

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on March 2, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Jill Wolters, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jackie Lunn, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

**HB 2332 - Recodification of certain drug crimes; quantities of drugs; proportionality of sentencing.**

Chairperson Colloton opened the meeting by calling the Committee's attention to **HB 2332**.

**Representative Pauls made a motion to move the bill. Chairperson Colloton seconded.**

Chairperson Colloton called on Jill Wolters, Revisors Office, to explain the amendment on **HB 2332** from Kansas Securities Commission regarding domestic battery (Attachment 1) Ms. Wolters explained the intent of the amendment and stood for questions. A short question and answer session followed.

**Representative Spaulding made a motion to approve the amendment from the Kansas Securities Commission Amendment for HB 2332. Representative Frownfelter seconded.**

A discussion followed.

Chairperson Colloton called for a vote on the motion on the floor to approve the Kansas Securities Commission amendment.

**Motion carried by a show of hands which resulted in a tie with the Chair breaking the tie with her vote.**

Next, Ms. Wolters, Revisors Office, explained the Technical amendment for **HB 2332**. (Attachment 2)

**Representative Roth made a motion to approve the technical amendment on HB 2332. Representative Frownfelter seconded. Motion carried.**

Chairperson Colloton moved the Committee's attention to a balloon offered by the Kansas Sentencing Commission. (Attachment 3) She announced to the Committee the balloon contains several amendments and the Committee will be addressing them one at a time.

Amendment 1-Amend section 2 (f) on pg 3 line 8 as follows:

“Drug paraphernalia” shall not include any substance, chemical or other item listed in K.S.A. 65-7006, and amendments thereto, prior to its repeal, or Section 9 herein.

**A discussion followed with Representative Roth making a motion to approve the amendment. Representative McCray-Miller seconded. Motion carried.**

Continuing with the amendments, the Committee decided to skip number 2 and 3 and moved on to amendment 4.

Amendment 4-Amend New Sec. 5(d)(1) beginning on page 7, line 35 as follows:

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- (d) Except as further provided
- (1) Violation of subsection (a) is a:
  - (A) Severity level 9, person felony if the quantity of the material is less than 3.5 grams;
  - (B) severity level 7, person felony if the quantity of the material is 3.5 grams or more but less than 50 grams;
  - © severity level 4, person felony if the quantity of the material is 50 grams or more but less than 100 grams; or
  - (D) severity level 3, person felony if the quantity of the material is 200 grams or more.

**A discussion followed with Representative Frownfelter making a motion to approve the amendment and Representative Pauls made a second.**

A short discussion followed.

**Motion carried.**

The Committee decided to skip Amendment 5 and move to 6.

Amendment 6-Amend New Sec. 5(c)(4) on page 9, line 9 as follows:

In any prosecution under this section, there shall be a rebuttal presumption of an intent to distribute if any person possesses the quantities of the following controlled substances or analogs thereof in the following amounts:

- (1) 450 grams or more of marijuana;
- (2) 3.5 grams or more of heroin;
- (3) 100 dosage units or more containing a controlled substance; or
- (4) 50 grams or more any other controlled substance.

**A discussion followed with Representative Kinzer making a motion to approve the amendment. Representative Spaulding seconded. Motion carried.**

A lengthy discussion followed with no motions being made on amendment 7; and amendments 9 through 14 being skipped; with amendment 8 being held for tomorrow's meeting.

Chairperson Colloton adjourned the meeting at 2:45 p.m. with the next scheduled meeting being on March 3, 2009 at 1:30 p.m. in room 535 N.