

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 9, 2009, in Room 535-N of the Capitol.

All members were present except:
Representative Stan Frownfelter-excused

Committee staff present:
Sean Ostrow, Office of the Revisor of Statutes
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 by announcing to the Committee the bed impact on **HB 2332** with the additional amendments, especially the ones regarding possession and distribution, are substantial in increasing the bed count and would add additional costs. She went on to say the bed count of the original bill without the amendments is 400. She stated the Senate probably would not be willing to work the bill as it stands.

A lengthy discussion followed. The consensus of the Committee is to make the changes to the bill cutting the bed impact as much as possible before sending it to the floor of the House.

Chairperson Colloton called on Representative Kinzer stating she does not want to be unfair but some of his amendments were on possession and distribution and they may have to be reconsidered.

Chairperson Colloton called on Jill Wolters, Office of the Revisor of Statutes, to review for the Committee which amendments were related to possession and distribution. Ms. Wolters called the Committee's attention to Pages 7, 8, and 10 on the Kinzer amendment and the severity level changes .

Chairperson Colloton asked if someone from the prevailing side having voted for those would like to make a motion.

Representative Brookens made a motion to reconsider the Kinzer amendments on Pages 7 and 8 regarding severity levels. Representative McCray-Miller seconded. Motion carried with Representative Dillmore, Representative Patton and Representative Kinzer voting "no".

Representative Brookens made a motion to reconsider the Kinzer amendments on Page 10 striking the severity levels. Representative Spaulding seconded. Motion carried with Representative Patton, Representative Kinzer and Representative Dillmore voting "no".

Chairperson Colloton called on Representative McCray-Miller to explain her amendment. (Attachment 1) She moved the Committee's attention to Page 7, Lines 32 and 42 and Page 9 Lines 2 and 21 to change the it from "person felony" to "non person felony."

Representative McCray-Miller moved her amendment. Representative Spaulding seconded.

A discussion followed.

Chairperson Colloton called for a vote on the McCray-Miller amendment on the floor. Motion failed.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on March 9, 2009, in Room 535-N of the Capitol.

Chairperson Colloton called on Representative Pauls to explain her amendment on **HB 2332**. She referred the Committee to Page 156 of the Kinzer amendments regarding sexual violent offense.

Representative Pauls moved her amendment. Representative Brookens seconded.

A discussion followed. Representative Pauls gave a further explanation on her amendment for failure to register. She stated the sexual violent offenders that fail to register would fall under a severity level of 5 which is what they are now and the rest of the sexual offenders would fall under a severity level 9.

A short discussion followed.

Chairperson Colloton called for a vote on the Pauls amendment on the floor. Motion carried.

Chairperson Colloton recognized Representative Brookens.

Representative Brookens explained an amendment he is offering on Page 7 of the Kinzer amendment changing to severity level 8 and on Page 8 changing severity 7 to 8.

Representative Brookens moved his amendment. Representative Kinzer seconded.

Chairperson Colloton called for a vote. Motion carried by a show of hands.

Representative Pauls made a motion to move the bill out favorably as amended. Representative McCray-Miller seconded.

A lengthy discussion followed with several Committee members having concerns.

Chairperson Colloton called for a vote on the motion on the floor to pass HB 2332 out favorably as amended. Motion failed with a vote of 4 in favor and 5 opposed.

Chairperson Colloton adjourned the meeting with the next scheduled meeting being March 10, 2009 at 1:30 p.m. in room 535 N.