


Held in Room 519 S, at the Statehouse at 11:00 a.m. on March 21, 19 78.

All members were present except: Senators Gaar and Gaines

The next meeting of the Committee will be held at 1:30 p.m., on March 21, 19 78.

~~These minutes of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXX were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

- Sherman Parks, Jr. - Secretary of State's Office
- John Hopkins - Kansas Press Association
- Charles Hamm - Department of Social and Rehabilitation Services
- Representative Larry E. Erne

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Cynthia Burch - Legislative Research Department

House Bill 3203 - Garnishment to enforce support orders. No conferees appeared in support of, or in opposition to the bill.

House Bill 3226 - Legal entities required to file documents with the secretary of state. Mr. Sherman Parks, Jr., testified in support of the bill. He said the bill had been requested by the Secretary of State's office. It will provide greater conformity with the general corporation code. He explained the bill, section by section. Committee discussion with him followed.

House Bill 2787 - Open public meetings, notice. John Hopkins, of the Kansas Press Association, testified to request an amendment in line 63; to change "any" to "an". Committee discussion concerning the bill followed.

Senate Bill 282 - Adoption and relinquishment of children, rights of putative father. Senator Simpson moved that this committee request an interim committee study on the subject matter of the bill; Senator Parrish seconded the motion, and the motion carried.

House Bill 2797 - Clean up compulsory process act. Committee discussion was had concerning the bill. Concern was expressed about lines 63 through 65. Staff was requested to prepare proposed amendments for later review by the committee.

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.

The chairman reminded the committee that there would be a working session at 1:30 this afternoon in room 527 S.

House Bill 2709 - Crimes, contributing to misconduct or deprivation of a child and aggravated juvenile delinquency. The chairman reviewed prior committee activity concerning the bill.

Mr. Hamm testified that the committee of seven judges who meet with representatives from the SRS department considered the amendments to the bill, and voted unanimously to recommend the house version of the bill be passed without amendments. The judges are concerned about the reduction of sentence for running away from institutions. Committee discussion concerning the bill followed.

House Bill 2888 - Crime of hypnotic exhibition. Representative Erne testified in support of the bill. He stated the statute was enacted to eliminate the use of hypnotic exhibitions in clubs. The bill would amend the statute to permit the use of hypnotic exhibition, if the exhibitions were not used for entertainment purposes. Senator Steineger moved to report the bill favorably; Senator Mulich seconded the motion. Senator Berman made a substitute motion to amend the bill by turning it into a repealer of the existing statute; Senator Burke seconded the motion, and the substitute motion carried. Senator Burke moved to report the bill favorably as amended; Senator Berman seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-24-78.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
John A. Peterson	Topoka	Coyle
Phenakia	Topelka	Sec of State
Ane Beant's	TK	AP
John Hopkins	Topelka	Ks Press Assn
Geo McGowan	Wichita	SMJWE
Charles D. Hamm	SRS - Topelka Kansas	
Bill Senny	Topelka	Governor

As Amended by House Committee

Session of 1978

HOUSE BILL No. 2709

By Special Committee on Judiciary—B

Re Proposal No. 37

12-7

0018 AN ACT relating to crimes involving children; defining the crime
0019 of contributing to the misconduct or deprivation of a child;
0020 concerning the crime of aggravated juvenile delinquency;
0021 amending K.S.A. 1977 Supp. 21-3611 and repealing the exist-
0022 ing section; also repealing K.S.A. 21-3607 and K.S.A. 1977
0023 Supp. 38-830.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 New Section 1. (1) Contributing to a child's misconduct or
0026 deprivation is causing or encouraging a child under eighteen (18)
0027 years of age:

0028 (a) To become a delinquent, miscreant, wayward or deprived
0029 child or a traffic offender or truant, as defined by K.S.A. 1977
0030 Supp. 38-802, and any amendments thereto; or

0031 (b) to commit an act which, if committed by an adult, would
0032 be a felony or misdemeanor.

0033 Contributing to a child's misconduct or deprivation is a class A
0034 misdemeanor, except that if the defendant caused or encouraged
0035 the child to be a delinquent child or to commit an act which, if
0036 committed by an adult, would be a felony, the offense is a class E
0037 felony.

0038 (2) A person may be found guilty of this section even though
0039 no prosecution of the child, whose misconduct or deprivation the
0040 defendant caused or encouraged, has been commenced pursuant
0041 to the juvenile code or code of criminal procedure.

0042 (3) This section shall be a part of and supplemental to the
0043 Kansas criminal code.

0044 Sec. 2. K.S.A. 1977 Supp. 21-3611 is hereby amended to read

and the crime of unauthorized leave from a juvenile facility

0045 as follows: 21-3611. (1) Aggravated juvenile delinquency is any of
0046 the following acts committed by any person confined in the youth
0047 center at Topeka or in the youth center at Beloit or by any
0048 delinquent child or miscreant child, as such terms are defined by
0049 K.S.A. 1976 1977 Supp. 38-802, and any amendments thereto,
0050 who is sixteen (16) years of age or over and is confined in any
0051 training or rehabilitation facility under the jurisdiction and con-
0052 trol of the department of social and rehabilitation services:

0053 (a) Willfully burning or attempting to burn any building of
0054 any of such institutions or facilities, or setting fire to any com-
0055 bustible material for the purpose of burning such buildings;

0056 (b) Willfully burning or otherwise, destroying or otherwise
0057 damaging property of belonging to the state of Kansas, and the
0058 damage exceeds the value of more than one hundred dollars
0059 (\$100) belonging to the state of Kansas;

0060 (c) Willfully and forcibly resisting the lawful authority of any
0061 officer of any of such institutions or facilities;

0062 (d) Committing an aggravated assault or aggravated battery
0063 upon any officer, attendant, employee or person confined to any
0064 such institutions or facilities;

0065 (e) Exerting a dangerous and pernicious influence over other
0066 persons confined in any of such institutions or facilities by gross
0067 or habitual misconduct;

0068 ~~(f)(d) Running away or escaping from any of such institu-~~
0069 ~~tions or facilities after having previously run away or escaped~~
0070 ~~therefrom one or more times.~~

0071 (2) Aggravated juvenile delinquency is a class E felony.

0072 (3) ~~Person~~ charged with aggravated juvenile delinquency, as
0073 defined by this section, shall ~~not~~ be prosecuted pursuant to the
0074 Kansas juvenile code ~~such persons shall be prosecuted under the~~
0075 ~~general criminal laws of the state.~~

0076 Sec. ~~37~~ K.S.A. 21-3607 and K.S.A. 1977 Supp. 21-3611 and
0077 38-830 are hereby repealed.

0078 Sec. ~~47~~ This act shall take effect and be in force from and after
0079 its publication in the statute book.

Subject to the provisions of K.S.A. 1977 Supp.
38-808, persons

New Sec. 3. (1) Unauthorized leave from a
juvenile facility is the running away or es-
caping from any training or rehabilitation
facility under the jurisdiction and control
of the department of social and rehabilitation
services by any delinquent or miscreant
child, as defined by K.S.A. 1977 Supp.
38-802, and any amendments thereby, who is
sixteen (16) years of age or older and has
been lawfully placed in, or committed to,
such a facility.

(2) Unauthorized leave from a juvenile
facility is a class C misdemeanor.

(3) Subject to the provisions of K.S.A.
1977 Supp. 38-808, persons charged with the
crime of unauthorized leave from a juvenile
facility shall be prosecuted pursuant to
the Kansas juvenile code.

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