

Approved February 2, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

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

3:30 ~~am~~/p.m. on January 25, 1988 in room 313-S of the Capitol.

All members were present except:

Representative Peterson and Snowbarger, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Representative Don Sallee
Robert Barnum, Commissioner of Youth Services, Social and Rehabilitation Services
Jack Pulliam, Past Superintendent of Boys ' School
Ron Smith, Kansas Bar Association
Representative Art Douville

Hearing on H.B. 2646--Holding of certain juvenile offenders until age 25

Representative Sallee testified H.B. 2646 would allow a review of a juvenile who has been convicted of a serious crime and if determined to be still dangerous, to hold the individual to age 25 instead of the present 21 years of age. He said this bill would affect a very small amount of people because most are tried as adults in these circumstances. Being able to work with an individual the additional 4 years might make a difference in their attitude and hopefully change them, (see Attachment I). He also submitted an amendment to line 24 changing the word "shall" to "may", (see Attachment II).

Commissioner Robert Barnum testified the amendment proposed changing the "shall" to "may" would reduce the fiscal note appreciably. He stated S.R.S. received 70 youths in four youth centers last year that could be affected by the provisions of this bill. They also estimate they have 50 more that instead of being tried as adults might come under this bill. The youth centers, at the present time, are full to capacity. He estimated it would cost \$6,500,000 to build a 100 bed secure type facility. He stated the present age of 21 is adequate.

Jack Pulliam testified under this bill a child who was under the age of 16 who had committed a serious offense could be a juvenile for 9 years. He stated this bill is punitive and not rehabilitative.

The hearing was closed on H.B. 2646.

Hearing on H. B. 2487--Uniform Trade Secrets Act

Ron Smith testified the K.B.A. supports these cleanup amendments to the Uniform Trade Secrets Act. This bill was recommended by the American Bar Association's Patent Law Section and the Uniform Laws Commission, and concerns the rights, duties and liabilities concerning "intellectual property", (see Attachment III).

There being no other conferees, the hearing was closed on H.B. 2487.

Hearing on H.B. 2652--Civil procedure rules dealing with the filing of motions

Representative Douville testified the bill makes changes to the law to comply with the federal law. When the period of time prescribed or allowed is less than 7 days, this language was changed to 11 days and intermediate Saturdays and legal holidays were added to be excluded in the computation.

The hearing on H.B. 2652 was concluded.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on January 25, 1988.

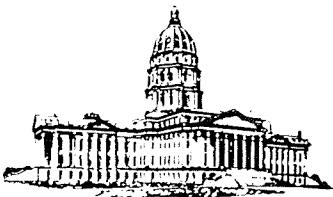
Representative Vancrum moved and Representative Sebelius seconded to recommend H.B. 2487 for passage and that it be placed on the consent calendar. The motion passed.

The Committee meeting was adjourned at 4:30 p.m.

The next meeting will be Tuesday, January 26, 1988 at 3:30 p.m. in room 313-S.

STATE OF KANSAS

DON SALLEE
REPRESENTATIVE, FORTY-NINTH DISTRICT
ATCHISON, BROWN, DONIPHAN,
AND JACKSON COUNTIES
RR 2
TROY, KANSAS 66087



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER AGRICULTURE AND SMALL BUSINESS
ENERGY AND NATURAL RESOURCES
TRANSPORTATION

Mr. Chairman and members of the Committee

Thank you for the opportunity to appear before you on HB 2646. This bill would allow us to review a juvenile who has been convicted of a serious crime and if determined to still be dangerous, to hold them for a longer period of time. As you know, we presently do not hold an individual beyond the age of 21. The age set down in the bill is 25, which I feel might give a longer period to influence that person and hopefully change them. I also believe that most people continue to mature until about 25 and perhaps there might be a different attitude developed in those extra 4 years. This probably would affect a very small amount of persons, because of the fact that most are tried as an adult in these circumstances.

The final hope is the bill is greater protection for the people of Kansas. I urge favorable consideration.

Don Sallee

1/25/88
Attachment I

HOUSE BILL No. 2646

By Representative Sallee

12-28

0016 AN ACT concerning the Kansas juvenile offenders code; relating
0017 to jurisdiction over and time of discharge of certain juvenile
0018 offenders; amending K.S.A. 38-1604 and 38-1675 and repeal-
0019 ing the existing sections.

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

0021 New Section 1. (a) Subject to the provisions of subsection
0022 (b), when the court commits a juvenile offender to a state youth
0023 center pursuant to subsection (a)(6) of K.S.A. 38-1663 and
0024 amendments thereto, the court ~~shall~~ include in its dispositional ^{may}
0025 order a requirement that the juvenile offender remain in a state
0026 youth center until the juvenile offender reaches 25 years of age if
0027 the court finds that the juvenile offender has committed an act
0028 which, if committed by a person 18 years of age or over, would
0029 constitute:

0030 (1) Murder in the first degree, murder in the second degree,
0031 voluntary manslaughter, aggravated battery, kidnapping, aggra-
0032 vated kidnapping, rape, aggravated criminal sodomy, aggravated
0033 arson or aggravated intimidation of a witness or victim, as de-
0034 fined by the Kansas criminal code and amendments thereto;

0035 (2) aggravated sexual battery, as defined by subsection (1)(a)
0036 of K.S.A. 1987 Supp. 21-3518 and amendments thereto, against a
0037 person under 14 years of age;

0038 (3) a felony and in which the juvenile offender personally
0039 used a firearm, or a weapon described in subsection (1)(a) or
0040 (1)(b) of K.S.A. 21-4201 and amendments thereto; or

0041 (4) a felony under the uniform controlled substances act.
0042 (b) If an order pursuant to subsection (a) would require that a
0043 juvenile offender be held in a state youth center for longer than
0044 the maximum term of imprisonment which could be imposed on

1/25/88
Attachment II

March 2, 1987
HB 2487

Mr. Chairman. Members of the House Judiciary Committee. I am
Ron Smith, KBA Legislative Counsel.

KBA supports these cleanup amendments to the
Uniform Trade Secrets Act.

The changes in this bill were recommended by the American Bar
Association's Patent Law Section, and the Uniform Laws Commission.
They concern the rights, duties and liabilities concerning "intellectu-
al property."

The Kansas Trade Secrets Act is found at KSA 60-3320 et seq.
These amendments do the following:

1. Subsection (b) amendments allow the court, when considering
appropriate instances where an injunction is in order under the Act,
allows such relief to include the alternative of paying a "reasonable
royalty" for the misappropriation of the intellectual property. It
defines the "exceptional circumstances" when this reasonable royalty
alternative may be imposed.

2. Subsection 2(a) changes just allows the aggrieved party in a
trade secrets dispute to seek actual damages or liability for a "rea-
sonable royalty" as well as current law, which allows a suit for "un-
just enrichment."

1/25/88
Attachment III

3. Sections 3(a) and 3(b) simply clarify that the Trade Secrets act allows both contractual and tort-based remedies for those who have suffered damages by the actions of another that misappropriate and use a trade secret.

4. Section 4 is clarification. Current law does not apply the act to misappropriation of a trade secret that occurred before July 1, 1981, the effective date of the act. The new language simply means that if the "misappropriation" of the trade secret occurred before that time, that "continuing misappropriation" of the same trade secret cannot now be enforced under the act. The continuing misappropriation must be tied into an original pre-existing act.

A copy of the ABA resolutions and explanatory information is enclosed.