

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On January 24, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jennifer Strait, Intern for Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Secretary Janet Schalansky, Department of Social & Rehabilitation Services  
Representative Clark Shultz  
Representative Ward Loyd  
Marlee Carpenter, Kansas Chamber of Commerce & Industry  
Mike Davis, Store Manager, JC Penny's Oak Park Mall  
Frances Kastner, Kansas Food Dealers Association  
Frank Muscato, Loss Prevention Coordinator for Wal-Mart

Secretary Janet Schalansky, Department of Social & Rehabilitation Services, appeared before the committee to request a bill that would make it a crime for staff at any of the state hospitals or training centers to engage in sexual relations with a patient or resident. (Attachment 1) Representative Long made the motion to have the request introduced as a committee bill. Representative Williams seconded the motion. The motion carried.

Representative Clark Shultz requested a bill which would allow residents of retirement communities to be members of boards that govern such communities. Representative Shriver made the motion to have the bill request introduced as a committee bill. Representative Crow seconded the motion. The motion carried.

Representative Ward Loyd requested a bill requiring the Judicial Budget be sent directly to the Legislature. Representative Ruff made the motion to have the request introduced as a committee bill. Representative Pauls seconded the motion. The motion carried.

Hearings on **HB 2078 - if a minor shoplifts, the parents are liable for a civil penalty up to \$500**, were opened.

Marlee Carpenter, Kansas Chamber of Commerce & Industry appeared before the committee in support of the proposed bill. She introduced Mike Davis, Store Manager, J.C. Penny's Oak Park Mall.

Mr. Davis commented that juvenile shoplifting is costing millions of dollars to the retailers of Kansas. Forty-nine states have statutes authorizing the victims of shoplifters to recover civil damages but twelve of those states do not allow civil recovery from juveniles. Kansas is one of those twelve. The proposed bill is about personal responsibility by forcing teenagers to realize that their parents will be held responsible for their actions. Shoplifting to juveniles is considered a status symbol and is considered no big deal. (Attachment 2)

Frances Kastner, Kansas Food Dealers Association, appeared in support of **HB's 2078, 2079 & 2080**. The proposed bills give retailers several different tools to recover their expenses. (Attachment 3)

Hearing on **HB 2078** were closed.

Hearings on **HB 2079 - theft of property from three business as part of the same criminal transaction is a severity level 9, nonperson felony**, were opened.

Frank Muscato, Loss Prevention Coordinator for Wal-Mart, commented that the proposed bill is directed towards boosters who steal to make a living as opposed to shoplifters who steal for themselves. The bill would change existing

law so that if an individual is apprehended with goods stolen from three separate mercantile establishments in a continuing criminal episode then they could be charged with a felony, regardless of the value of the merchandise. (Attachment 4)

Hearing on **HB 2079** were closed.

Hearings on **HB 2080 - unlawful use and possession of a sale receipt or universal product code label**, were opened.

Frank Muscato, Loss Prevention Coordinator for Wal-Mart, informed the committee that all states have statutes that recognize changing price tags as a crime but they do not recognize Universal Produce Codes as price tags. The legislation would allow for criminal penalties to be charged.

The Chairman stated that he believed that charges could be brought under the theft by deception statute and didn't want to start defining specific crimes & penalties.

Hearings on **HB 2080** were closed.

The committee meeting adjourned at 5:00. The next meeting was scheduled for January 25, 2001.