

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairman, Representative Michael R. O' Neal at 1:15 p.m. on March 25, 1993 in room 313-S of the Statehouse.

All members were present.

Committee staff present:

Jerry Donaldson, Legislative Research  
Jill Wolters, Revisor of Statutes  
Cindy Wulfsuhle, Committee Secretary

SB 10 - Commitment and release standards relating to persons acquitted because of insanity and committed after conviction but prior to sentencing.

Representative Bradley made a motion to report SB 10 favorably for passage. Representative Plummer seconded the motion.

Representative Well made a substitute motion to amend HB 2328 into SB 10. Representative Bradley seconded the motion. The motion failed 8-9.

Representative Garner made a motion to table SB 10. Representative Macy seconded the motion. The motion failed.

Representative Bradley renewed his motion to report SB 10 favorably for passage. Representative Plummer seconded the motion. The motion carried. Representative Mays & Everhart asked to be recorded as voting no.

SB 423 - Crimes, criminal procedure and punishment.

Chairman O'Neal stated that in talking with the revisor's office, there is the need to get this bill out today so that it can run on the floor tomorrow.

Chairman O'Neal recommended that the technical amendments which were given to the committee by the Sentencing Commission & the Judicial Council be dealt with in conference committee.

The Securities Commission recommended that on page 16, lines 39-42 be reinstated and on page 180, line 39 says "Severity Level 10" should be "Severity Level 7". Also the reinstated language needs to be added after the period in line 39.

Representative Wagnon made a motion to adopt the proposed amendment. Representative Garner seconded the motion. The motion carried.

Representative Pauls questioned if other amendments would be allowed.

Chairman O'Neal responded that the reason for the first amendment is get the bill into conference committee and then add the other amendments. However, amendments would be allowed but the committee doesn't want to do anything that is substantive. There needs to be a committee report out today.

Representative Garner stated that the Chairman had talked with him, and it is his understanding that the committee is running upon a deadline. The simpler the committee report is the easier it will be to have it read in today.

Representative Pauls made a substitute motion to add language from HB 2131 on page 93 of the bill line 26. Representative Mays seconded the motion. The motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

## CONTINUATION SHEET

Minutes of the House Committee on Judiciary, Room 313-S, Statehouse, at 1:15 p.m. on March 25, 1993.

The Chairman stated that staff would see if the committee report would suffice instead of having to reprint the bill.

Representative Plummer made a motion to strike language on page 21, line 29 that refers to the defense of a dwelling. Representative Rock seconded the motion.

Representative Garner stated that he opposed the amendment, although he appreciates what Representative Plummer is trying to do. The intent is to keep this bill strictly as a reconciliation for acts that were passed last year.

Chairman O'Neal stated that he opposes the amendment. The committee has gotten very close to not being able to explain this bill as being technical clean-up.

The motion carried.

Staff suggested that the committee do as little as possible, to avoid a reprinting, otherwise you put yourself in the position of having to have copies of what the committee has done placed on the desk on the floor. This might make someone uncomfortable by not having a printed bill.

Representative Wagnon suggested that the committee pass the bill out without amendments, then once on the floor add the technical amendments and any others.

Representative Garner stated the he likes Representative Wagnon's suggestion.

Representative Rock made a motion to reconsider Representative Plummer's amendment. Representative Goodwin seconded the motion. The motion carried.

Representative Plummer made a motion to withdraw his amendment. Representative Rock seconded the motion. The motion carried.

Representative Macy made a motion to reconsider Representative Pauls' amendment. Representative Wagnon seconded the motion. The motion carried.

Representative Pauls made a motion to move her original amendment. Representative Mays seconded the motion. The motion failed.

Representative Wagnon made a motion to reconsider her motion on the technical amendments. Representative Rock seconded the motion. The motion carried.

Representative Wagnon made a motion to withdraw her amendment. Representative Garner seconded the motion. The motion carried.

Representative Wagnon made a motion to report SB 423 favorably for passage. Representative Macy seconded the motion. The motion carried.

SB 170 - Consent of victim in rape, aggravated criminal sodomy and aggravated sexual battery.

Chairman O'Neal made a suggestion that the committee consider amending HB 2411 into SB 170 to amend the rape statute, keep the language of HB 2411, and also pick-up the technical changes that were made in the Senate on page 5, lines 16-18 regarding the marriage of the offender and victim would be a defense in certain actions.

Chairman O'Neal made a motion to amend HB 2411 into SB 170. Representative Robinett seconded the motion. The motion carried.

Representative Adkins made a motion to report SB 170 favorably for passage as amended. Representative Macy seconded the motion. The motion carried.

The Committee adjourned at 2:15 p.m.