

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

CONFERENCE COMMITTEE ON HB 2542

June 28, 1991Hearing Room E 7:45 p.m.Tapes 1

SENATE MEMBERS PRESENT: Sen. Cohen Sen. Hill Sen. Shoemaker

HOUSE MEMBERS PRESENT: Rep. R. Johnson, Chair Rep. Mannix Rep. Sunseri

STAFF PRESENT: Holly Robinson, Committee Administrator Andy Sloop, Committee Assistant

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TAPE 1, SIDE A

01CHAIR JOHNSON: Opens the meeting at 7:45 p.m.

03ROBINSON: Reviews differences between the House and Senate versions of the bill.

>The Senate amendments take out the "Johnson Amendments" and put it into Sections 2 and 3. This has the effect of applying the affirmative defense of the defendant and victim being within three years of each other for second and third degree sex abuse cases. The House committee expanded the categories to apply to all three degrees of sex abuse offenses.

12CHAIR JOHNSON: Apparently, the Senate expanded the concept that if the ages of an offender and victim in minor sex abuse cases are within a certain number of years of each other, the same physical act will have a different legal interpretation than if the age gap is larger.

16ROBINSON: That's correct.

17CHAIR JOHNSON: And they applied that concept to what additional circumstances?

18ROBINSON: To the new crime of sex abuse in the first degree, which is

Section 3 of the bill. They also changed second degree sex abuse to third degree sex abuse.

19REP. MANNIX: No problem with amendments.

20REP. SUNSERI: No problem with amendments.

26ROBINSON: Notes differences in Section 9.

>Section 9 extends the "misdemeanor jail cap" to make sure jails are not overcrowded.

32REP. MANNIX: No problems with that section.

33REP. SUNSERI: No problems with that section.

35ROBINSON: Section 10 directs the Criminal Justice Council to do a report on sex offenders, which the House committee did not discuss at all.

36REP. MANNIX: Excellent idea. Assume it will be done within the financial resources provided for in the bill.

39REP. SUNSERI: OK.

41ROBINSON: Section 11 repeals the sunset on the Criminal Justice Council.

42REP. MANNIX: Is the sunset on the Criminal Justice Council being addressed in other legislation?

43ROBINSON: Yes.

44REP. MANNIX: Proposes deleting Section 11.

45CHAIR JOHNSON: Do we have amendments prepared to do that?

46ROBINSON: No.

47CHAIR JOHNSON: Entertains motion on Senate amendments, excluding Section 11.

49MOTION:REP. SUNSERI moves that the House concur in the Senate amendments to A- engrossed HB 2542 dated 6/24/91 (EXHIBIT A)

52VOTE:In a roll call vote, the motion carries, with all members voting AYE.

55MOTION:REP. SUNSERI moves to amend the A-engrossed amendments to HB 2542 dated 6/24/91 (EXHIBIT A) by deleting language pertaining to the Criminal Justice

Council in Section 11.

65CHAIR JOHNSON: HB 2393 contained the same language as Section 11 of HB 254 2, and a conference committee on that bill removed the numbers 4, 5 and 10 from that paragraph. Is that OK?

70VOTE:In a roll call vote, the motion carries, with all members voting AYE.

78SEN. SHOEMAKER: Notes that there is an LC amendment to HB 2393 deleting the numbers 4, 5 and 10 from the language paralleling Section 11 of HB 2542.

83MOTION:REP. MANNIX moves that the House concur in the Senate amendments, and that the bill be further amended as follows and repassed.

86VOTE:In a roll call vote, the motion carries, with all members voting AYE.

88CHAIR JOHNSON: Adjourns at 7:52.

Submitted by:      Reviewed by:

Andy Sloop              Pat Zwick Committee Assistant      Office Manager

EXHIBIT LOG

A - Senate Amendments to A-engrossed HB 2542 - Staff - 2 pages