

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 12:05 P.M. on March 21, 2011, in Room 548-S of the Capitol.

All members were present at the afternoon session, except Senators Donovan, Haley, Kelly, Schodorf, Umbarger and Vratil who were excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Jill Wolters, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Ed Klumpp, Kansas Judicial Council, Criminal Law Advisory Committee
Jennifer Roth
Patrick Vogelsberg, Kansas County and District Attorneys Association

Others attending:

See attached list.

The Chairman expressed his thanks to Whitney Damron for providing lunch and to Jennifer Roth for providing the cookies.

The Chairman noted that a quorum of the members was not yet present, but he intended to proceed with the hearings on the bills on the agenda.

The Chairman opened the hearings on **HB 2339 -- Criminal code trailer bill.**

Jill Wolters, Office of Revisor of Statutes, reviewed the bill (Attachment 1). She explained the bill would: Reconcile conflicts between 2010 HB 2668 and other bills passed during the 2010 Legislative Session; fix errors and omissions in 2010 HB 2668; and update cross references to statutes in Chapter 21 of the Kansas Statutes Annotated. The bill would make no substantive changes.

No testimony in support of, or opposition to, **HB 2339** was submitted.

The Chairman called the committee's attention to the fiscal note for **HB 2339**.

The Chairman closed the hearings on **HB 2339**.

The Chairman opened the hearings on **HB 2318 -- Amendments to the recodified criminal controlled substances provisions and the drug-sentencing grid.**

The Chairman opened the hearings on **HB 2318**.

Jason Thompson, Staff Revisor, reviewed the bill (Attachment 2).

Ed Klumpp testified in support of **HB 2318** (Attachment 3). He stated the bill would make several changes to the statutes governing controlled substances, including the adoption of a drug-sentencing grid with five levels. The grid would add a new severity level 2 with penalties falling between the current first and second levels of the drug grid.

Jennifer Roth, appearing as an individual, testified in support of HB 2318 (Attachment 4), but with concerns with the following provisions: Treating possession of precursors and paraphernalia as attempted manufacture, distribution or possession; charging juveniles with distribution or intent to distribute; continued use of the 1,000 feet of a school language; exclusion of defenses; and the threshold amount of drugs in the lower severity levels of the drug grid. Ms. Roth submitted language for a suggested