

Approved March 1, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Michael O'Neal at
Chairperson

3:30 ~~xxx~~ p.m. on February 15, 1989 in room 313-S of the Capitol.

All members were present except:

Representatives Peterson, Sebelius and Vancrum, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Elwaine Pomeroy, Chairman, Kansas Parole Board

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CONTINUATION OF HEARINGS ON:

- H.B. 2198 - Criminal procedure, parole and supervised furlough
- H.B. 2199 - Requiring notice to be given to victims of crime of inmate's public hearing and release of inmates; release considerations
- H.B. 2200 - Crime victims, reparations & assistance
- HCR 5008 - Constitutional amendment, victims rights

Elwaine Pomeroy, Chairman, Kansas Parole Board, testified that victims do have rights and too often the feelings of the victims have been ignored. H.B. 2199 codifies the present practices of the Parole Board. Kansas is a leader in asking for input from the public, officials and victims with regard to the decisions the Parole Board makes. He said if the Parole Board is to consider prison population they should be directed to do so. He also said the Kansas Parole Board would like not to make program recommendations. This should be decided by the inmate and the Department of Corrections. A copy of a letter was attached to the outline of his testimony which explained to an inmate why the inmate was passed three times for parole.

Mr. Pomeroy stated H.B. 2284 by Representative Martha Jenkins deals with program agreements. He suggested if there is need for legislative clarification regarding transitional placement in work release or prerelease, they could be recommended in H.B. 2284.

Mr. Pomeroy said if H.B. 2198 is amended to delete Section I dealing with program agreements, then the bill would be a repealer.

In regard to HCR 5008, Mr. Pomeroy said it is broad and vague. There would be complications if the victims were at the actual parole hearings at the institutions. There would be security and logistical problems. He said victims have a right to be heard, but the right should be exercised at public comment sessions. He also recommended the constitutional amendment could be handled statutorily, see Attachment 1.

In response to Committee questions, Mr. Pomeroy suggested the statute could say victims have a right to be heard in certain specified instances, such as at plea bargaining, or the victim notified prior to plea bargaining so their input could be gathered before the prosecutor would agree to the plea bargain. Another time a victim could be heard would be at the time of public comment on parole hearings.

The Chairman announced he would be appointing a subcommittee to study the Victims' Rights bills to make recommendations to the Committee.

Unless specifically noted, the information made available here is based on the information provided by the individual to make a requested item available and does not constitute an endorsement of the individual's appearance before the committee by the office of corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY
room 313-S, Statehouse, at 3:30 p.m. on February 15, 1989

BILL REQUESTS:

Representative Solbach made a motion to introduce, as a Committee bill legislation amending K.S.A. 75-5296 by adding clarifying language with respect to the relationship between Community Corrections programs and the Secretary of Corrections. Representative Hochhauser seconded the motion. The motion passed.

The Kansas Bar Association requested through the Legislative Coordinating Council to have the Judicial Council look at Chapter 61 of the Code of Civil Procedure. The bill would address jurisdictional amendments.

Representative Jenkins moved to introduce the proposed legislation as a Committee bill. Representative Douville seconded the motion. The motion passed.

Representative Douville moved to approve the minutes of February 6, February 7 and February 8, 1989. Representative Lawrence seconded the motion. The motion passed.

The Committee meeting was adjourned at 4:35 p.m. The next meeting will be Thursday, February 16, 1989 at 3:30 p.m. in room 519-S.