

Approved: January 31, 2000
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:12 a.m. on January 27, 2000 in Room 123-S of the Capitol.

All members were present except: Sen. Bond (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Commissioner Murray, Juvenile Justice Authority (JJA)
Laura Howard, Social Rehabilitation Services (SRS)
Bob Alderson, Kansas Pharmacist Association
Judge Marla Luckert, Kansas Judicial Council
Christine Tonkovich, Douglas County District Attorney

Others attending: see attached list

The minutes of the January 25th meeting were approved on a motion by Senator Vratil and seconded by Senator Goodwin. Carried.

Bill Introductions:

Conferee Murray reviewed the following bill proposals from the JJA: amendments to bring Kansas law in compliance with federal law; credit for time served in detention or jail; placement matrix changes; juvenile correctional facility staff hiring requirements; sex offender registration act; and attendant care/intake and assessment. (attachment 1 Following discussion Senator Harrington moved to introduce the bill proposals, Senator Goodwin seconded. Carried.

Conferee Howard discussed a bill proposal on child support enforcement mandates with regard to Kansas Payment Center and income withholding. (attachment 2). Lengthy discussion followed. Senator Feleciano moved to introduce the bill proposal, Senator Donovan seconded. Carried.

Conferee Alderson discussed a proposed amendment to the Chemical Control Act which would insert "pharmacists" in the definition section of "practitioner". (attachment 3) Senator Vratil moved to introduce the bill amendment, Senator Goodwin seconded. Carried.

The Chair requested introduction of a bill regarding the Kansas Uniform Prudent Investor Act. (no attachment) Senator Oleen moved to introduce the bill, Senator Goodwin seconded. Carried.

SB 419—an act concerning crimes, criminal procedure and punishment; relating to sentencing

Conferee Luckert testified as a proponent of **SB 419**. She stated that the bill is the result of a study of the Judicial Council's Criminal Law Advisory Committee (JCCLAC) regarding the treatment of juvenile adjudications for sentencing guideline purposes. Currently, former juvenile adjudications are used when scoring criminal history for sentencing. This bill would exclude criminal adjudications from adult criminal history unless the court finds compelling reasons to include them. (attachment 4)

SB 424—an act concerning criminal procedure; relating to preliminary examinations; evidence; child witnesses and victims

Conferee Luckert testified as a proponent of **SB 424**. She stated that this bill is a result of a study of the JCCLAC. and is a bill which "seeks to resolve ambiguities in the current statutes which allow the use of prior statements of a child without the child having to be called at the preliminary hearing in a criminal case." The bill also "eliminates conflicts between the various statutes which deal with the admission of statements of a child witness at trial or other hearing." She described the manner in which the bill accomplishes the

“legislative intent of protecting child victims from testifying and resolves conflicts and ambiguities in current language.” ([attachment 5](#)) Lengthy discussion followed.

Conferee Tonkovich testified in favor of **SB 424** agreeing with statements made by the previous conferee. She proposed an additional change to the bill which “would add the Kansas City Missouri Police Crime Lab to the list of crime labs whose certified reports are admissible at preliminary hearing without requiring the testimony of the scientist who performed the testing.” She described in detail why she felt this change was necessary. ([attachment 6](#)) She also commented on **SB 419**, the amendments of which, she stated, are not in the best interest of the state and she explained why. She urged Committee to carefully consider the full impact of proposed changes. ([attachment 7](#))

The meeting adjourned at 11:00 a.m. The next scheduled meeting is January 31st.