

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a. m. / ~~p.m.~~, on January 20, 19 78.

All members were present except: Senators Steineger, Allegrucci, Gaar

The next meeting of the Committee will be held at 11:00 a. m. / ~~p.m.~~, on January 24, 19 78.

~~Minutes of the meeting held on January 20, 1978, at 11:00 a.m. in Room 519 S, Statehouse, Topeka, Kansas, considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

- Senator Jan Meyers
- Gwen Berghorn - Specialist & Consultant on Child Abuse and Neglect
- Barbara Sabol - Department of Social and Rehabilitation Services
- Marion Vernon - Mental Health Association
- Judy Weaver - Junior League of Topeka
- Vincent DeCoursey - Kansas Catholic Conference
- Judy Runnels - Kansas State Nurses Association
- Henry L. Heibert - Kansas Magazine Wholesalers

Staff present:

- Paul Purcell - Legislative Research Department
- Jerry Stevens - Legislative Research Department

Senate Bill No. 587 - Crimes and punishments, sexual exploitation of a child.

Senator Meyers, the author of the bill, appeared in support of the bill. She stated she became aware of the problem last summer from magazine and newspaper articles she read. The same concept has been considered at the federal level. From her reading, she became convinced that the problem is growing and is so widespread that 20 states have either introduced a bill or have considered one. She requested that subsection 2 of section 1 of the bill be deleted. Committee discussion with Senator Meyers followed, including discussion of the constitutionality of the bill, its relationship to federal obscenity law, and first amendment considerations. Other matters discussed included the situation of a person under 18 being married and the spouse taking nude photographs; and the possible relationship of this bill to Senate Bill 474, which deals with the issue of promoting obscenity to minors.

Gwen Berghorn spoke in support of the bill, as an individual, since the board of her organization had not taken a position. She stated the time has come to recognize responsibility to minors of the state and protect them to the best of our ability. She would like to see

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SB 587 continued -

the language in subsection 2 deleted, and the bill passed this year. A copy of her statement is attached hereto. Committee discussion with her followed, including art work that might display children, and movies such as "The Exorcist."

Barbara Sabol, of the Department of Social and Rehabilitation Services, testified in support of the bill. She gave some background statistics. She stated 6 states have a law prohibiting the use of children in production of pornography.

Marion Vernon, of the Kansas Mental Health Association, testified in support of the bill.

Judy Weaver, of the Junior League, appeared in support of the bill. She stated her organization is preparing a position paper on the subject.

Vincent Decoursey, of the Kansas Catholic Conference, spoke in support of the bill. A copy of his statement is attached hereto. He urged subsection 2 be deleted.

Judy Runnels, of the Kansas State Nurses Association, appeared in support of the bill.

Henry Heibert, appearing on behalf of the Kansas Magazine Wholesalers, stated he supported the concept of the bill. He stated that he feels there are certain problems in the bill with regard to the magazine industry. He stated that subsection 1c would cause particular problems for the magazine industry. He suggested that the bill be amended to protect the magazine industry. Reference was made by a committee member to the National Geographic and some of the pictures contained therein. Mr. Heibert commented that the Kansas obscenity law is one of the most clearly written statutes.

The chairman complimented the conferees on their concise and clear presentations to the committee. He announced that Senate Bill 474, dealing with the crime of promoting obscenity to minors, would be heard by the committee on January 26.

Senator Berman requested that the committee introduce a committee bill dealing with judicial review of orders of the Commission on Civil Rights. He stated that Senator McCray had requested the committee to introduce a bill; it would be identical to HB 2271, which was introduced last year, assigned to the House Judiciary Committee, but not acted upon. Senator Berman moved to introduce such a bill; Senator Simpson seconded the motion. The chairman commented that he had mixed feelings on the motion, because he had no objection to the committee introducing such a bill, but he did have a strong aversion to duplicate items of proposed legislation. Senator Berman indicated that he agrees with not having duplicate pending legislation,

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary January 20, 1978.

and that he would suggest that if the committee introduced such a bill, that HB 2271 be reported adversely. Following committee discussion, the motion carried.

The meeting adjourned.

These minutes were read and approved by the committee on 2-7-78.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Elvonne Hughes	Leav. Ks.	STUDENT
Pat McKinley	Leav. K's	Student
Maeon Benson	Topeka	Mental Health Assn
Gwen Bergbom	Topeka	Mental Health Ctr.
Jean Wicksten	Lawrence, Ks	Consultant & Specialist Child Abuse & Neglect
Barbara Meidinger	Top.	Jr. League Topeka
Beata Weiss	Topeka	Jr League Topeka
Frank Wilton	Topeka	ASC Ministries
Charles V. Hammy	Lawrence, Ks	Roman Catholic Conference
Judy Weaver	SRS - Topeka - state off. Bldg	
Wendy W. Walker	Topeka	Jr. League - Topeka
Judith C. Runnels	Twin Falls, Id.	student
Michelle Purnio	Topeka	Ks State Nurses Assoc
L. Dunnebecke	Leavenworth	Student St. Mary College
Callen Fairchild	"	" "
Dann Barrett	"	" "
Allen Richardson	RR#1 Wakarusa Ks	Student
Key K. Gilbert	KCSL - Topeka	
Allan A. Hazlett	704 KPL Tower	Kos magazine wholesaler
Joe Dempster	" " "	" " "
B Sabal	1050 Republican Topeka	" " "

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Bonita Yoder	1909 Vermont	Hein's Legislative Intern
Randall Becker		KANSAS FEATURES & NEWS
Steve Stavr	Topeka	T.P.O.
Wayne [unclear]	TK	AP
Julia [unclear]	St Mary college Leavenworth	
Matthew [unclear]	State Bldg.	
Mindy Berger	Topeka	Cap. Journal

Senate Judiciary Committee
January 20, 1978 11:00 A.M.
Room 519 - S

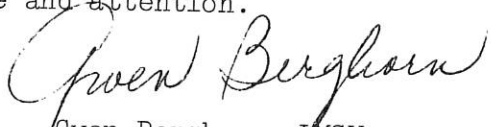
Re: Hearing on S.B. 587

I am here today to testify in support of Senate Bill 587 as an individual citizen of the State of Kansas. I am a licensed Master of Social Work employed as a Specialist and Consultant on Child Abuse and Neglect by the National Committee for Prevention of Child Abuse.

I am pleased that this piece of legislation has been introduced and comes before the 1978 Legislative Session. Sexual exploitation of children has occurred for many years and we, the citizenry have been unwilling to recognize that fact, and therefore put an end to these acts. I believe the time has come to recognize our responsibility to minors of the state and protect them to the best of our ability.

I am concerned about one aspect of the bill as it is now written. The Phrase "for a legitimate scientific or educational purpose" (line 0029) is, I believe vague. Who is to define "legitimate," "scientific," or "educational?" I would not like to see Senate Bill 587 kept from passing this session due to non-agreement over this phrase. Specific definition of these key words would, however, close a possible loophole in the bill which could render it ineffective should it become law.

Thank your for your time and attention.



Gwen Berghorn, LMSW
Specialist and Consultant
on Child Abuse and Neglect

TESTIMONY: Vincent DeCoursey
Executive Director, Kansas Catholic Conference
Senate Judiciary Committee, January 20, 1978

S. B. 587

I wish to thank the committee and Senator Meyers for the opportunity of testifying on Senate Bill 587: an act defining and classifying the crime of sexual exploitation of a child.

My first observation is the fact that such a law be necessary is a sad commentary on the state of morality in this nation of ours. Sexual conduct that has been considered criminal since the founding of our country is now seemingly either tacitly or explicitly approved by law. Only when the horror becomes outrageous, as in the case of sexual exploitation of a child for profit or for private amusement, does the necessity for legislation seemingly become persuasive.

We commend the passage of this act. We do however strongly urge that Section 2. be deleted. It is inconceivable that the photographing, filming, or displaying in any way of a child engaged in sexually explicit conduct could ever be for a legitimate scientific or educational purpose. In our judgment such language really places obstacles in the way of enforcement of the law, and is a loophole which will be taken full advantage of by all sorts of creatures who pander to the sexually deviant.

Elimination of Section 2. would strengthen the bill. With its removal we fully support S. B. 587.