

Approved: April 30, 2012

(Date)

**MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE  
COMMITTEE**

The meeting was called to order by Chairperson Pat Colloton at 12:10 PM on Friday, February 10, 2012 in 144-S of the Capitol.

All members were present except:

Lance Kinzer  
Ward Cassidy

Committee staff present:

Jackie Lunn, Committee Assistant  
Lauren Douglass, Legislative Research  
Robert Allison-Gallimore, Legislative Research  
Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:

None

Others in attendance:

See attached list.

Chairperson Colloton opened the floor for consideration of bills. The first bill on the agenda is **HB2427-Firearms; firearms dealers; entrapment; criminal penalties**. She stated this was the bill that would have created crimes concerning the sale of firearms and ammunition that did not pass out of committee and she wanted to do a “gut and go”. The chair called the committee’s attention to the new language she would like to put in the **empty shell of HB 2327**. She called on Sean Ostrow, Office of the Revisor of Statutes to provide copies of the proposed language to the committee (Attachment 1). The chair explained the **Sub. for HB 2427** would create exceptions to the Kansas Open Records Act for records of a public agency on a public website that identify the home address or home ownership of:

- Law enforcement officers;
- Parole officers;
- Court services officers;
- Community correctional services officers;
- Federal judges;
- Justices of the Supreme Court;
- Court of Appeals judges;

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## CONTINUATION SHEET

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- District judges and district magistrate judges;
- U.S. attorney for the District of Kansas and assistant U.S. attorneys;
- The Attorney General and assistant attorneys general; and
- A district attorney or county attorney, or an assistant district attorney or assistant county attorney.

She went on to explain that any such person or person's employer would file a request with the record custodian to have the information removed from the website. Within seven days of receiving such a request, the public agency would be required to remove the information. She stated that she had been contacted by a parole officer in Johnson County that made the request for the changes.

*Representative Wolf made a motion to do a “gut and go” of HB 2427 and to adopt the language for the open records act into the shell as House Substitute for HB 2437. Representative Pauls seconded.*

A discussion followed.

*Motion carried.*

Next, the chair opened the floor for consideration of **HB 2059–Requiring second-hand stores to verify identity of sellers and record such information**. She called on Sean Ostrow to explain the **substitute for HB 2059**. Mr. Ostrow provided copies of the substitute bill for the committee and staff (Attachment 2). The chair explained the substitute bill contains the changes agreed upon by both sides and she planned on working from the substitute bill today even though there are more concerns being raised by the pawnbrokers. The chair asked for Sean Ostrow, Office of the Revisor of Statutes, to explain the changes in the bill. Chairperson Colloton stated they would suspend working on this bill at this time and move on to others with the possibility of bringing it back up today if time permits.

Chairperson Colloton moved the committee’s attention to **HB 2494–Statute of limitations for sexually violent offenses when victim is a child**. She called on Kyle Smith, Assistant Attorney General/Deputy Director of the KBI and asked if he had problems with the bill. He stated the bill was good as is.

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A short discussion followed with *Representative Brookens made a motion to pass the bill out favorably. Representative Pauls seconded. Motion carried.*

Next, on the agenda was consideration of **HB 2465–Authorizing sentencing court to order lifetime electronic monitoring for certain sex offenders** and called on Jason Thompson, Office of the Revisor of Statutes, to explain the amendment on the bill. Mr. Thompson provided a written copy of the balloon amendment for the committee and staff (Attachment 3). Mr. Thompson stated the bill as amended, would require the court to order lifetime electronic monitoring upon release from imprisonment and reimbursement of all or part of the costs of such monitoring, as determined by the Prisoner Review Board, when a defendant is sentenced to prison for certain sexual crimes involving minors. Similarly, it would clarify that when the Prisoner Review Board orders a person to be electronically monitored, the Board, rather than the court, would order partial or complete reimbursement and, in making that determination, would be required to consider the financial resources of the person and the nature of the burden the payment of such sum would impose.

*Representative Brookens made a motion to move HB 2465 out favorably for passage. Representative Moxley seconded.*

A discussion followed regarding the balloon amendment.

*Representative Brookens made a motion to adopt the balloon amendment dated February 10, 2012, prepared by Jason Thompson, along with adding subsection (r) of KSA on Page 19, Line 10. Representative Pauls seconded. Motion carried.*

*Representative Wolf made a motion to move the bill out favorably as amended. Representative Goodman. Motion carried.*

Next, the chair moved the committee's attention to **HB 2613–Allowing for extension of protective orders under certain circumstances** and called on Kyle Smith, Assistant Attorney General/Deputy Director of KBI, to explain the balloon amendment (Attachment 4). Mr. Smith stated the balloon covers most of the issues and almost everyone in the working group approved. He went on to say there is a bed impact on the bill, (Attachment 5).

The chair introduced Scott Schultz, Kansas Sentencing Commission, to explain the bed impact on **HB 2613**. He stated the impact for 2013 to 2022 would be 5 to 24 prison beds needed.

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Chairperson Colloton called on Sean Ostrow, Office of the Revisor of Statutes, to pass out the copy of the sentencing grid ([Attachment 6](#)).

A discussion followed regarding the sentencing grid with Chairperson Colloton recognizing Mark Gleason, Office of Judicial Administration, and he offered language in a balloon amendment for the committee to consider, ([Attachment 7](#)).

***Representative Goodman made a motion to pass the bill out favorably. Representative Kelly seconded.***

A discussion followed with ***Representative Brookens making a motion to move Pages 1, 2, 5, 6, and 7, only in the balloon amendment explained by Mr. Smith. Representative Kelly seconded. Motion carried.***

***Representative Brookens made a motion to change the language on Page 1, line 33, changing level 5 to “level 6”. Representative Pauls seconded.***

A discussion followed regarding the bed impact statement.

***The chair called for a vote on the amendment on the floor changing language on Page 1, line 33. Motion carried.***

***Representative Kelly made a motion to pass the bill out favorably as amended. Representative Brookens seconded. Motion carried.***

Next, the chair opened the floor once again on **HB 2059** and called on Kevin Barone, representing the Kansas Pawnbrokers Association, asking if he had reviewed the balloon amendment handed out earlier in the meeting. A discussion followed with Mr. Barone highlighting on some concerns with the amendment.

***Representative Brookens made a motion to pass the substitute for HB 2059, as amended, out favorably. Representative Roth seconded.***

A discussion followed.

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***Representative Brookens made a motion on Page ,2 (f) (1) to remove the word “purchases” and replace it with “exchanges” and on Page 3, (f) 3, to add after the phrase a seller exchanges a tangible item add “of any kind”. Representative Moxley seconded.***

A discussion followed.

***The chair called for a vote on the motion on the floor to remove the word “purchases” and replace it with “exchanges”. Motion carried.***

The discussion continued with the chair calling on Ed Klumpp, Kansas Police Officers Association, Kansas Association of Chiefs of Police and the Kansas Peace Officers Association. He stated they still have some concerns.

***Representative Moxley made a motion to pass the substitute for HB 2059 out favorably as amended. Representative Brookens seconded.***

The discussion continued with the chair deciding to continue the discussion at a later date after a balloon amendment can be drafted and printed for the committee to review..

The meeting was adjourned at 1:10 PM with the next meeting scheduled for February 12, 2012 at 1:30 PM in room 144 S.