

Approved February 2, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at
Chairperson

313-S a.m./p.m. on January 21, 1987 in room 313-S of the Capitol.

All members were present except:

Representatives Bideau and Whiteman who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Mary Jane Holt, Secretary

Conferees appearing before the committee:

Mike Boyer, Kansas Bureau of Investigation
Ron Smith, Kansas Bar Association
Julene Miller, Deputy Attorney General
Jan Waide, Director, Children in Need of Care, Youth Services, Department
of Social and Rehabilitation Services
Bob Williams, Kansas Committee for Prevention of Child Abuse

Hearing on H.B. 2010--Definition of crime of indecent liberties
with a child. Re Proposal No. 20

Mike Boyer testified he was a member of the Attorney General's Task Force on Missing and Exploited Children and this bill was requested by the Task Force in response to a Supreme Court decision, State v. Tripp, Case No. 59010, in the Court of Appeals of the State of Kansas.

Ron Smith recommended that changes could be made to clarify the intent of the bill. He suggested inserting in line 23, or in the presence of a child.

Julene Miller stated that aiding and abetting would not apply in State v. Tripp. She also said that the crime of indecent liberties with a child, under this bill, does have to be an act with a child.

The Chairman asked staff to investigate revising the language of the bill for clarification.

The hearing on H.B. 2010 was closed.

Hearing on H.B. 2012 - Missing children information clearinghouse, Re
Proposal No. 20

Mike Boyer testified he operates the State's Missing Persons Program at the K.B.I. The bill establishes a missing children information clearinghouse. He stated there is no fiscal note for this bill. This bill also gives the Director of the Kansas Bureau of Investigation authority to apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of the act.

Jan Waide testified in support of H.B. 2012, (see Attachment I). She questioned the inclusion of "exploited children" in the information system since the current Code for Care of Children defines exploitation of children as child abuse and they are counted in the Child Abuse/Neglect Information System maintained by SRS. The duplication of statistics on exploited children by two state agencies would make accurate counting difficult. She recommended including in the bill a definition of "missing" child. She stated K.S.A. 38-1502 defines physical, mental or emotional, abuse or neglect and exploitation of

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on January 21, 1986.

children. She recommended it would be helpful to police departments to have defined in the statute what constitutes an "immediate response".

Mike Boyer stated immediately means immediately and should be left alone.

Bob Williams testified in support of H.B. 2012. He expressed concern that there was no definition of an exploited child, when a child is missing and no definition of immediate.

The hearing on H.B. 2012 was closed.

The Chairman explained three bills requested by the Judicial Council. 7 RS 0182 would amend the probate code, 7 RS 0184 relates to publication and distribution of reports of the Judicial Council and 7 RS 0185 repeals K.S.A. 7-119 and 7-120, relating to certain unlawful conduct of attorneys.

Representative Douville moved and Representative Solbach seconded to introduce the three bills requested by the Judicial Council as Committee bills. The motion passed.

The Kansas Bar Association requested the Committee introduce legislation relating to probate of estates. The legislation would reduce the cost of small trusts for probate matters. They also requested the 1985 H.B. 2453-Unsworn declarations under penalty of perjury, and 1985 H.B. 2458-Evidence of spouse's remarriage in wrongful death actions, be reintroduced as Committee bills. Also requested were bills amending the uniform trade secrets act and the uniform limited partnership act.

Representative Shriver moved the Committee introduce the bills requested by the Kansas Bar Association. Representative Douville seconded and the motion passed.

The Chairman adjourned the meeting at 4:45 p.m.

The next meeting will be Thursday, January 22, 1987, at 3:30 p.m. in Room 313-S.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Testimony in Support of H.B. 2012

Mr. Chairman, members of the committee, I appear here today in support of this bill establishing a missing children information clearinghouse. We do question, however, the inclusion of "exploited children" in this information system since the current Code for Care of Children defines exploitation of children as child abuse. Therefore, those children, reported as exploited, are currently counted in the Child Abuse/Neglect Information System maintained by SRS. The duplication of the statistics on exploited children by two state agencies would make accurate counting very difficult.

We believe this bill would be strengthened by the inclusion of a definition of "missing" child. In other words when is a child officially "missing". There have been many interpretations of this issue in the past and a definition in statute would be helpful.

We support the effort to provide further protection for missing children.

Robert C. Harder
Office of the Secretary
Social and Rehabilitation Services
296-3271
January 21, 1987