

HCS SCS SB 420 & 344 -- JUDICIAL PROCEDURES AND PERSONNEL

SPONSOR: Mayer (Byrd)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute changes the laws regarding judicial procedures and personnel. In its main provisions, the substitute:

- (1) Specifies that health professionals who volunteer to be deployed during a state emergency may be deployed and any claim against the professionals that is based on acts or omissions during the period of deployment is covered under the State Legal Expense Fund;
- (2) Requires a notice of foreclosure in the cities of Kansas City and St. Louis to be posted on the affected property;
- (3) Exempts the police boards of the cities of Kansas City and St. Louis from coverage under the State Legal Expense Fund;
- (4) Revises the limit that the State Legal Expense Fund can pay to a claimant in the case of a claim or judgment against an officer or employee of the state or a state agency;
- (5) Clarifies provisions allowing the Children's Division in the Department of Social Services to exercise discretion in awarding custody or visitation or the placing of a child back in the home of a parent, or any person residing in the home, who has been found guilty or plead guilty to specified offenses;
- (6) Revises the Safe Place for Newborns Act of 2002 to apply to the voluntary relinquishment of a child no more than one year old. Current law applies to children between six years of age and 30 days of age;
- (7) Clarifies provisions prohibiting a child under the care of the state or the jurisdiction of a juvenile court from being reunited with a parent or being placed back in the home with a parent who has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when a child was the victim;
- (8) Establishes the Task Force on Alternative Sentencing within the Department of Corrections and specifies its duties;
- (9) Requires a verified petition to be submitted in order to form a transportation district;
- (10) Allows the court to enter a judgment abating child support

for a period of up to five months for any semester in which a child completes at least six but less than 12 credit hours when a child has pursued a path of continuous attendance at an institution of higher learning and has demonstrated evidence of a plan to continue the attendance;

(11) Changes the review of the child support guidelines from every three years to every four years;

(12) Specifies that child orders of protection may be issued for at least 180 days and up to one year;

(13) Allows the court to retain jurisdiction over a full order of protection for a child for the duration of the order and allows the court to schedule compliance review hearings to monitor compliance with the order;

(14) Specifies that the term "owner," when used to define a person having a right to create a beneficiary deed, will include any person regardless of the terminology used to refer to the owner in the deed. This provision will apply to all beneficiary deeds, including those executed prior to August 28, 2005;

(15) Allows a court to appoint a standby guardian to temporarily assume the duties of guardian of a minor child, which becomes effective on the disability, incapacitation, or death of the appointing parent or guardian;

(16) Provides for the replacement of a disqualified probate judge;

(17) Provides for six circuit court judges in the 11th and 23rd judicial circuits beginning January 1, 2007;

(18) Specifies that the family court commissioner and the drug court commissioner positions in the 11th and 23rd judicial circuit will become associate circuit judge positions beginning January 1, 2007;

(19) Provides that there will be one additional associate circuit judge in Cass County beginning January 1, 2007;

(20) Requires clerks who process passport applications and collect a fee for the processing to account for the expenditure of the fee in an annual report to the presiding judge and the Office of State Courts Administrator. The fees may only be used for the maintenance of the courthouse or to fund operations of the circuit court;

(21) Adds attorneys licensed to practice law in this state to the definition of "notary public";

(22) Specifies that courts or entities collecting court costs on

their behalf are not required to refund the overpayment of court costs if the overpayment is less than \$5. The overpaid funds may be retained by the court for the operation of the circuit court;

(23) Assesses a court cost of \$1 in all criminal cases to be deposited into the Legal Defense and Defender Fund;

(24) Allows circuit courts to contract with private entities operating under a contract with a state agency or the Office of State Courts Administrator to collect past due court-ordered penalties or fines;

(25) Specifies that health care providers and employees of religious institutions may be excused from jury duty upon timely application to the court;

(26) Requires courts to specify the date a prospective juror will appear for jury service before granting a postponement;

(27) Specifies that the service of summons in an unlawful detainer action will be delivered by ordinary, rather than certified, mail. If the officer assigned to execute the summons returns to the court with information that the defendant cannot be found and with proof by affidavit that the summons was mailed, the judge will proceed to hear the matter as if personal service had been made;

(28) Allows a person who is aggrieved by a final decision in a contested case regarding the employment of any employee of the state or its political subdivisions to petition the court for a trial de novo as an alternative to seeking judicial review of the decision;

(29) Allows sheriffs to agree as to which county will house a defendant after a change of venue;

(30) Eliminates the bifurcated jury trial proceeding in criminal cases;

(31) Specifies that a peace officer may be disciplined for engaging in gross misconduct while not on active duty;

(32) Adds two rank-and-file peace officers to the Peace Officer Standards and Training (POST) Commission;

(33) Makes revisions to the list of persons that the State Public Defender is required to provide representation;

(34) Prohibits the release of personal information of elected officials on the Internet;

(35) Specifies that individuals who are determined to be actually innocent because of DNA testing after August 28, 2000,

have five years from the date of release to file a petition for restitution. Currently, the individuals are required to file a petition for restitution within one year of release;

(36) Creates a state-funded family court commissioner position in the 29th judicial circuit;

(37) Creates a state-funded drug court commissioner position in the 42nd judicial circuit; and

(38) Specifies that any drug court commissioner appointed in the 23rd judicial circuit will be a state-funded position.

FISCAL NOTE: Estimated Cost to General Revenue Fund of \$262,570 to Unknown in FY 2006, \$746,163 to Unknown in FY 2007, and \$1,198,571 to Unknown in FY 2008. Estimated Effect on Other State Funds of a Cost of Unknown to an Income of More than \$3,846,518 in FY 2006, a Cost of Unknown to an Income of More than \$4,669,808 in FY 2007, and a Cost of Unknown to an Income of More than \$4,673,768.

PROPONENTS: Supporters say that the bill brings consistency to the landlord-tenant laws.

Testifying for the bill were Senator Mayer; and Office of State Courts Administrator.

OPPONENTS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst