

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 1st Meeting of the 2024 Interim

June 6, 2024

Call to Order and Roll Call

The first meeting of the Interim Joint Committee on Judiciary was held on June 6, 2024, at 11:00 AM in Room 149 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Daniel Elliott, Co-Chair; Senators Danny Carroll, Matthew Deneen, Gerald A. Neal, John Schickel, and Johnnie Turner; Representatives Kim Banta, Kevin D. Bratcher, Josh Bray, Lindsey Burke, Stephanie Dietz, Steven Doan, Patrick Flannery, Peyton Griffiee, Derek Lewis, Savannah Maddox, Jason Nemes, Jason Petrie, Scott Sharp, and Nick Wilson.

Guests: Suzanne Hopf, Directing Attorney, Kentucky Innocence Project; Johnetta Carr, Exoneree; Mike VonAllmen, Exoneree; Winnie Ye, State Policy Advocate, Kentucky Innocence Project; Edwin Chandler, Founder, The Chandler Project; Ryan Nichols, President, River City Fraternal Order of Police; Ryan Straw, Vice President & Governmental Affairs Director, Kentucky State Fraternal Order of Police

LRC Staff: Roberta Kiser, Stephanie Larkin, Randall Roof, Joshua Shelepak, Matt Trebelhorn, and Robert Wright.

Introductory Remarks

Representative Elliott recognized the newest member of the committee, Representative Peyton Griffiee.

Representative Elliott recognized the 80th anniversary of D-Day.

Approval of Minutes of the December 15, 2023 Meeting

A motion was made by Senator Deneen and seconded by Representative Banta to approve the minutes of the December 15, 2023, meeting. Minutes were approved by voice vote without objection.

Sex Offender Registration

Representative Kim Banta, House District 63, presented on 2024 Regular Session House Bill 67. Representative Banta discussed the provisions of HB 67, including the extension of the

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distance a sexual offender can live from a high school, middle school, elementary school, preschool, publicly owned or leased playground, or licensed daycare facility from 1000 feet to 3000 feet.

B. Scott West, Deputy Public Advocate, Kentucky Department of Public Advocacy, spoke in opposition to HB 67. Mr. West stated the majority of persons charged with sexual offenses against children acted far away from supervision. Mr. West discussed how parole supervision would be difficult under HB 67.

In response to a question from Senator Turner, Representative Banta stated HB 67 is not retroactive.

In response to a question from Senator Carroll, Representative Banta stated the extension of the distance was in response to a request from constituents.

In response to a question from Representative Elliott, Mr. West stated he did not know if the 3000 feet provision was consistent with similar legislation across the country.

Wrongful Conviction Compensation

Representative Jason Nemes, House District 33; Suzanne Hopf, Directing Attorney, Kentucky Innocence Project; Winnie Ye, State Policy Advocate, Kentucky Innocence Project; Johnetta Carr, Exoneree; Mike VonAllmen, Exoneree; and Edwin Chandler, Founder, The Chandler Project, presented on 2024 Regular Session House Bill 178. Representative Nemes discussed the provisions of HB 178, including establishing the wrongful conviction compensation fund. Ms. Hopf discussed the lack of support that exonerees receive upon release. Ms. Carr, Mr. Chandler, and Mr. VonAllmen discussed their experiences as exonerees, including post-release difficulties, and expressed support for HB 178.

In response to a question from Senator Schickel, Representative Nemes stated HB 178 does not award compensation based on a technical mistake or negligence of the law, confirming that an exoneree must prove his or her innocence to receive compensation. Ms. Hopf stated the bill enumerates requirements for compensation or the certificate of innocence and discussed the enumerated requirements.

In response to a question from Representative Elliott, Representative Nemes confirmed innocence must be proven by a preponderance of the evidence.

In response to a question from Representative Flannery, Representative Nemes stated that proving innocence by a preponderance of the evidence is the best standard for this type of legislation, as opposed to proving innocence by clear and convincing evidence. Representative Nemes discussed how the compensation fund would be funded and

overseen.

In response to a question from Senator Carroll, Representative Nemes stated nothing in HB 178 requires KSP to expunge and destroy biological samples or records associated with a claimant that is related to any offense other than the offense for which the court has issued a certificate of innocence.

In response to a question from Representative Maddox, Representative Nemes discussed why HB 178 did not come to the House floor for a vote during the 2024 Session

In response to a question from Representative Elliott, Representative Nemes stated there are only 13 states, including Kentucky, that have not adopted similar legislation.

In response to a question from Representative Wilson, Ms. Hopf stated that approximately 50% of the 21 exonerees in Kentucky would be eligible for compensation.

In response to a question from Representative Petrie, Representative Nemes stated that similar measures adopted in other states were not uniform laws.

Destructive Devices and Booby Trap Devices

Representative Emily Callaway, House District 37; Ryan Nichols, President, River City Fraternal Order of Police; and Ryan Straw, Vice President & Governmental Affairs Director, Kentucky State Fraternal Order of Police presented on 2024 Regular Session House Bill 599. Representative Callaway discussed the provisions of HB 599. Mr. Straw discussed the impetus for the introduction of HB 599. Mr. Nichols also discussed provisions of HB 599.

In response to a question from Representative Elliott, Representative Callaway discussed the case that prompted the drafting of HB 599.

In response to a question from Representative Petrie, Representative Callaway confirmed the intent of specific sections of the bill.

Adjournment

There being no further business, the meeting adjourned at 12:11 p.m.