

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on January 29, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Terrie Huntington - excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Secretary Roger Werholtz, Chairman KS Criminal Justice Coordinating Council
Representative Sue Storm
Rev. H. Sharon Howell, Sr. Pastor First Methodist Church, Lawrence
Mike Farmer, Executive Director KS Catholic Conference
John J. Jurcyk, Jr., Attorney Archdiocese of Kansas City in Kansas
Joe Hendrixson, Executive Director KS Ecumenical Ministries

Others attending:

See Attached List.

Secretary Werholtz appeared before the committee to request bill introduction for the Criminal Justice Coordinating Council to amend KSA 74-9501. (Attachment 1)

Representative Dillmore made a motion that this request should be introduced as a committee bill. Representative Carlin seconded the motion. The motion carried.

Representative Goering appeared before the committee to request bill introduction. This would amend KSA 60-4305.

Representative Goering made a motion that this request should be introduced as a committee bill. Representative Swenson seconded the motion. The motion carried.

Chairman Roger Werholtz, Kansas Criminal Justice Coordinating Council appeared before the committee to give a briefing on the Council.

Chairman Werholtz informed the committee that the KCJCC was created in 1994 by the Kansas Legislature. The Council is responsible for overseeing the criminal justice federal funding made available to Kansas through the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance.

There are six federal grant programs for which KCJCC is responsible:

1. The Edward Byrne Memorial State and Local Law Enforcement Assistance
2. Local Law Enforcement Block Grant
3. Residential Substance Abuse treatment
4. National Criminal History Information Program
5. National Forensic Sciences Improvement Act
6. Bulletproof Vest Partnership Program

The total amount of grant funds awarded to state and local agencies from these grant programs for state fiscal year 2004, is \$7,792,633. The Governor's Federal Grants Program staff manages the day-to-day functions of the grants. The change in staff was transferred from the Kansas Sentencing Commission in July 2003.

The Kansas Legislature created the Criminal Justice Information System Committee in 2003, formerly known as the Law Enforcement Telecommunications Committee. The committee's primary duties are to

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establish, maintain and upgrade the criminal justice information system. More than 8,200 authorized users are accessing this system. The system that is in place is viewed as a model for other states. ([Attachment 2](#))

HB 2575 - Reporting of abuse; ministers

Chairman Loyd opened the hearing on **HB 2575**.

Jerry Ann Donaldson, Legislative Research gave information to the committee on privileges, Black's Law Dictionary definition of privilege. ([Attachment 3](#)) In Kansas law there are various statutes that deal with the issue a privilege and were listed in the memo. ([Attachment 4](#))

1. KSA 60-426 Attorney-Client privilege
2. KSA 60-427 Physician-Patient privilege
3. KSA 60-429 Clergy-Penitent privilege

Also listed was marital privilege, KSA 60-428.

Representative Sue Storm appeared before the committee as a proponent for the bill. As a teacher Representative Storm is required to report abuse, while her pastor who has such close contact with parishioners is not. She felt the clergy must be required to report their suspicions of abuse of the people they serve in the name of the Creator. ([Attachment 5](#)) An amendment was provided and Representative Storm support the amendment. ([Attachment 6](#))

Rev. H. Sharon Howell, Sr. Pastor of First United Methodist Church, Lawrence, spoke in favor of the bill. She felt that it was time that duly ordained ministers of religion and regular ministers of religion are included in the list of persons required to report matters of suspected injury to a child, resident, or others as a result of physical, mental or emotional abuse or neglect or sexual abuse. ([Attachment 7](#))

Mike Farmer, Executive Director of the Kansas Catholic Conference, appeared in opposition of the bill as it is currently drafted. Mr. Farmer stated the recent actions taken by the Catholic Church to prevent any future situations of child abuse by priests or other church ministers and volunteers. He stated that the bill the committee is currently considering goes well beyond the mandates of the *Charter for the Protection of Children and Young People* adopted on June 12, 2002 by the Bishops of the United States. If the amendments suggested is incorporated into the bill, there would be no objection to its passage. ([Attachment 8](#))

John J. Jurcyk, Jr., General Counsel to The Roman Catholic Archdiocese of Kansas City in Kansas stood in opposition of the bill. He argued several points, on records custodian language, and that the bill imposes on ministers obligation that are not imposed on the other 22 mandatory reporters. Mr. Jurcyk felt that this part of the law singled out ministers as a requirement that is not required for the other mandatory reporters. ([Attachment 9](#))

Rev. Dr. Joe Hendrixson, Executive Director of Kansas Ecumenical Ministries appearing in opposition of the bill. He stated even though he is listed as an opponent of the bill, that the nine member church communions of Kansas Ecumenical Ministries do support any legislation that would protect children or other victims of abusive behavior. He asked for amendment to two specific parts of the bill that were already included in the balloon offered by Representative Storm. ([Attachment 10](#))

Ron Paschal, Chief Attorney Juvenile Division in Wichita offered written testimony in support of the bill. ([Attachment 11](#))

Chairman Loyd closed the hearings on **HB 2575**.

The committee meeting was adjourned at 3:15 PM. The next meeting is February 2, 2004.