

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30 ~~xxxx~~ a.m./p. m., on January 17, 1978.

All members were present except: Representatives Foster, Hurley and Matlack, who were excused.

The next meeting of the Committee will be held at 3:30 ~~xxxx~~ a.m./p. m., on January 18, 1978.

These minutes of the meeting held on January 10, 11 & 12, 1978 were considered, ~~corrected~~ and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman, who announced there would be no Friday morning committee meeting as previously scheduled. He directed attention to HB 2707, which would prohibit a law enforcement officer from serving as a probation officer. He explained that the interim committee had felt it was a change which is long overdue.

Rep. Heinemann stated he is generally in favor of the theory but feels that in some local areas there is a problem because there is nobody to serve except law enforcement people. Rep. Lorentz explained that over the past two years a program has been developed whereby probation officers are available at least on an area basis, and that this has been developed through the use of LEAA funds. Rep. Hayes stated that he believed Hutchinson has a probation officer paid by the city and the county, and that he feels he probably works in a law enforcement capacity part of the time. Mr. Martin noted that he felt it was the intention that eventually the probation officers will be in the budgets of the courts, and urged that more money be spent with juvenile matters. Rep. Hayes asked for additional time to check the situation in Hutchinson.

The Chairman urged members to discuss the situation with individuals in their districts and be prepared to vote the following week.

The Chairman noted that HB 2709 is one of the concepts which came from the interim committee, which had looked at what comprises contributing to the delinquency of a minor. The bill speaks of "deprivation" and replaces the words "dependent and neglected". He explained that the bill would amend the statutes regarding the classes of offenses, creates a new crime in new section 1.

Rep. Lorentz explained that one of the changes was so a contributing adult could be prosecuted without proceeding against the juvenile. He stated the juvenile code is an administrative type piece of legislation, and feels there is nothing wrong with this bill.

Rep. Heinemann asked the rationale in regard to Section 2, regarding SRS facilities and state property. Rep. Lorentz explained it was to provide incentive for not destroying property inside a facility, which has been a problem in the past.

Rep. Frey stated there have been problems where adults encourage juveniles to run away and this doesn't help because it wouldn't be effecting in reaching people in other states because they know they can't be reached. The Chairman inquired if it should be moved up to an E felony and Rep. Frey stated he felt it would help in getting them back into the state.

It was moved by Rep. Lorentz that the bill be amended inline 30 by changing the language to the effect that "to commit an act which if committed by an adult would be a felony or misdemeanor". The conceptual motion was seconded by Rep. Frey. Rep. Frey noted that line 33 should be amended in the same fashion, and Rep. Lorentz agreed that it would be proper. Upon vote, motion carried. It was moved by Rep. Hayes and seconded by Rep. Heinemann that HB 2709, as amended, be recommended favorably. Motion carried.

The Chairman stated that the stricken language in HB 2710 was an attempt to make the statute more compact. It allows the recovery of actual medical expenses for bodily injury inflicted by a child under 18--that is recovery from the parents if the child is living with the parents. He noted that the major juvenile bill which is in the Senate allows the court to direct the juvenile to make restitution. He explained the judges feel they need the authority and have asked for it. It was moved by Rep. Stites and seconded by Rep. Martin that the bill be recommended favorably. Motion carried.

The Chairman reminded members that the Constitutional Amendment proposal regarding initiative referendum is before the committee, and urged members to study the ramifications.

It was moved by Rep. Roth and seconded by Rep. Augustine that House Bill 2641 be reported adversely.

The meeting was adjourned.