

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 8, 2011, in Room 346-S of the Capitol.

All members were present.

Representative Suellentrop
Representative Tietze
Representative Alford

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Phillip Cosby, Executive Director, National Coalition for Protection of
Children and Families
Dr. Mary Ann Layden, University of Pennsylvania, Director, Center for Cognitive
Therapy (via telephone conference)
Representative Greg Smith, Twenty-Second District, Father of Kelsey Smith
Missy Smith, Wife of Representative Greg Smith and Mother of Kelsey Smith

Others attending:

See attached list.

Chairman Kinzer called the meeting to order at 4:00 p.m., after a thirty minute delay due to the House Chamber's extended session. He also announced the meeting would only last for about an hour because the House Chamber was going back in session at 5:00 p.m.

The Hearing on **HB 2042 - Requiring law enforcement to collect and report pornographic materials found at scene of or in possession of person who commits a sexually violent crime** was opened.

Jill Wolters, Staff Revisor, provided an overview of the bill for the committee. ([Attachment 1](#))

Phillip Cosby, Executive Director for the Kansas City office, of the National Coalition for Protection of Children and Families, addressed the committee in support of the bill. He provided documentation and a CD to each of the committee members about how pornography contributes to the sexual exploitation of children. This bill would provide for the collection of data on a Kansas Standard Offense Report to quantify and connect the dots between pornographic materials and criminal behavior. ([Attachment 2](#))

Dr. Mary Ann Layden, University of Pennsylvania, Director, Center for Cognitive Therapy, addressed the committee via telephone conference as well as providing written documentation of her testimony. She stated she had been doing psychological criminal work for more than ten years before she realized that she had not treated one case of sexual violence that did not include pornography. She provided each member a copy of a booklet called "*The Social Costs of Pornography*", prepared by herself and Mary Eberstadt, research Fellow of the Hoover Institution. She also included a research summary that includes a listing of twenty-nine findings showing the connection between pornography and crime. She ended her testimony stating "we need laws, we need enforcement, we need education, we need research and we need treatment to help stem the tide of this criminal and psychological catastrophe and a good first step would be to have police report the presence of pornography connected to crimes and urged the committee to pass this bill." ([Attachment 3](#))

Judy Smith, State Director, Concerned Women for America of Kansas, provided written testimony in support of the bill. ([Attachment 4](#))

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 8, 2011 in Room 346-S.

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, provided written testimony in opposition of the bill. (Attachment 5)

The hearing on **HB 2042** was closed.

The Hearing on **HB 2031 - Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies** was opened.

Jill Wolters, Staff Revisor, provided an overview of the bill for the committee. (Attachment 6)

Missey Smith addressed the committee in support of the bill. Missey is the wife of Representative Greg Smith, and mother of Kelsey Smith, a beautiful and vibrant young daughter, who was taken from a Target store in Overland Park, Kansas on June 2, 2007, and was brutally raped, sodomized and strangled to death by a complete stranger. She shared her first hand knowledge of how fortunate and grateful they were that there was already a grand jury seated in Johnson County by citizens via petition to investigate alleged crimes, therefore, Kelsey's case was handled through a grand jury. She truly believes convening a grand jury is a much more dignified and humane process for the victims and surviving family members. (Attachment 7)

Representative Greg Smith, Twenty-Second District, Overland Park, appeared before the committee in support of the bill. He is the father of Kelsey Smith, and stated he previously has addressed this committee describing the emotional toll of being the father of a murder victim, however, today, he is advocating for this bill as the sponsor of this legislation and in the capacity of being a twenty-year law enforcement veteran. He stated he has walked in these shoes and his experience has shown that this bill could do something that most legislation does not, which is to provide a modicum of relief for the victim and the victim's family as well as provide a more fair hearing for the accused. He told the committee it is time to do the right thing and pass this bill. (Attachment 8)

Pat Hayes, father of Keighley Alyea (a victim of a brutal murder in September 2009) provided written testimony in support of the bill. (Attachment 9)

There were no opponents.

After further discussion, Chairman Kinzer requested the Research Staff provide additional information as to how many of the states allow the Attorney General to convene a grand jury and how many states allow that at the request of the District Attorney or equivalent.

The hearing on **HB 2031** was closed.

The next meeting is scheduled for February 9, 2011.

The meeting was adjourned at 4:40 p.m.