

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:39 a.m. on March 12, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Umbarger (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Frances Kastner, Kansas Food Dealers Association (KFDA)  
Marlee Carpenter, Kansas Chamber of Commerce and Industry (KCCI)  
Mike Davis, J.C. Penney

Others attending: see attached list

The minutes of the March 11<sup>th</sup>, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

Final action:

**HB 2698–real estate validation questionnaires**

**SB 228–transfer upon death of the owner of real property; filing notification of interest in title by heirs**

Following a review of **HB 2698** by the Chair, Senator Adkins made a motion to pass the bill out favorably, Senator Goodwin seconded. During discussion, Senator Haley briefly reviewed **SB 228** and discussed the possibility of amending it into this bill. Senator Adkins withdrew his motion and Senator Haley moved to amend **HB 2698** by adding the contents of **SB 228** to it, Senator Oleen seconded. Motion failed. Senator Adkins renewed his motion, Senator Goodwin seconded. Carried.

**HB 2769–abatement of common nuisances**

Following a review of **HB 2769** by the Chair and lengthy discussion by Committee, Senator Adkins moved to pass the bill out favorably, Senator Gilstrap seconded. Carried, with Senators Haley and Pugh requesting their nay votes be recorded.

Hearing:

**HB 2078–civil actions; re: shoplifting; parents of minors**

Conferee Kastner testified in support of **HB 2078**, a bill which would apply civil penalties to parents of unemancipated minors who commit retail theft. She briefly discussed the bill and KFDDA's preference for the House amendment which limited the parent's liability to \$50 if the merchandise is recovered and marketable.([attachment 1](#))

Conferee Carpenter testified in support of **HB 2078**. She stated that forty-nine states have recovery statutes and all but 12 of those states have civil recovery provisions for juvenile shoplifters.([attachment 2](#))

Conferee Davis testified in support of **HB 2078**. He explained the bill and discussed how retail theft, "shoplifting," impacts not only his J.C. Penney store but other retail stores across Kansas. He supported his statements with statistical data and showed where over 50% of retail thefts are committed by juveniles. He stated that Kansas is among the 12 states which "do not have provisions allowing for recovery from the parents of unemancipated minor shoplifters." He further discussed the process which follows after a juvenile is apprehended.([attachment 3](#)) Discussion followed.

The meeting adjourned at 10:30 a.m. The next meeting is March 13, 2002.