

Approved: March 30, 2000

Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 15, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds - Excused
Representative Phill Kline - Excused
Representative Peggy Long - Excused

Committee staff present:

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

Conferees appearing before the committee:

Representative Sue Storm
Representative Bob Tomlinson
Paul Morrison, District Attorney Johnson County
Representative Larry Campbell
Representative Ted Powers
Rosalie Thornburgh, Chief of Bureau Traffic Safety, Kansas Department of Transportation
Sheila Walker, Division of Vehicles
Jerry Gentry, Kansas Ignition Interlock
Jolene Grabill, Kansas Coordinators of Alcohol Safety Action Program
Representative Doug Johnston
Tom Vohs, Deputy Secretary for Community Field Services

Hearing on **HB 2713** - unlawful sexual relations by a person of authority, was opened.

No conferees appeared before the committee but Representative John Ballou & Kansas Association of School Boards requested their testimony be included in the minutes. (Attachments 1 & 2)

Hearing on **HB 2713** was closed.

Hearing on **HB 2894** - sexual relations with a teacher, was opened.

Representatives Sue Storm & Bob Tomlinson appeared before the committee as the sponsors of the bill. They explained that the bill would allow the court to charge teachers with a severity level 10 person felony if they have had consensual sexual relations with a student. (Attachments 3 & 4)

Paul Morrison, District Attorney Johnson County, informed the committee that in 1999 two cases were brought to his office where a teacher had consensual sexual relations with a student. In both cases, the sexual activity started after the student turned sixteen. The trial judge ruled that the Legislature did not mean to include sixteen & seventeen year olds having sexual relations as being unlawful. In both of these cases the teachers resigned their jobs. He suggested that the penalty was a low-grade felony so it would not impact prison space. (Attachment 5)

Hearing on **HB 2894** was closed.

Hearing on **HB 2614** - eavesdropping to include videotaping a person under or through their clothes, was opened.

Representative Larry Campbell appeared as the sponsor of the bill. He stated that California passed similar legislation in their 1999 Session. It would simply expand existing law to include videotaping.

Hearing on **HB 2614** was closed.

CONTINUATION SHEET

Hearing on **HB 2908** - third or subsequent DUI, impoundment of vehicle, was opened.

Representative Ted Powers explained that in his area the police are having problems with chasing those who are eventually convicted of driving under the influence. This causes severe safety problems for the public. ([Attachment 6](#))

Rosalie Thornburgh, Chief of Bureau Traffic Safety, Kansas Department of Transportation, informed the committee that the deadline for states to comply with The Transportation Equity Act for the 21st Century (TEA-21) is October 1, 2000. It requires that states must do the following:

- , One year driver's license suspension
- , Impoundment or immobilization of, or the installation of an ignition interlock
- , assessment of the repeat intoxicated driver's degree of alcohol abuse, and treatment as appropriate, and
- , the sentencing of the repeat intoxicated driver to minimum number of days of imprisonment or community service.

Kansas currently complies with three of the four criteria, leaving us in noncompliance with Criterion 2.

Any state that does not enact and enforce the Act would lose federal-aid for highways. Criterion must be imposed on all vehicles owned by the defendant, but there are exceptions for hardships. ([Attachment 7](#))

Sheila Walker, Division of Vehicles, was concerned that their Vehicle Information Processing System and the Kansas Drivers License System would not be able to communicate. They estimated that it would take more than three years to do the programming to make the systems communicate with each other. ([Attachment 8](#))

Jerry Gentry, Kansas Ignition Interlock, appeared in support of the bill and suggested that the committee impose the use of an ignition interlock device. ([Attachment 9](#))

Jolene Grabill, Kansas Coordinators of Alcohol Safety Action Program, supported the impoundment of the vehicle, because they would continue to drink and drive. If there is not vehicle to drive there is less of a chance of an injury resulting from their driving. ([Attachment 10](#))

The Kansas Sheriffs' Association did not appear before the committee but requested their written testimony be included in the minutes. ([Attachment 11](#))

Hearing on **HB 2908** was closed.

Hearing on **HB 2820** - arrest for DUI or felony considered a violation of conditions of release & offender must return to prison, was opened.

Representative Doug Johnston appeared as a proponent of the bill. He explained that the bill would mandate any parolee who is convicted of a felony or DUI to be return to prison for a period of six months. He suggested an amendment that would require them to serve the remainder of their sentence. ([Attachment 12](#))

Tom Vohs, Deputy Secretary for Community Field Services, was opposed to those parolees who are convicted of a DUI to be returned to prison because they might actually serve less time. ([Attachment 13](#))

Hearing on **HB 2820** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for February 16, 2000.