

Approved: 11-23-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 16, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused
Dale Swenson- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Julene Miller, Office of the Attorney General
Mike Jennings, KCDA
Doug Anstaett, KS Press Association
Randall Hodgkinson

Others attending:

See attached list.

HB 2380 – Duties of the attorney general and assistants

Chairman Loyd opened the hearing on **HB 2380**.

Julene Miller, Deputy Attorney General, appeared in support of the bill. (Attachment 1) This bill was introduced at the request of the Attorney General to address two issues of importance to the office.

- Removing a requirement from KSA 75-704a, that the office prepare an annual index of Attorney General Opinions. All current opinions are now available on-line through other outside entities.
- Involves the ability of the Attorney General to assign to Assistant Attorneys General any task he is statutorily responsible for performing. The amendment is needed because of the difficulty, and often physical impossibility of the Attorney General to serve on boards and commissions; additionally, there are over 500 statutes that provide some role for the AG to play.

An opinion will be forth coming by the Attorney General's office on several issues concerning the ability of an agency head to assign or delegate to staff members the responsibility to serve on boards.

Chairman Loyd closed the hearing on **HB 2380**.

HB 2381 – Exception to Kansas Open Records Act regarding confidential personal information

Chairman Loyd opened the hearing on **HB 2381**.

Mike Jennings, KS County & district Attorneys Association, spoke in support of the bill. (Attachment 2) This bill if adopted as it relates to court records to protect crime victims from further possible victimization through exposure of their confidential personal information contained therein.

Doug Anstaett, Kansas Press Association, appeared as an opponent of the bill. (Attachment 3) He urged the committee to reject this bill for two reasons: provision exists already for courts to protect much of this information and, believes this shotgun approach very likely would not stand the test of a court challenge.

Chairman Loyd closed the hearing on **HB 2381**.

HB 2383 – Clarification of unavailability of a witness for a deposition

Chairman Loyd opened the hearing on **HB 2383**.

Mike Jennings, KCDA, appeared in support of the bill. (Attachment 4) Under this bill, prior non-privileged statements made in a deposition under oath, where the witness was subject to cross-examination, would be admissible for use in the criminal proceeding, preventing a failure of justice that would be caused by those who willfully subvert the criminal process by refusing to comply with lawful requirements of the court.

Randall Hodgkinson, Deputy Appellate Defender, asked the committee to be very cautious in working this bill.

Chairman Loyd closed the hearing on **HB 2383**.

HB 2385 – Admission of photographs of wrongfully taken property.

Chairman Loyd opened the hearing on **HB 2385**.

Mike Jennings, KCDA, spoke in favor of the bill. (Attachment 5) The bill seeks to amend KSA 60-472, related to photographic evidence of stolen property to eliminate the requirement of unnecessary and costly procedures that simply serve as a hindrance to the truth finding process without a legitimate purpose.

The chairman requested the recent case that was identified as State v. Mayes be made available to the committee.

Chairman Loyd closed the hearing on **HB 2385**.

HB 2262 – Legal holidays include holidays observed by the Supreme Court by order.

Chairman Loyd opened the hearing on **HB 2262**.

Randall Hodgkinson, Deputy Appellate Defender, appeared in support of the bill. (Attachment 6) The bill would change the statute to reflect that “observed” holidays as ordered by the Kansas Supreme Court are legal holidays for computing deadlines under KSA 60-206. The statute involves all sorts of statutory deadlines, not just court-filing deadlines.

Chairman Loyd closed the hearing on **HB 2262**.

The meeting was adjourned at 2:50 pm. The next meeting is February 17, 2005.