

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at  
Chairperson

3:30 ~~xxx~~/p.m. on February 21, 1984 in room 526-S of the Capitol.

All members were present except:

Representatives Duncan and Justice were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department, were excused  
Mary Ann Torrence, Revisor of Statutes' Office, were excused  
Nedra Spingler, Secretary

Conferees appearing before the committee:

Representative Mike Peterson  
Representative Bill Wisdom  
Representative Herman Dillon  
Myra Gross  
Representative Mary Jane Johnson  
Representative Charles Laird  
Lt. Ken Butts, Shawnee County Sheriff's Department  
Ed Schaub, Southwestern Bell Telephone Company

The minutes of February 16, 1984, were approved.

Hearings were held on HB 2958, HB 2920 and HB 2931.

HB 2958 - An act relating to judges in the 29th Judicial District.

Representative Mike Peterson gave a background of the system of selecting judges in the 29th Judicial District, noting they are presently elected for four-year terms which should be retained, but HB 2958 would provide that, after the initial election, rather than filing for re-election, judges would file for retention in office. He believed this would improve the judicial system by allowing judges to be judges for four years and not have to spend part of their terms running for office. Retention would allow voters to vote according to the judge's record. Under the present system, judges up for re-election are not accountable for anything, and having to be elected influences their decisions regarding court cases where the attorney may be a potential opponent in the election. Representative Peterson said the judges in the 29th Judicial District and the Wyandotte County Bar Association support the bill. At some time in the past, all but two judges in the district have run for election. A member noted this makes them all encumbent. In regard to applying the bill's provisions statewide, Representative Peterson said each county should have the option of the retention method. A member suggested that retention be a decision of the voters of Wyandotte County, not the legislature.

A member noted the situation in this district that prompted the election system.

The Chairman said Representative Fred Rosenau, who was unable to appear, opposes HB 2958.

Representative Bill Wisdom opposed the bill and said the present system of electing judges works well in the 29th district.

Representative Herman Dillon opposed the bill and furnished statistics on the vote regarding the present election system when 60 percent of the voters preferred this method (Attachment No. 1).

Myra Gross said she represented the people, was a Johnson County resident, a graduate of Turner High School, and sold real estate in Wyandotte County. She opposed HB 2958 and believed it represented the wishes of the judges and not those of the people who should put the matter on the ballot by petition. She said Johnson County has the retention system and judges there answer to no one. She is working on a petition to put to a vote the election of judges. She noted that judges, their relatives, and attorneys are the only ones who refuse to sign the petition. She believed the bill was introduced because the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 526-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1984.

matter would not pass a vote of the people. Ms. Gross resented Representative Peterson's attempts regarding retention which undermined her efforts in circulating petitions to get judges elected in Johnson County.

The Chairman advised Ms. Gross that her testimony regarding the Johnson County situation had no bearing on Wyandotte County. A member pointed out that, if the people in Wyandotte County disapproved of what their representatives do, they have recourse through elections.

Representative Mary Jane Johnson opposed the bill. She noted her brother's (Judge Dave Mikesic) support mentioned by Representative Peterson was two years old, and he believed the bill was unconstitutional. Since the present election system is only four years old, she believed it was too early to change it. If the people want it changed, they should petition for it.

HB 2920 - An act relating to false alarms on 911.

Representative Charles Laird said the Shawnee County Sheriff's Department requested the bill because high school students were making calls on the 911 emergency telephone number. The bill provides a criminal penalty for making false calls on this number.

Lt. Ken Butts, Shawnee County Sheriff's Department, said there is a response to every call, and false calls mean that officers put their lives in danger needlessly. There were, at least, eight of these in 1983, and the 911 system has increased false alarms for the Fire Department. He supported the bill and believed a criminal penalty would be a deterrent.

Ed Schaub, Southwestern Bell Telephone Company, neither opposed or supported the bill but offered an amendment (Attachment No. 2) suggested by the company's legal counsel regarding the word, "transmitting" in subsection (c). As a phone company, it "transmits" these calls and could be affected by the bill's penalty provisions. Mr. Schaub said subsection (b) was not included in the amendment because there are so many different ways of transmitting false alarms it could not be narrowed down to exclude the phone company.

HB 2931 - An act relating to Aids of Execution.

Representative Vic Miller said the bill was the result of a letter he received from the United States Attorney's Office (Attachment No. 3). It makes Aid of Execution hearing requirements uniform in Chapters 60 and 61 of the statutes and would simplify procedures regarding garnishment and determining bank accounts. Representative Miller knew of no one who would oppose the bill.

HB 2694 - An act relating to interference with parental custody.

Representative Cloud presented a proposed substitute for HB 2694 (Attachment No. 4) which encompasses provisions of that bill and SB 368 (Attachment No. 5) which is Section 2 (b) in the substitute bill. The substitute adds a new concept regarding the definition of "kidnapping" in Chapter 21 of the statutes. He noted, if a person takes a child to raise it as their own and does not commit any of the four things defined by statute as kidnapping, they are not charged with kidnapping. Section 1 (b) includes in the definition persons other than the biological, adoptive or stepparent taking children.

There was discussion regarding the penalty and if a Class B felony would be a greater deterrent than a Class A misdemeanor. It was noted the intent of SB 368 was that the penalty be a Class A misdemeanor.

Representative Cloud moved to amend HB 2694 so that wording in the proposed substitute would be incorporated and result in a substitute bill for HB 2694, seconded by Representative Vancrum. There was further discussion on the penalty and how it would affect benevolent intent of taking a child. It was noted the language was too broad and would affect persons for whom it was not intended and would make them criminals. Representative Cloud believed these situations would be taken care of by the attorney who would not file a charge.

Representative Miller made a substitute motion to adopt the substitute and add language in Section 1 (b) to add, after "stepparent", "with the intent to permanently deprive the child's parents or guardian of custody of the child", seconded by Representative Ediger. It was noted the motion would substantially change the appearance of the bill in its conformity with the original bill. The vote on the substitute motion failed.

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MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,  
room 526-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1984

Representative Patrick made a substitute motion, seconded by Representative Vancrum, to (1) adopt Section 1 (b) of the substitute bill and add, after "stepparent", "or guardian or other person having lawful charge or custody of such child"; (2) to reinsert the Class A misdemeanor penalty in Section 2 (b) (2) of the substitute bill; and (3) to reinsert the Class E felony penalty in Section 3 (b)(2). The motion was divided into three parts for voting. No. 1 failed to carry, and numbers 2 and 3 carried.

Representative Miller moved to table discussion on the bill until a draft of amendments could be reviewed, seconded by Representative Matlack. The Chairman noted this motion would probably result in no action being taken on the measure this session. Representative Solbach made a substitute motion to pass the substitute bill favorably as amended, seconded by Representative Buehler. Following discussion clarifying action taken, Representative Solbach withdrew his substitute motion.

Representative Vancrum made a substitute motion to adopt Section 1 (b) as drafted in the substitute bill, seconded by Representative Cloud. The substitute motion failed to carry.

The question was called on the original motion to table discussion. Motion failed to carry. Representative Knopp moved to report the substitute, as amended, favorably, seconded by Representative Schweiker. Representative Miller opposed the motion and believed the bill criminalized domestic matters and gave mothers undo advantage over fathers. Representative Cloud said, although two-thirds of his proposal was not accepted, he supported the one-third remaining that expands the definition of interference of parental custody. The vote on the motion carried 8 to 6.

The Chairman said that, due to the March 2 deadline for Committee action on house bills, a number of bills would not be scheduled for hearings, and members should let him know of any they believed should be considered. He said seven bills would be assigned to subcommittees: HB 3005, 3021 and 3029 to Subcommittee A; and HB 3015, 3017, 3020 and 3022, all dealing with the DOC, would be assigned to Subcommittee B. Members would be assigned to study and make recommendations regarding these bills to the full Committee before the deadline.

The meeting was adjourned at 5:30 p.m.

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

1  
2-20

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

"Pertaining to Retention or Election of Judges"

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		"Pertaining to Retention or Election of Judges"	
		Yes	No	Yes	No	Yes	No	Yes	No
Constitutional Amendments									
BONNER SPRINGS									
	1	228	99	203	108	250	84	202	185
	2	153	125	149	124	202	82	181	133
	3	267	89	242	94	296	68	201	195
	4	149	62	136	64	164	57	126	108
	2	160	32	152	27	169	30	72	149
BONNER SPRINGS TOTAL		959	407	882	419	1081	321	782	770
DELAWARE									
	1	20	6	17	6	18	9	16	18
DELAWARE TOTAL		20	6	17	6	18	9	16	18
EDWARDSVILLE									
	1	321	128	281	132	339	115	295	198
	2	158	83	128	89	186	64	155	110
EDWARDSVILLE TOTAL		479	211	409	221	525	179	450	308
PRAIRIE									
	1	244	123	221	108	295	71	249	174
PRAIRIE TOTAL		244	123	221	108	295	71	249	174

Attachment # 1

Attachment # 1

Atch. 1

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>4</sup> Pertaining to Retention or Election of Judges

<sup>1</sup> Amendment No. 1  
Pertaining to  
Internal Improvements

<sup>3</sup> Amendment No. 2  
Pertaining to  
Submission of State  
Constitutional Amendments

<sup>5</sup> Amendment No. 3  
Pertaining to Banks  
and Banking Laws

Ward Precinct

Yes

No

Yes

No

Yes

No

Yes

No

14

1

83

28

65

39

79

35

69

54

2

216

87

200

90

231

72

221

125

3

169

58

156

59

185

51

168

112

4

268

94

251

98

288

74

205

244

5

231

78

215

80

266

57

189

179

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137

75

127

70

168

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131

101

7

174

72

166

81

214

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165

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77

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83

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197

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260

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250

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298

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174

245

11

168

62

159

59

198

40

134

122

12

235

72

220

74

254

64

214

139

13

179

70

160

73

192

58

179

127

WARD TOTAL

2572

945

2374

957

2871

752

2228

1940



WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>b</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	1 Amendment No. 1 Pertaining to Internal Improvements		3 Amendment No. 2 Pertaining to Submission of State Constitutional Amendments		5 Amendment No. 3 Pertaining to Banks and Banking Laws		8 Pertaining to Retention or Election of Judges	
		Yes	No	Yes	No	Yes	No	Yes	No
13	1A	26	16	24	18	25	19	27	38
	1B	89	33	77	39	99	22	91	49
	2	255	91	219	104	264	89	201	201
	3	196	64	173	70	197	54	156	132
	4	155	52	147	55	170	43	138	115
	5	259	99	227	104	272	90	205	202
	6	174	64	174	56	195	48	167	96
	7A	159	77	150	73	186	55	144	126
	7B	129	55	126	47	152	40	97	116
	8	195	100	189	96	226	84	187	157
	9	200	95	191	91	228	66	171	156
	10	220	113	182	113	268	67	226	167
11	166	60	162	56	179	50	143	111	
12	160	54	147	46	182	36	136	126	
WARD TOTAL		2383	973	2188	968	2643	763	2089	1792

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>u</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements				Amendment No. 2 Pertaining to Submission of State				Amendment No. 3 Pertaining to Banks and Banking Laws				Pertaining to Retention or Election of Judges	
		Constitutional Amendments								Yes	No	Yes	No	Yes	No
12	1	74	31	79	23	92	17	80	46						
	2	309	101	292	100	349	71	285	164						
	3	56	24	51	22	64	18	55	32						
	4	143	63	134	62	153	54	150	77						
	5	166	83	156	79	179	72	145	138						
	6	108	66	103	62	142	44	144	68						
	7	212	113	191	114	254	71	279	104						
	8	201	112	192	112	228	82	215	127						
	9	205	92	189	98	227	83	211	125						
	10	172	73	166	75	188	71	185	108						
	11	186	71	155	81	197	72	183	104						
	12	299	135	261	142	339	95	273	192						
	13	86	45	78	40	94	40	106	38						
	14	160	66	151	56	185	48	196	81						
WARD TOTAL		2377	1075	2198	1072	2691	838	2507	1404						

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>8</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	<sup>1</sup> Amendment No. 1 Pertaining to Internal Improvements		<sup>3</sup> Amendment No. 2 Pertaining to Submission of State		<sup>5</sup> Amendment No. 3 Pertaining to Banks and Banking Laws		<sup>8</sup> Pertaining to Retention or Election of Judges	
		Yes	No	Yes	No	Yes	No	Yes	No
11	1	162	65	149	64	161	68	127	134
	2	121	45	104	48	136	33	88	95
	3	153	54	133	62	166	45	115	132
	4A	150	41	133	48	155	34	115	91
	4B	141	51	129	49	160	34	113	120
	5	181	68	166	75	197	50	150	125
	6	198	74	176	76	209	58	160	159
	7	108	58	105	38	130	34	104	106
	8	217	95	191	89	238	75	176	170
	9	106	42	92	52	109	39	102	67
	10A	196	82	178	87	218	60	155	148
	10B	169	69	160	62	186	51	159	120
	11A	184	54	157	61	205	41	139	137
	11B	195	86	187	79	238	58	154	181
	12	150	44	135	46	166	34	94	142
	13	138	57	136	46	155	44	110	117
14	203	68	179	76	227	55	150	178	
15	49	24	46	19	57	17	52	31	
16	130	56	122	50	153	45	135	83	
WARD TOTAL		2951	1133	2678	1127	3266	875	2398	2336



WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

"Pertaining to Retention or Election of Judges

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		"Pertaining to Retention or Election of Judges	
		Yes	No	Yes	No	Yes	No	Yes	No
10	1	227	63	209	64	244	44	115	222
	2	137	38	120	39	143	40	101	86
	3	117	73	102	78	122	64	100	100
	4	61	38	47	42	43	40	50	53
	5	69	37	60	31	73	35	53	76
	6A	92	47	88	49	98	40	91	80
	6B	124	26	97	36	117	28	88	102
	7	168	62	162	53	190	47	169	113
	8	100	45	90	54	103	47	79	74
	9	88	44	75	38	91	32	74	63
	10	119	59	101	49	109	49	105	89
11	69	30	45	33	49	25	45	55	
WARD TOTAL		1371	562	1196	566	1382	491	1070	1113

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>4</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	CONSTITUTIONAL AMENDMENTS						JUDICIAL QUESTION	
		Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		Pertaining to Retention or Election of Judges	
		Constitutional Amendments						Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
9	1	121	57	114	49	143	35	114	93
	2	181	71	165	62	198	50	117	191
	3	193	79	187	74	245	54	157	198
	4	166	47	140	54	151	52	152	94
	5	132	58	112	62	144	58	124	100
	6	204	74	192	70	234	67	174	180
	7	88	43	79	39	94	29	88	40
	8A	111	49	98	45	124	38	102	85
	8B	248	116	216	125	280	94	238	174
	9A	170	61	157	62	179	53	159	104
	9B	151	44	132	51	160	39	107	119
	10A	165	75	150	75	191	51	141	132
	10B	193	65	148	92	193	73	166	117
	11	286	100	245	109	289	85	221	192
	12	126	69	134	56	142	58	136	98
	13	261	107	249	89	301	68	254	168
	14	345	125	303	137	368	118	308	216
	15	199	105	169	107	209	82	193	144
	WARD TOTAL	3340	1345	2990	1358	3645	1104	2951	2451

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>4</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements				<sup>3</sup> Amendment No. 2 Pertaining to Submission of State				<sup>5</sup> Amendment No. 3 Pertaining to Banks and Banking Laws				<sup>4</sup> Pertaining to Retention or Election of Judges			
		Constitutional Amendments															
		Yes		No		Yes		No		Yes		No		Yes		No	
7	1	118		40		97		41		118		37		105		64	
	2	131		49		115		54		139		36		111		85	
	3	71		38		64		28		77		30		68		61	
	4A	112		35		94		41		110		33		94		59	
	4B	146		46		131		44		162		31		144		90	
	5	125		51		110		50		119		51		116		78	
	6	140		64		118		64		146		56		150		91	
	7	195		83		172		91		221		69		214		117	
	9	223		77		192		106		254		72		221		142	
		284		111		242		117		327		85		288		166	
WARD TOTAL		1545		614		1335		636		1673		500		1511		953	
8	1	153		44		140		46		172		41		138		87	
	2	168		49		156		47		183		33		123		118	
	3	214		65		212		50		238		47		175		130	
	4	111		43		108		39		135		23		113		57	
	5	123		45		124		34		133		35		118		62	
	6	61		15		56		16		57		16		53		30	
	7	165		58		147		64		165		61		137		101	
WARD TOTAL		995		319		943		296		1083		256		857		585	

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

"Pertaining to Retention or Election of Judges"

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		"Pertaining to Retention or Election of Judges"	
		Yes	No	Yes	No	Yes	No	Yes	No
5	1	105	58	103	51	129	42	104	92
	2	104	62	92	61	105	51	99	80
	3	113	70	100	60	126	50	111	142
	4	109	73	96	70	105	59	86	121
	5	181	80	166	75	195	64	155	120
	6	72	39	68	38	74	36	82	50
	7	145	60	120	71	152	57	136	104
	8	155	85	149	73	164	70	137	137
WARD TOTAL		984	527	894	499	1050	429	910	846
6	1	60	38	50	35	65	26	62	35
	2	115	54	102	53	107	53	108	65
	3	67	28	54	31	71	24	70	38
WARD TOTAL		242	120	206	119	243	103	240	138

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

<sup>4</sup> Pertaining to Retention or Election of Judges

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		Judicial Question	
		Yes	No	Yes	No	Yes	No	Yes	No
3	1	49	37	40	18	49	23	62	54
	2	63	20	52	18	67	11	49	50
	3	55	33	45	25	44	33	50	70
	4	79	60	56	60	70	54	73	165
	5	63	32	58	29	46	26	59	50
	6	70	39	53	42	62	34	49	100
	7	43	20	30	26	35	24	72	34
	8	59	42	52	33	60	35	62	59
	9	43	29	38	30	44	32	37	45
	10	53	35	33	40	37	38	37	49
	11	76	33	69	34	76	30	62	61
WARD TOTAL		653	374	526	355	610	340	570	737
4	1	94	50	89	37	96	36	62	71
	2	99	42	87	45	112	34	93	80
	3	141	80	130	84	163	65	130	133
	4	106	50	94	53	96	54	102	74
	5	112	60	106	53	137	41	80	129
	6	220	102	201	99	244	78	175	250
WARD TOTAL		774	384	707	371	848	308	592	757

WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

"Pertaining to Retention or Election of Judges"

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		"Pertaining to Retention or Election of Judges"	
		Yes	No	Yes	No	Yes	No	Yes	No
1	1	53	27	43	21	57	17	48	60
	2	47	13	38	14	44	12	24	40
	3	24	14	24	12	26	10	31	13
	4	35	19	22	17	25	25	35	44
	5	45	18	36	17	44	17	31	38
WARD TOTAL		204	91	163	81	196	81	169	195
2	1	55	26	49	27	53	24	48	55
	2	51	21	33	29	41	25	29	38
	3	50	28	36	19	38	22	34	112
	4	103	48	95	47	117	39	90	80
	5	37	28	31	22	37	15	27	31
	6	31	120	24	122	29	123	24	157
	7	30	22	21	23	29	16	21	65
WARD TOTAL		357	293	289	289	344	264	273	538



WYANDOTTE COUNTY, KANSAS, GENERAL ELECTION

NOVEMBER 4, 1980

SUMMARY OF VOTES CAST

CONSTITUTIONAL AMENDMENTS

JUDICIAL QUESTION

"Pertaining to Retention or Election of Judges

Ward	Precinct	Amendment No. 1 Pertaining to Internal Improvements		Amendment No. 2 Pertaining to Submission of State		Amendment No. 3 Pertaining to Banks and Banking Laws		"Pertaining to Retention or Election of Judges	
		Yes	No	Yes	No	Yes	No	Yes	No
WARD TOTALS									
	1	204	71	163	81	196	81	169	195
	2	357	293	289	289	344	264	273	538
	3	653	374	526	355	610	340	570	737
	4	772	384	707	371	848	308	592	757
	5	984	527	894	499	1050	429	910	846
	6	242	120	206	119	243	103	240	138
	7	1545	614	1335	636	1673	500	1511	953
	8	995	319	943	296	1083	256	857	585
	9	3340	1345	2990	1358	3445	1104	2951	2451
	10	1371	562	1196	566	1382	491	1070	1113
	11	2951	1133	2678	1127	3266	875	2398	2336
	12	2377	1075	2198	1072	2691	838	2507	1404
	13	2383	973	2188	968	2643	763	2089	1792
	14	2572	945	2374	957	2871	752	2228	1940
	BONNER SPRINGS	959	407	882	419	1081	321	782	770
	DELAWARE	20	6	17	6	18	9	16	18
	EDWARDSVILLE	479	211	409	221	525	179	450	308
	PRAIRIE	244	123	221	108	295	71	249	174
	ABSENTEE, SICK, DISABLED	1060	328	1006	336	1196	259	953	1127
	TOTAL	23508	9830	21222	9784	25660	7943	20815	17782

## PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2694

By

AN ACT concerning crimes and punishments; relating to interference, aggravated interference with parental custody and kidnapping; amending K.S.A. 21-3420, 21-3422 and 21-3422a and repealing the existing sections.

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

Section 1. K.S.A. 21-3420 is hereby amended to read as follows: 21-3420. Kidnapping is the taking or confining of any person, accomplished by force, threat or deception, committed:

(a) With the intent to hold such person:

~~(a)~~ (1) For ransom, or as a shield or hostage; or

~~(b)~~ (2) To facilitate flight or the commission of any crime; or

~~(c)~~ (3) To inflict bodily injury or to terrorize the victim or another; or

~~(d)~~ (4) To interfere with the performance of any governmental or political function; or

(b) by anyone other than such person's biological, adoptive or stepparent.

Kidnapping is a class B felony.

Sec. 2. K.S.A. 21-3422 is hereby amended to read as follows: 21-3422. (1) Interference with parental custody is: (a) Leading, taking, carrying away, decoying or enticing away any child under the age of ~~fourteen-(14)~~ 14 years, with the intent to detain or conceal such the child from ~~its~~ the child's parent, guardian, or other person having the lawful charge of such the child; or

(b) refusing or impeding the return of the child in violation of the residency provisions of a custody decree.

(2) Interference with parental custody is a class A

Att. 4

**HOUSE BILL No. 2920**

By Representatives Laird, Acheson, Barr, Bunten, Hensley,  
Mainey, V. Miller, Runnels, Smith and Wagon

2-8

0018 AN ACT concerning crimes and punishments; relating to the  
0019 crime of giving a false alarm; amending K.S.A. 21-4110 and  
0020 repealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 21-4110 is hereby amended to read as fol-  
0023 lows: 21-4110. Giving a false alarm is:

0024 (a) Initiating or circulating a report or warning of an im-  
0025 pending bombing or other crime or catastrophe, knowing that the  
0026 report or warning is baseless and under such circumstances that  
0027 it is likely to cause evacuation of a building, place of assembly, or  
0028 facility of public transport or to cause public inconvenience or  
0029 alarm; ~~or~~

0030 (b) transmitting in any manner to the fire department of any  
0031 city, township or other municipality a false alarm of fire, knowing  
0032 at the time of such transmission that there is no reasonable  
0033 ground for believing that such fire exists; or

(making a telephone call)

~~0034 (c) transmitting in any manner a request for emergency  
0035 service assistance including police, fire, medical or other emer-  
0036 gency service provided under K.S.A. 12-5301 et seq., and  
0037 amendments thereto, knowing at the time of such transmission  
0038 that there is no reasonable ground for believing such assistance  
0039 is needed.~~

(call)

0040 Giving a false alarm is a class A misdemeanor.

0041 Sec. 2. K.S.A. 21-4110 is hereby repealed.

0042 Sec. 3. This act shall take effect and be in force from and  
0043 after its publication in the Kansas register.

Attch. 2





United States Attorney  
District of Kansas

Attachment # 3

February 21, 1984

444 Quincy  
Topeka, Kansas 66683

Wichita Office  
401 N. Market  
Wichita, Kansas 67201

913/295-2850  
FTS/752-2850

Kansas City Office  
812 N. 7th  
Kansas City, Kansas 66101

Representative Vic Miller  
Statehouse  
Topeka, KS 66612

RE: Aid in Execution Hearings

Dear Representative Miller:

Part of our responsibility in the representation of the United States is the enforcement of money judgments entered on behalf of the United States in state and federal courts. In our enforcement of these judgments the United States must follow the procedures set forth in Chapters 60 and 61, Kansas Statutes Annotated. Due to the fact that the dollar amounts of our judgments vary, we have some judgments which fall within Chapter 60 and some that fall within Chapter 61. As a result, we must at present follow two different procedures to enforce our judgments because the proceedings in aid of execution in Chapter 60 and Chapter 61 are not uniform.

K.S.A. §60-2419 requires that a general execution be levied prior to the scheduling of an aid in execution hearing. The problem this requirement creates is two-fold. First, the present policy of the United States Marshal's Service regarding judgment enforcement is that the United States Marshal is prohibited from levying on general executions. The United States Marshal's Service has a shortage of funds and further believes that it is not the responsibility of the Marshal to determine what, if any, of the debtor's property is exempt from execution. Secondly, our office has no way of determining what assets the debtors have. Our only means of determining what non-exempt property the debtors own is through an aid in execution hearing, which is prohibited under K.S.A. §60-2419 without first issuing a general execution.

The procedures outlined at K.S.A. §61-2204 give the judgment creditor the opportunity to show the court that it is "without sufficient knowledge of the debtor's assets to advise the officer where and on what to levy execution." When a judgment creditor can establish this fact before the court, an aid in execution

Attch. 3


Representative Vic Miller  
February 21, 1984  
Page 2

hearing can be held without the issuance of a general execution. We believe that the procedure for scheduling aid in execution hearings should be uniform and that the procedure outlined in Chapter 61 is the more reasonable approach to follow. Consequently, we urge the passage of HB-2931.

If you need any additional information with regard to this request, do not hesitate in contacting this office.

Sincerely,

BENJAMIN L. BURGESS, JR.  
United States Attorney



MARY K. BRISCOE  
Assistant U.S. Attorney



ALLEEN S. CASTELLANI  
Assistant U.S. Attorney

MKB:jm

misdemeanor E felony.

Sec. 3. K.S.A. 21-3422a is hereby amended to read as follows: 21-3422a. (1) Aggravated interference with parental custody is:

(a) Hiring someone to commit the crime of interference with parental custody, as defined by K.S.A. 21-3422, and amendments thereto; or ~~committing~~

(b) the commission of interference with parental custody, as defined by K.S.A. 21-3422, ~~when done with the intent to deprive of custody such child's parent, guardian, or other person having the lawful charge or custody of such child, and when~~ and amendments thereto, by a person who:

~~(a) committed by a person who~~ (i) Has previously been convicted of ~~interference with parental custody, as defined by K.S.A. 21-3422~~ the crime;

~~(b) committed by a person~~ (ii) commits the crime for hire;

~~(c) committed by a person who~~ (iii) takes the child outside the state without the consent of either the person having custody or the court;

~~(d) committed by a person who,~~ (iv) after lawfully taking the child outside the state while exercising visitation or custody rights, refuses to return the child at the expiration of such the rights; or

~~(e) committed by a person who,~~ (v) at the expiration of visitation or custody rights outside the state, refuses to return or impedes the return of such the child.

(2) Aggravated interference with parental custody is a class E D felony.

~~(2)~~ (3) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 21-3420, 21-3422 and 21-3422a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.



Session of 1983

# SENATE BILL No. 368

By Committee on Judiciary

2-23

0017 AN ACT concerning crimes and punishments; relating to inter-  
0018 ference and aggravated interference with parental custody;  
0019 amending K.S.A. 21-3422 and 21-3422a and repealing the  
0020 existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 21-3422 is hereby amended to read as fol-  
0023 lows: 21-3422. (1) Interference with parental custody is leading,  
0024 taking, carrying away, decoying or enticing away any child under  
0025 the age of ~~fourteen (14)~~ 14 years, with the intent to:

0026 (a) Detain or conceal ~~such the~~ child from ~~its the~~ child's parent,  
0027 guardian, or other person having the lawful charge of ~~such the~~  
0028 child; or

0029 (b) *refuse or impede the return of the child in violation of the*  
0030 *residency provisions of a custody decree.*

0031 (2) Interference with parental custody is a class A misde-  
0032 meanor.

0033 Sec. 2. K.S.A. 21-3422a is hereby amended to read as follows:  
0034 21-3422a. (1) Aggravated interference with parental custody is:

0035 (a) Hiring someone to commit the crime of interference with  
0036 parental custody, as defined by K.S.A. 21-3422; *and amendments*  
0037 *thereto; or committing*

0038 (b) *the commission of* interference with parental custody, as  
0039 defined by K.S.A. 21-3422; ~~when done with the intent to deprive~~  
0040 ~~of custody such child's parent, guardian, or other person having~~  
0041 ~~the lawful charge or custody of such child, and when and~~  
0042 *amendments thereto, by a person who:*

0043 (a) Committed by a person who (i) Has previously been  
0044 convicted of ~~interference with parental custody, as defined by~~  
0045 ~~K.S.A. 21-3422 the crime;~~

0046     ~~(b)~~ committed by a person *(ii)* commits the crime for hire;  
0047     ~~(c)~~ committed by a person who *(iii)* takes the child outside  
0048 the state without the consent of either the person having custody  
0049 or the court;

0050     ~~(d)~~ committed by a person who; *(iv)* after lawfully taking the  
0051 child outside the state while exercising visitation *or custody*  
0052 rights, refuses to return the child at the expiration of ~~such~~ *the*  
0053 rights; or

0054     ~~(e)~~ committed by a person who; *(v)* at the expiration of  
0055 visitation *or custody* rights outside the state, refuses to return or  
0056 impedes the return of ~~such~~ *the* child.

0057     (2) Aggravated interference with parental custody is a class E  
0058 felony.

0059     ~~(2)~~ (3) This section shall be a part of and supplemental to the  
0060 Kansas criminal code.

0061     Sec. 3. K.S.A. 21-3422 and 21-3422a are hereby repealed.

0062     Sec. 4. This act shall take effect and be in force from and after  
0063 its publication in the statute book.