

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 2nd Meeting of the 2022 Interim

July 7, 2022

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Judiciary was held on Thursday, July 7, 2022, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Whitney Westerfield, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Representative C. Ed Massey, Co-Chair; Senators Karen Berg, Danny Carroll, Gerald A. Neal, Wil Schroder, Johnnie Turner, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Joseph M. Fischer, Samara Heavrin, Nima Kulkarni, Derek Lewis, Savannah Maddox, Chad McCoy, Patti Minter, Jason Nemes, and Jason Petrie.

Guests: University of Louisville Dean, Dr. Tony Ganzel; Community Advocacy and Partnership Manager with The Bail Project, Shameka Parish Wright; Louisville Operations Manager with The Bail Project, Carrie Cole; Senate District 19 Senator, Reginald Thomas; and Bluegrass Elderlaw, Katie Finnell.

LRC Staff: Roberta Kiser, Matt Trebelhorn, Randall Roof, Michelle Spears, Lexington Souers, Stacy Byrns Taulbee, and Chelsea Fallis.

Approval of the June 9, 2022 Minutes

Representative Nemes made a motion to approve the June 9, 2022, minutes, seconded by Senator Berg, and passed by voice vote.

University of Louisville Contractual Relationships with Third Parties

Senator Westerfield inquired about the contractual and financial relationship that the University of Louisville Hospital (U of L Hospital) has with the EMW Women's Surgical Center.

University of Louisville Dean Ganzel stated that the University of Louisville Hospital does not perform elective abortions and complies with the applicable federal and Kentucky laws as required by the Accreditation Council for Graduate Medical Education. Non-university training is required in the provision of abortions as a part of the Obstetrician-Gynecologist (OB/GYN) residency program. The University of Louisville

Hospital has had a departmental support agreement with the EMW Women's Surgical Center since 2016 which provides annual salary support for two of the hospital's physicians in the University of Louisville School of Medicine's Department of OB/GYN and Women's Health.

Representative Nemes polled Dr. Ganzel about a specific physician's statements and the relationship of that physician with the University of Louisville Hospital.

Dr. Ganzel stated that the physician receives salary support to train residents in the required and mandated accreditation standards.

Representative Nemes requested salary statements and employment agreement forms for the University of Louisville Hospital physicians who receive compensation through the EMW Women's Surgical Center and documentation on the portion of procedures that the University of Louisville Hospital's insurance policy covers.

In response to Senator Westerfield, Dr. Ganzel stated that she is unaware of how much of a physician's salary is split between the University of Louisville Hospital and private practice.

In response to Senator Berg, Dr. Ganzel stated that the departmental accreditation would be placed on probation and lose the University of Louisville Hospital's residency program if all medical procedure requirements were not met.

Senator Westerfield requested the physician contractual agreements that the University of Louisville Hospital has with the EMW Women's Surgical Center.

Charitable Bail

Louisville Operations Manager with The Bail Project Carrie Cole discussed the recent and ongoing work that the Louisville Charitable Bail Project has been involved with to assist Kentucky defendants who are in need of bail assistance and to improve the pretrial system. Community Advocacy and Partnership Manager with The Bail Project Shameka Parish Wright gave testimony on her incarceration experience and urged the Kentucky General Assembly to work in partnership with the Charitable Bail Project to create legislation on bail reform.

In response to Senator Westerfield, Ms. Cole stated that the Administrative Office of the Courts (AOC) and the Legislative Research Commission (LRC) have provided data collection for bail bond savings. Assumptions on the savings amount are also made due to the lack of data collected by the state of Kentucky.

In response to Senator Westerfield, Ms. Parish stated that referrals come from the community, public defenders, and advocates from across the state of Kentucky. Senator

Westerfield requested documentation stating the average bail amount used for an individual who is incarcerated.

In response to Senator Westerfield, Ms. Parish stated that churches and other state organizations also utilize a bail bond process. If an individual would like his or her donation to be used for the Kentucky Bail Bond Project, the donation has to be restricted to Kentucky on the webpage.

In response to Representative Banta, Ms. Parish stated that a defendant can be bailed out more than once depending on the circumstances.

In response to Senator Wheeler, Ms. Cole stated that the Bail Bond Project reviews an offender in full context before posting bail. Ms. Parish added that communities are impacted by people who are incarcerated.

In response to Representative Petrie, Ms. Cole stated that there is not a contractual agreement with a defendant upon release after bail has been posted. Ms. Parish added bail is posted on behalf of a defendant, and money that is posted for a defendant goes into the Bail Project's name. One bail can be used to get up to three defendants out of incarceration with the revolving bail fund.

In response to Senator Carroll, Ms. Cole stated that if there is a victim involved with a defendant who is being released the defendant will only be considered for bail if they can meet their conditions of release.

In response to Representative Bratcher, Ms. Cole stated that the Bail Project has an intake and needs assessment form for the interviewing process. Ms. Parish added that money is deposited into the Bail Project account upon request for a bail amount. Defendants who are bailed out are not selected based on how high a profile the case may have.

In response to Senator Westerfield, Ms. Parish stated that the Kentucky Bail Project files a separate Internal Revenue Service (IRS) 990 form.

In response to Senator Neal, Ms. Parish stated the Bail Project's return rate for defendants is higher than the Administrative Office of the Courts.

Representative Blanton spoke on legislation that was discussed last session to assist the Kentucky Bail Project.

Adult Guardianship

Senate District 13 Senator Thomas and Bluegrass Elderlaw Katie Finnell presented recommended changes under 2022 Regular Session Senate Bill 132, modernizing the current guardianship statute.

In response to Senator Westerfield, Ms. Finnell stated that she has had cases where judges have prohibited an individual from hiring a personal attorney due to having a guardian ad litem. Senator Neal stated that the guardian ad litem has a legal duty to the court system, not to an individual. Ms. Finnell stated that someone acting as power of attorney can suggest that individual do something, whereas a guardian can make an individual do something.

There being no further business the meeting adjourned at 1:00 P.M.