

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 A.M. on February 11, 2011, in Room 548-S of the Capitol.

All members were present, except Senators Bruce and Donovan, 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
Theresa Kiernan, Committee Assistant

Others attending:

See attached list.

The Chairman called the committee's attention to a letter from Senator Petersen withdrawing his request for the committee to introduce a bill creating the crime of participation in a criminal enterprise (Attachment 1). There was no objection to honoring the request.

The Chairman called the committee's attention to a letter from Nancy Parrish, Chief Judge of the Third Judicial District, expressing support for **SB 37 -- Sentencing; payment of fines; employment of county and city prisoners** (Attachment 2).

Committee Action:

The Chairman called the committee's attention to **SB 6 -- Criminal procedure; search incident to an arrest**.

Senator Haley moved, Senator Kelly seconded, that SB 6 be passed.

Senator Vratil made a substitute motion, Senator Pilcher-Cook seconded, to strike lines 1 through 12 on page 1 and to repeal the section. The motion was adopted.

Senator Schodorf asked, "What are the consequences of repealing the section?"

Senator Vratil responded, "Searches incident to an arrest would be governed by federal and state case law.

Senator Vratil moved, Senator Kelly seconded, that SB 6 be passed as amended. The motion was adopted.

Senator Haley voted no on the motion and asked that his vote be so recorded.

The Chairman called the committee's attention to **SB 23 -- Juvenile Jury Trial**.

Senator Vratil moved, Senator Schodorf seconded, that SB 23 be passed. The motion was adopted.

The Chairman called the committee's attention to **SB 36 -- Exemption from creditors for assets held in qualified retirement plans and regular and Roth individual retirement accounts**.

Senator Schodorf moved, Senator King seconded, that SB 36 be passed. The motion was adopted.

The Chairman called the committee's attention to **SB 55 -- Amending the crime of harassment by telecommunications device**.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 11, 2011, in Room 548-S of the Capitol.

Jason Thompson, Staff Revisor, distributed copies of a balloon amendment to **SB 55** (Attachment 3). The amendment would:

- Make the wording in the statute consistent
- Clarify the definition of a telecommunications device
- Specify other offenses which a person who violates the provisions of Section 1 also may be prosecuted

Senator King asked, "What is the meaning of the word "filthy" as used in line 11?"
Mr. Thompson said that he would have to check case law to be sure of its meaning.

Senator Vratil moved, Senator King seconded, that the word "filthy" be deleted in line 11. The motion was adopted.

Senator Vratil moved to further amend the bill, Senator Kelly seconded, by adopting the amendments proposed in the balloon distributed by Mr. Thompson. The motion was adopted.

Senator Schodorf moved, Senator Vratil seconded, that **SB 55** be passed as amended. The motion was adopted.

The Chairman called the committee's attention to **SB 56 -- Amending the crime of criminal sodomy.**

Senator Vratil moved, Senator Haley seconded, that **SB 56** be passed. The motion was adopted.

Senators Lynn, Umbarger, King and Pilcher-Cook voted no on the motion and requested that their votes be so recorded.

Meeting adjourned at 10:30 A.M. The next meeting is scheduled for February 14, 2011.