** as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 536--Medicaid reimbursement.**

Senator Donovan reviewed the subcommittee hearing which recommended it for passage with an amendment as reflected in a balloon amendment (Attachment 11).

Senator Donovan moved, Senator Schmidt seconded, to adopt the amendment as presented in the balloon. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend **SB 536** as amended favorably for passage. Motion carried.

The meeting adjourned at 12:10 p.m. The next scheduled meeting is February 20, 2006.