

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson

10:00 a.m./~~pm~~ on February 3, 19 83 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Mulich, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Mark Burghart, Legislative Research Department

Conferees appearing before the committee:

Senator Gerald Karr
Randy Hearrell, Kansas Judicial Council
Professor John Kuether, Washburn School of Law
Jon Jossierand, Office of Secretary of State

Senator Karr presented a proposal to the committee that would address the terroristic threat statute (See Attachment #1). Following his explanation, Senator Feleciano moved that the bill be introduced as a committee bill; Senator Werts seconded the motion, and the motion carried.

Senate Bill 90 - Probate of wills executed and probated outside Kansas.

The chairman explained this bill originated with the Probate Law Advisory Committee of the Judicial Council.

John Kuether explained the bill is designed to strike the requirement that wills probated elsewhere must be probated in Kansas within five years. Committee discussion with him followed. Senator Steineger made a motion that the bill be reported favorably; Senator Mulich seconded the motion, and the motion carried.

Senate Bill 7 - Filing of security interests in farm products.

The chairman reminded the committee of their decision to approve the concept of central filing and that the transition language be placed in the separate section. Senator Steineger moved to go with the Jossierand plan; Senator Gaines seconded the motion. During discussion, Mr. Jossierand suggested the matter of fees would have to be in the bill. He reported the cost to the county would be \$1,000 to \$1,800 to install a telecopier. He stated the way people are getting information from his office, it seems to work; the office has different ways to provide that information. It would be five years before the transition was complete. Following considerable committee discussion, Mr. Jossierand stated his office will continue to oppose the bill if it contains mandatory telephone information provisions. A committee member suggested the potential seller of farm products be required to give notice to the potential buyer that he intends to sell. Further discussion was had regarding the manner of providing information and how much more information. The motion that is pending will be held until the committee takes up the bill again.

Senator Gaines moved that the minutes of February 1, 1983, be approved; Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Nancy Pantola	Topeka	Ki Co of Council
Larry Humes	Staff	SEN. Hemeyer
Carol Beard	Topeka	Sec of State
Rebecca Pitshaw	Lawrence	
Sophie George	Topeka	
K. Harnell	Topeka	KS Qld Cou
J. Kuntzer	Topeka	KS Jud. Com
JAN JOSSERAND	Topeka	sec of state

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STATE OF KANSAS



TOPEKA

SENATE CHAMBER

GERALD "JERRY" KARR
SENATOR, SEVENTEENTH DISTRICT
CHASE, LYON, MARION, MORRIS,
OSAGE COUNTIES
R. R. 2, BOX 101
EMPORIA, KANSAS 66801

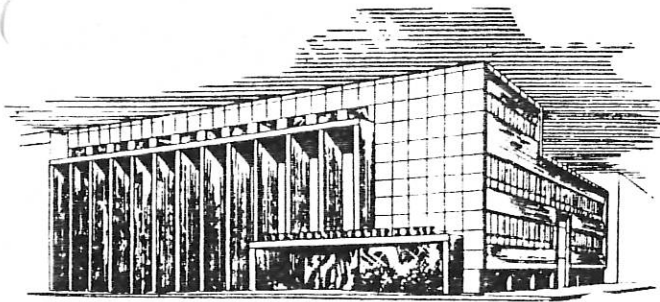
COMMITTED ASSIGNMENTS
MEMBER AGRICULTURE AND SMALL BUSINESS
COMMERCIAL AND FINANCIAL INSTITUTIONS
GOVERNMENTAL ORGANIZATION
LABOR AND INDUSTRY

To: Senate Judiciary Committee
From: Gerald Karr
Re: Request for a Committee Bill

Attached is a letter from the County Attorney's office in
Lyon County regarding telephoned threats to adulterate meats
from Iowa Beef Processors.

We are agreed upon the need for an amendment to K.S.A. 21-3419.
We would request that a committee bill be prepared to address
this gap in current law.

Atch. 1



OFFICE OF THE

COUNTY ATTORNEY

LYON COUNTY COURTHOUSE

Phone (316) 342 2563

EMPORIA, KANSAS 66801

PHILIP E. WINTER
Asst. County Attorney

RODNEY H. SYMMONDS
County Attorney

KYLE G. SMITH
Asst. County Attorney

January 28, 1983

Senator Gerald Karr
Kansas State Senate
Capitol Building
Topeka, Kansas

Re: Threat to Adulterate Food or Drugs

Dear Senator Karr:

As you are well aware, we have recently had a case wherein an individual allegedly telephoned Iowa Beef and other places threatening to adulterate meat by the use of cyanide, strychnine and LSD. While I have charged the individual with terroristic threat and discussed this matter with the Attorney General before I did so, terroristic threat does not clearly cover the act here complained of. I would therefore suggest amending K.S.A. 21-3419 as follows:

A terroristic threat is any threat to commit violence communicated with intent to terrorize another or to cause the evacuation of any building, place of assembly or facility of transportation or in a wanton disregard of the risk of causing such terror or evacuation or any threat to adulterate or contaminate any food, beverage or drug with the intent to terrorize or harm or damage the reputation of a person or corporation. A terroristic threat is a Class E felony.

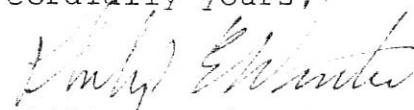
It should be noted that the terroristic threat statute as it is now written is designed to deal with two situations, basically one where an individual is physically threatened with violence or two the old bomb threat which was so often received in the '60's and '70's directed toward a building. The statute was not designed to deal with the problem of the tylenol cases or a threat of the tylenol case or the matters which have recently arisen in Louisiana concerning drinking water.

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Senator Gerald Karr

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While the telephone harassment charge may very well cover this area, it would seem that a class A Misdemeanor having a penalty of up to one year in jail and a fine of only \$2,500.00 is not a sufficient deterrent to this type of crime. I am therefore requesting that you address this matter. It may very well be that you would desire to add an additional statute rather than to amend the statute of terroristic threat. If that is the case I would suggest that you might want to include the new statute in Article 42 of Chapter 21, crimes against public safety.

Cordially yours,



Philip E. Winter
Assistant Lyon County Attorney

PW:mec