

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

January 22, 1999 Hearing Room 357

8:30 a.m. Tape 6

MEMBERS PRESENT: Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Gianella

Rep. Sunseri

MEMBERS EXCUSED: Rep. Bowman

Rep. Hansen

Rep. Simmons

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

MEASURE/ISSUES HEARD:

Possible Measure Introduction

HB 2420 Public Hearing and Possible Work Session

HB 2293 Public Hearing and Possible Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 6, A		
029	Chair Mannix	Called meeting to order at 8:31 a.m.

032	Counsel Horton	Explains what previously occurred on HB 2420 regarding buccal samples.
<u>HB 2420 WORK SESSION</u>		
0045	Ann Christian	State Court Administrator's Office Stated a concern about the court's collecting the blood and buccal samples.
050	Chair Mannix	States the court will be removed from taking samples in the proposed amendments.
057	Rep. Prozanski	MOTION: Moves to ADOPT the -1 amendments.
060	Rep. Prozanski	Asks Counsel for clarification of the ñ1 amendments on lines 12 to make sure samples will be taken by the Department of Corrections from people already in custody.
074	Chair Mannix	States those currently in custody will be covered by this bill.
080	Rep. Prozanski	Asks for clarification that people currently in custody for charges of burglary in the first degree or assault in the first degree are going to be covered under this bill.
087	Counsel Horton	Yes.
		VOTE: 4-0 EXCUSED: 3 - Rep. Bowman, Hansen, Simmons
091	Chair	Hearing no objection, declares the motion CARRIED.
094	Rep. Prozanski	MOTION: Moves HB 2420-1 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 EXCUSED: 3 - Rep. Bowman, Hansen, Simmons
099	Chair	Hearing no objection, declares the motion CARRIED.

REP. PROZANSKI will lead discussion on the floor.

HB 2293 PUBLIC HEARING

116	David Groom	Director, State Public Defender's Office Explains he doesn't have a problem with the bill, and asks if lines 15 and 16 of HB 2293 need clarification.
127	Chair Mannix	States the committee's concern not to create complications in the appellate process or on remand.
130	Groom	Explains with or without that sentence, the same process would continue as now. Further states it wouldn't have any impact on the State's right to seek higher review.
144	Rep. Prozanski	Asks if the one sentence starting on line 15 and ending on line 16 were removed, the status quo for each party on appellate would continue?
150	Groom	Yes. States he is unsure of what the purpose is for line 15 and 16.
156	Chair Mannix	Explains it may have been to make it clear the plea could be withdrawn.
157	Groom	Discusses how it would relate to present law.
164	Rep. Prozanski	Asks witness, as a representative of defendants in the appellate section, if there is no opposition to removing the sentence.
166	Groom	No.
173	Counsel Horton	States he spoke with Dave Groom, State Public Defender's Office, and Tim Sylvester, Department of Justice and they concluded that by inserting the word "ultimately" or "finally" before the word prevails, could also solve the problem.
183	Chair Mannix	Asks Mr. Groom if that is acceptable.
184	Groom	Yes.
185	Rep. Prozanski	States if everyone understands how the system works now, the insertion of "finally" would not need to be made.

192	Chair Mannix	States if drastic changes are made, HB 2293 would be set over and people would be notified. Further states, at the next meeting on HB 2293, the committee would insert the word "final" or delete the sentence starting on line 15 and ending on line 16.
218	Chair Mannix	Meeting adjourned at 8:45 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Manager

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EXHIBIT SUMMARY

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A ñ HB 2420, -1 Amendments, Staff - 1 pg