

Approved: 3/10/98  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 3:30 p.m. on January 22, 1998 in Room 526--S of the Capitol.

All members were present except: Representative Kline (excused)  
Representative Powell (excused)  
Representative Adkins (excused)  
Representative Mays (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Jan Brasher, Committee Secretary

Conferees appearing before the committee: Jim Clark, County and District Attorneys Association  
Craig Grant, Kansas National Education Association  
Warren Peterson, Kansas Peace Officers Association  
Helen Stephens, Kansas Peace Officers and Sheriff Association  
Kansas Association of Investigators-written testimony only  
Sheriff Bracas, Finney County-written testimony only  
David Denver, Budget Rental Car  
Julene Miller, Deputy Attorney General  
Rita Madl, Kansas Licensed Beverage Association

Others attending: See attached list

The Chair opened the meeting and requested that the members review the minutes of January 15, 1998.

A motion was made by Representative Haley, second by Representative Dahl to approve the January 15, 1998 minutes. The motion carries.

Bill Introductions:

Jim Clark, County and District Attorneys Association, requested the introduction of four bills. The first bill request concerns defining, by statute, the difference between use immunity and transactional immunity. The second bill request would clarify language concerning juvenile jurisdiction. The conferee's third bill request would repeal K.S.A. 21 3721(1)(C) concerning criminal trespass for violating a restraining order and other domestic violence-related court orders, as that statute duplicates K.S.A. '96 Supp. 21 3843. The fourth bill introduction requested by the conferee amends K.S.A. '96 Supp. 21-4711(c)(1) which would strike "before July 1, 1996," which would allow the inclusion of involuntary manslaughter convictions in criminal history for all offenses; and section (a) and (e) to include municipal court misdemeanor convictions. (Attachment 1)

Representative Pauls made a motion to introduce as four separate bills the bill requests presented by Mr. Clark. Representative Shriver seconded the motion. The motion carries.

Craig Grant, KNEA, requested the introduction of a bill that would require administrators who gain information about a student with a specific history of dangerous behavior to inform educators of the identity and dangerous behavior of this student. The conferee stated that the bill request has five specific definitions of what dangerous behavior is. (Attachment 2)

A motion was made by Representative Wilk, second by Representative Swenson to introduce Mr. Grant's bill request. The motion carries.

**HB 2186**

**Illegal to possess a false identification document such as a social security card or immigration card.**

Detective Warren Peterson, Kansas Peace Officers' Association, testified in support of **HB 2186**. The conferee related problems law enforcement officers encounter when a falsified card is used. The conferee stated that at the present time an undocumented alien, or wanted person, can purchase false Social Security

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 526-S Statehouse, at 3:30 p.m. on January 22, 1998.

Card, Resident Alien Cards, and Employment Authorization Cards. The conferee stated that current federal laws are only concerned with the manufacture and sale of the cards and not the possession. The conferee provided the Committee with examples of counterfeit cards and related the characteristic of authentic cards. The conferee noted that on page 3 of his testimony there is a listing of the Social Security Card prefixes for the various states. (Attachment3)

The Committee members and conferee discussed whether intent is required by the provisions of this bill. The Committee members and conferee discussed the severity level of manufacturing and dealing in relation to the severity level of possession of a counterfeit card. The enforcement of the provisions in HB 2186 were discussed. The conferee stated that enforcement will likely be incidental.

Chair asked Mr. Peterson if there were any federal statutes that are more specific. Mr. Peterson stated that the federal statutes cover only manufacturing and dealing of counterfeit cards.

The Chair noted written testimony in support of this bill from Mr. Carrol Christian, President, Kansas Association of Investigators (Attachment 4) and from Kevin Bascue, Sheriff, Finney County Law Enforcement (Attachment5).

The Chair closed the hearing on HB 2186.

**HB 2312:** **The penalty for battery against a uniformed law enforcement officer same as battery against a corrections employee.**

Helen Stephens, Kansas Peace Officers Association and the Kansas Sheriffs Association, discussed comments from law enforcement officers supporting HB 2312. The conferee stated that the felons know that there are no consequences. This bill would move battery of a law enforcement officer to a felony classification. The penalty for battery of a law enforcement officer would be the same as for a corrections officer. The conferee stated that she would bring written testimony to the committee either tomorrow or Monday.

The Chair stated that this bill raises the severity level of battery of a law enforcement officer.

Mr. Peterson related situations that law enforcement officers encounter and where suspects understand that battery of an officer only adds a misdemeanor charge whereas battery of a corrections officer is a felony charge. The conferee stated that it is important, therefore, to raise the severity of such offense.

The Chair closed the hearing on HB 2312.

**HB 2231** **Returning rented or leased property to lessor following identification for evidentiary purposes when evidence of intent to permanently deprive.**

David Denver, Vice-President and General Manager of Budget Rent a Car of Wichita testified in support of HB 2231. The conferee stated that he is appearing on behalf of Budget Rent a Car of Wichita, Overland Park and Olathe and on behalf of the rental companies of Kansas. The conferee stated that the current statute places an undue hardship on the rental car companies of Kansas by including the theft of an automobile in the same category as the theft of a video cassette rented from a video store. The conferee stated that under current law, when a person rents a vehicle and does not intend to return that vehicle (known as a "conversion"), the law enforcement agencies of Kansas cannot take an auto theft report and enter that information with the National Crime Information Center (NCIC). (Attachment6)

The conferee related details of a recent case involving the disappearance of a rented car. During discussion with committee members, the conferee stated that his company self-insures, and there is no recovery on a "conversion." In response to a committee member's reference to prima facie evidence (Section 1), the conferee stated that the police are not charging the perpetrator with theft. The committee members and conferee discussed issues of property taxes and the use of local services. The conferee stated that this is a significant problem for his company. During committee discussion it was noted that this bill provides that a local law enforcement agency "shall" enter a vehicle description into local, state and national computer system locating stolen vehicles. The bill also provides that the owner of the vehicle may be notified and the vehicle returned to the owner. The committee members discussed the seven to ten day notice period as determining intent to permanently deprive.

Helen Stephens, Kansas Peace Officers and Sheriff Officers Association, stated that she will check on the

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MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 526-S Statehouse, at 3:30 p.m. on January 22, 1998.

parameters of what crime classification can be entered on the national computer system (NCIC).

The Chair closed the hearing on **HB 2231**.

**SB 257**                      **Penalties for certain violations involving minors and alcoholic liquor and cereal malt beverages.**

Julene L. Miller, Deputy Attorney General, testified in support of **SB 257**. The conferee stated that this bill is a result of the Attorney General's C.A.M.P.U.S. Task Force. The conferee stated that the Task Force recommended that penalties for the sale of alcoholic liquor and cereal malt beverages to minors be increased. The conferee stated that **SB 257** would also increase the penalty for licensees or permit holders (or owners, officers and employees thereof) who permit the consumption of alcoholic liquor or cereal malt beverages by a minor on premises where alcoholic beverages are sold. (Attachment 7)

The conferee and committee members discussed issues relating to the consequences to underage persons, penalty levels, and whether the establishment or the server would be fined. There was discussion concerning the terms "minor" and "underage" person. The conferee stated that the term "minor" has special meaning as defined in K.S.A. 21-3610.

Rita Madl, Kansas Licensed Beverage Association,(KLBA) testified in opposition to **SB 257**. The conferee stated that this bill would double current fines for furnishing alcohol to minors. The conferee stated that according to her information, K.S.A. 21-3610 is not currently being imposed. The fines for serving minors are being charged to the establishment, not the bartenders. The conferee stated that current statutes should be evaluated before implementing additional statutes. The conferee discussed and provided examples of the problems encountered by establishments with the illegal use of false identification cards. (Attachment 8)

The committee members discussed the term in the bill, "unknowingly permit" as to its meaning and application.

The Chair closed the hearing on **SB 257**.

The Chair adjourned the meeting at 4:50 p.m.

The next meeting is scheduled for January 26, 1998.

HOUSE JUDICIARY COMMITTEE  
GUEST LIST

DATE: 1-22-98

NAME	REPRESENTING
<i>Tim McCall</i>	KLBA
<i>Kerry P. Russell</i>	KLBA
<i>Fanny Davis</i>	KLBA
<i>Rita Wade</i>	Kansas License Rev. of Cars.
<i>Eric D. Dole</i>	National Car Rental
<i>DAVID E. DENVER</i>	BUDGET RENT A CAR
<i>KEVIN GRAHAM</i>	KAN. SENT. Comm.
<i>James Clark</i>	KCDJA
<i>Warren Peterson</i>	KPOA
<i>Suzene Miller</i>	AG
<i>Helen Stephens</i>	KPCIT
<i>Dean Reynolds</i>	KDCR-ABC
<i>K. James Blunk</i>	Atty. General
<i>Ann Dinkler</i>	DOB
<i>Jessie Alway</i>	KACHA
<i>Galene Maslin</i>	AG
<i>Kerry Butler</i>	OJA
<i>Debra Billingsley</i>	ABC
<i>PHIL STEVENSON</i>	INTERN → REP. GARNER

HOUSE JUDICIARY COMMITTEE  
GUEST LIST

DATE: 1-22-96

NAME	REPRESENTING
<i>Betty G. Bude</i>	KDOR
<i>Alan Paulson</i>	KDOR

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 Julie McKenna, Vice-President  
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## Kansas County & District Attorneys Association

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 EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

January 22, 1998

TO: Chairperson Carmody and House Judiciary Committee Members

FROM: James Clark, KCDA Executive Director

RE: Bill Requests

The Kansas County and District Attorneys Association requests the following items to be introduced as committee bills by the House Judiciary Committee:

1. Amend K.S.A. 22-3102 and 22-3008(4), grants of immunity, to include limiting immunity to testimony only (use and derivative use immunity); in addition to transactional immunity.
2. Amend the Juvenile Offender Code by clarification of language indicating that if a juvenile **previously** has been convicted as an adult, there no juvenile court jurisdiction. For example, K.S.A. 38-1602(b)(3) (as amended by Ch. 156, 1997 Session Laws) excludes jurisdiction where "prosecution as an adult is authorized pursuant to K.S.A. 38-1636...."
3. Repeal K.S.A. 21-3721(1)(C), criminal trespass for violating restraining order and other domestic violence-related court orders, as it duplicates K.S.A. '96 Supp. 21 3843, violation of a protective order. The latter is a Class A misdemeanor, and the former only a B misdemeanor. The latter is also more indicative the crime involves domestic violence. (We would request adding the mandatory 48-hour incarceration requirement, however).
4. Amend K.S.A. '96 Supp. 21-4711(c)(1) by striking "before July 1, 1996," which would allow including of involuntary manslaughter convictions in criminal history for all offenses; and sections (a) and (e) to include municipal court misdemeanor convictions.

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 Attachment 1



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before  
House Judiciary Committee  
Thursday, January 22, 1998

Thank you Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I come before you today to ask for the introduction of a bill which we believe would be helpful to the safety and security of our schools. I have attached a synopsis of the bill for your information. I will, if you agree to introduce the measure, give a draft of the actual language change we are suggesting to the revisor.

The essence of the bill request is to require administrators who gain information about a student with a specific history of dangerous behavior to inform educators of the identity and dangerous behavior of this student. This would allow the educator to possibly adjust plans concerning this student and, hopefully, avoid situations where the behavior could be repeated.

This is the essence of our bill requests and we would ask that the committee introduce the bill. Thank you for listening to our concern.

# The School Safety and Security Act of 1998

## Synopsis

In order to create safer and more secure schools and to provide a safe and orderly environment conducive to learning, this bill ("the SSSA of '98") amends the existing School Safety and Security Act ("the existing SSSA"), the Kansas Code for Care of Children, and the Juvenile Justice Code as follows:

1. The existing SSSA does not require administrators to inform educators about dangerous students. The SSSA of '98 requires administrators, who come into possession of information about a student with a specific history of dangerous behavior, to inform educators of the identity and dangerous behavior of this student.
2. The existing SSSA does not directly impose any substantive requirements; instead, it requires school boards to adopt policies that contain certain requirements. The SSSA of '98 alters this situation such that most of the existing SSSA's requirements are directly mandated by statute. The only exception is that the SSSA of '98 would continue the school-boards-shall-adopt-a-policy approach regarding the reports required when a school employee observes a crime on school property.
3. The existing SSSA does not address school employees' liability when the employee follows the policy adopted by his or her board or when the board fails to adopt a policy. The SSSA of '98 exempts school employees from liability in these situations.
4. The exiting SSSA does not impose penalties to cover each of its requirements. The SSSA of '98 addresses this situation by providing additional penalties, including a penalty for administrators who do not inform educators about dangerous students.
5. The Code for Care of Children contains language that arguably restricts the disclosure of information about students with a specific history of dangerous behavior. The SSSA of '98 clarifies that educational institutions and educators may receive such information, and that they shall have limited access to records or reports received by SRS, a law enforcement agency, or any juvenile intake and assessment worker.
6. The Juvenile Offender Code contains language that arguably restricts the disclosure of information about students with a specific history of dangerous behavior. The SSSA of '98 clarifies that educational institutions and educators may receive such information. The SSSA of '98 provides educational institutions and educators with access to law enforcement and court records concerning dangerous public offenses committed or alleged to have been committed by a juvenile under 14 years of age. The SSSA of '98 also provides educational institutions and educators with conditional access to juvenile intake and assessment records.



#3

Memorandum

To: Committee on Judiciary  
From: Detective Warren S. Peterson  
Ref.: House Bill No. 2186

The proposed amendment to K.S.A. 21-3830 will provide Law Enforcement with one more tool that can be used to combat crime in Kansas. At the present time an undocumented alien, or wanted person, can purchase false Social Security Cards, Resident Alien Cards, and Employment Authorization Cards. Once these documents have been obtained the person is able to secure employment, a State Drivers License and, Welfare Benefits.

In addition to the list of problems discussed above one other problem that has arisen is the fact that the manufactures of the Social Security Cards chose nine numbers at random and they do hit a legitimate number at times. This can cause the person that was issued the number problems if, the holder of the illegal card has drawn benefits from Worker Compensation, Welfare, or any of the other programs that the Social Security Administration administers.

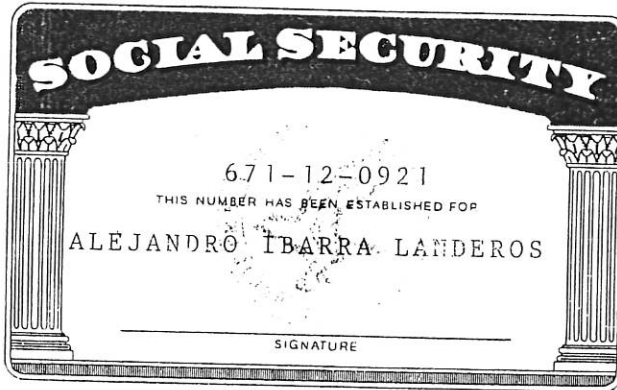
The United States government has put in safe guards to prevent the counterfeiting of the Cards list the same as the State of Kansas has on the Drivers License. The problem is that the United States Government is only concerned with the manufacture and sale of the Cards and no the possession. Attempts by Law Enforcement have been to charge the person in possession of the cards under K.S.A. 21-3830 but the trial court has ruled that the providing of, photos, finger print, or a signature is not manufacturing.

Sincerely,



Warren S. Peterson  
Detective

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ALIEN REGISTRATION RECEIPT CARD  
PERSON IDENTIFIED BY THIS CARD IS ENTITLED TO RESIDE PERMANENTLY AND WORK IN THE U.S.

TEMP RES ADJ DATE - 071388

W16 LOS 061488 582 351675405

A1USA092626457<01<0089<<<<<<<<<  
7304249M0002519<<<<<S2W3CR08<  
<<<IBARRA<<LANDEROS<ALEJANDRO

**RESIDENT ALIEN**  
U.S. Department of Justice-Immigration and Naturalization Service  
**IBARRA-LANDEROS-ALEJANDRO**



NAME  
04 24 73

DOB  
A092626457

ALIEN NUMBER  
10 22 00

CARD EXPIRES



Alejandro Ibarra L

## Social Security Numbers

The following listing uses the first three numerals of Social Security numbers, broken down by area/state/possession of the United States. These are place of assignment indications, not necessarily place of birth indicators. These are for use as an investigative aid only, and have limited usefulness as some states have run out of numbers, and are using other state numbers.

001-003 .....	New Hampshire	449-467 (also 627-645) .....	Texas
004-007 .....	Maine	468-477 .....	Minnesota
008-009 .....	Vermont	478-485 .....	Iowa
010-034 .....	Massachusetts	486-500 .....	Missouri
035-039 .....	Rhode Island	501-502 .....	North Dakota
040-049 .....	Connecticut	503-504 .....	South Dakota
050-134 .....	New York	505-508 .....	Nebraska
135-158 .....	New Jersey	509-515 .....	Kansas
159-211 .....	Pennsylvania	516-517 .....	Montana
212-220 .....	Maryland	518-519 .....	Idaho
221-222 .....	Delaware	520 .....	Wyoming
223-231 .....	Virginia	521-524 .....	Colorado
232-236 .....	West Virginia	525 (also 585, 648-649)	New Mexico
237-246 (also 232) ..	North Carolina	526-527 (also 600-601) .....	Arizona
247-251 .....	South Carolina	528-529 (also 646-647) .....	Utah
252-260 .....	Georgia	530 .....	Nevada
261-267 (also 589-595) .....	Florida	531-539 .....	Washington
268-302 .....	Ohio	540-544 .....	Oregon
303-317 .....	Indiana	545-573 (also 602-626) ..	California
318-361 .....	Illinois	574 .....	Alaska
362-386 .....	Michigan	575-576 .....	Hawaii
387-399 .....	Wisconsin	577-579 .....	Washington, D.C.
400-407 .....	Kentucky	580 .....	Virgin Islands,
408-415 .....	Tennessee	580-584 (also 596-599)	Puerto Rico
416-424 .....	Alabama	586 .....	Guam, American Samoa,
425-248 (also 587-588) ..	Mississippi		Northern Mariana Islands,
429-432 .....	Arkansas		Philippine Islands
433-439 .....	Louisiana	700-729 .....	Railroad Retirement
440-448 .....	Oklahoma		

Office (316) 272-5968  
FAX (316) 272-5991  
Fraud Hot Line (800) 432-3913



410 Scotty Lane  
P.O. Box 193  
Holcomb, Ks 67851

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**HOUSE JUDICIARY COMMITTEE**  
**Testimony on H.B. 2186 Amending K.S.A. 21-3830**  
**An act concerning crimes and punishment; relating to false identification documents**  
**January 22, 1998**

Mr. Chairman and members of the Committee, thank you for allowing me, on behalf of the Kansas Association of Investigators, to give written testimony on House Bill 2186.

First of all the Kansas Association of Investigators was formed in 1990 by a group of Social and Rehabilitation Services Special Investigators to promote the interests, needs and training of such Investigators in order that they may better serve the State in preserving the integrity of S.R.S. programs and services by the prevention, detection and prosecution of fraud, waste, and or abuse by the Agency's client, vendors, employees and in the prevention and prosecution of abuse and neglect of patients at State Hospitals or other persons in the care of S.R.S. The Special Investigators for S.R.S. perform a myriad of investigations for the Agency. We perform all of the welfare fraud investigations for all of the Agency's programs involving our clients, vendors and contractors. We also do all of the patient abuse and neglect investigations at the State Hospitals and the new Sexual Predator Unit and all internal investigations concerning S.R.S. staff.

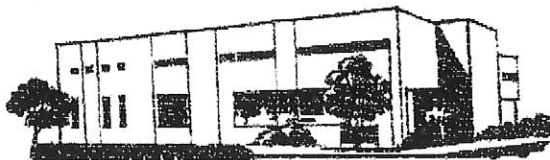
Speaking on behalf of the Investigators Association and not as a representative of the S.R.S. I would urge passage of House Bill 2186. This bill would greatly increase our investigative efforts in the area of welfare fraud. Currently we are overwhelmed with fraudulent documents in Southwest Kansas and in other areas of the State. There is hardly a day goes by when myself or one of our other Investigators does not encounter some form of false identification. As you may know, currently illegal aliens are not eligible for public assistance, however, any of their children born in the U.S. are. Many times our eligibility workers are presented with what are obviously phony documents. We are able to check with I.N.S and Social Security to verify the validity of these and deny them assistance but we know often times that a lot of the better quality phony documents and birth certificates slip through unquestioned. Often times we end up with people on assistance using one set of phony documents while working under another phony set and failing to report their income. I have worked literally hundreds of cases involving false identification and the drain on the S.R.S. resources is tremendous. Currently if someone presents us with a phony document their case is denied and nothing else happens to them. They will sometimes just go to another S.R.S. office and hope the workers there aren't as diligent. If we discover a client already on assistance using phony ID we try and prosecute criminally but since our Investigators are not Law Enforcement Officers by the time we get the case ready for prosecution and an arrest by local Law Enforcement we find that often times these people are gone or have changed their identity again and we are unable to locate them. The passage of this Bill would allow our Investigators and Eligibility Workers to work with local Law Enforcement at the time these documents are presented or discovered. This would allow local Law Enforcement to immediately question and seize these documents at that time. I would estimate that passage of the Bill would save the S.R.S. hundreds of thousands of dollars. Once the word got

out that trying to present phony documents at the local S.R.S. office could result not only in losing them but in being arrested as well, I would suspect that many people **would not even risk applying.** Therefore, the Kansas Association of Investigators would respectfully ask that **this Bill be acted upon favorably.**

Respectfully Submitted,



Mr. Carol R. Christian, President  
Kansas Association of Investigators

**KEVIN BASCUE, SHERIFF**PHONE  
316 272-3700  
FAX NUMBER  
316 272-3777

Office of the SHERIFF

**Finney County Law Enforcement Center**  
304 NORTH NINTH STREET  
GARDEN CITY, KANSAS 67846-5395

E-MAIL

DEPARTMENT  
fiso@gcnet.comSHERIFF BASCUE  
fico.sheriff@gcnet.com

January 21, 1998

Dear Helen,

In regards to house bill 2186, I have a few comments I would like to make. First we have run into some problems with individuals presenting fake documents to law enforcement officers for identification purposes. Usually this causes problems when we file charges on the subject and attempt to locate the individual when we get a warrant and no one knows the person we are looking for because he uses his real name with family and friends.

Another area of concern is we have experienced subject either buying or stealing other peoples social security cards and other documents and then assuming the persons identity. The person commits a crime and is arrested and then bonds out and then never shows up for court. The court issues a warrant and we go looking for the original subject who either sold his I.D. or had it stolen and he is arrested on the warrant because the warrant has his name, date of birth, social security, etc. and they all match. We do not realize the error until the subject says we got the wrong guy and we check mug shots. This has occurred several times.

Some people also change identification several times and this makes it hard for us to track criminal history on a subject if everytime we have contact with him he uses a different set of I.D.'s.

I know of one incident where a subject was using one of his fake aliases of which he had identification to support it, was involved in a car accident. The subject was hospitalized and ran up a sizeable bill at the hospital. When he was released he simply moved from Garden City and assumed one of his other aliases with supporting documentation and the hospital was never able to locate him for payment of his bill. If not for the concern of a private citizen who realized this injustice and providing me with this persons new alias and location, the local hospital would never have gotten paid.

In each of these instances which occur fairly frequently in Southwest Kansas, none of the individuals can be charged with a crime. Yet Law Enforcement and private businesses spend many hours trying to track down subjects using false identification or making sure innocent people do not go to jail. I would ask for your help in making some type of penalty for those who would resort to these tactics.

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January 22, 1998

TESTIMONY OF DAVID DENVER  
BUDGET RENT A CAR OF WICHITA, KS AND KANSAS CITY, KS

BEFORE THE

HOUSE COMMITTEE ON JUDICIARY

HOUSE BILL 2231

Mr. Chairman, members of the Committee, my name is David Denver. I am Vice-President and General Manager of Budget Rent a Car of Wichita and I appreciate the opportunity to appear before you today on behalf of Budget Rent a Car of Wichita, Overland Park and Olathe and on behalf of the car rental companies of Kansas. We are requesting your support for HB 2231 which amends K.S.A. 21-3702.

The present statute places an undue hardship on the rental car companies of Kansas by including the theft of an automobile in the same category as the theft of a video cassette which was rented from a video store. Under current law, when a person rents a vehicle and does not intend to return that vehicle (known as a 'conversion' in our industry--most often the rental car companies are given false identification or false addresses/phone numbers, or false employment), the law enforcement agencies of Kansas cannot take an auto theft report and enter that information with the National Crime Information Center (NCIC). Instead this information is entered only in the local law enforcement computer and is available only to officers in the local jurisdiction.

May I give you an example of the problems this can present. Budget Rent a Car had rented a car to one of two individuals who were traveling together. When the car became overdue, we found out that the renter had falsified employment information in order to rent the car and had in fact rented the car for the other person who did not own a car. Through numerous phone calls on our part, we finally tracked family members of the person who had the car. We found out that the person had recently been released from prison and had been in and out of prison most of his life. He was currently on parole out of Great Bend, Kansas. We tracked his parole officer down and found out he had violated parole by not reporting in and was suspected to be out of state and that an arrest warrant was soon to be issued. We contacted the Wichita police with this information and because this was a rented vehicle they could not file a stolen car report but would only enter it as failed to return and would issue a local pickup on the car.

Over the next eleven months we made countless phone calls to local and out state law enforcement officials, local and other state parole offices, postal officials and auto tow services to the southeastern states where we thought he was. We contacted our local

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police on several occasions as our information base increased to see if they would consider entering our car at the National Crime Information Center (NCIC) as they would for any other stolen car. They could not. We then found out that this individual was being held at the Ellsworth Correctional Facility, Ellsworth, Kansas. Our car was still missing. After hearing my story, the warden of the facility granted me permission to interview the inmate who had been driving our car. This interview revealed that the car had been used in the Alabama-Mississippi area for several months. A drug ring was involved. He knew where he last saw the car but had no idea where it was now.

With no other way to go, we reported this car stolen from one of our other offices in another state. Within two weeks, we were contacted by the authorities out of Monroe, Mississippi, and told that our car had been abandoned on a side street and had been towed to a wrecking yard approximately two months before. Stolen license plates had been on the car, local authorities would run the vehicle identification number through NCIC occasionally to see if it had been reported stolen. End of story.

Unfortunately, this type of occurrence happens to our business as well as the other rental car companies in the state of Kansas all too frequently. This single situation resulted in lost rental revenue of \$10,400.00 not including the loss of sales and excise tax revenue to the state. Budget Rent a Car of Wichita alone has lost approximately \$29,000.00 over the last year and the state has lost approximately \$2500.00 in lost sales and excise taxes as a result of these conversions/thefts.

Not only is the present statute unfair to the rental car companies but we think it can represent a serious risk to law enforcement officers. If a law enforcement officer from any state should stop a rental vehicle for speeding, or for any moving violation, or for suspicious activity, or for any other reason, shouldn't they know that, in fact, the vehicle had been reported stolen?

Our industry is doing everything we can to rent to qualified individuals. The vast majority of car rental companies require a major credit card. Valid credit card approval codes are required from the renter's credit company for the estimated charges for the rental transaction based upon how long the renter tells us they are going to be keeping the vehicle. However, as you all know, it is very easy for anyone that has \$250.00 to get a credit card with a \$250.00 limit by sending a cashiers check to some credit card companies.

An issue that may be raised is that a 'conversion' is a civil problem rather than a criminal problem. We would contend that when a person walks into a rental car company with the intent of fraudulently renting a car and having absolutely no intention of returning the car and consequently no intent of ever paying for the car--then that is no different than stealing cash or writing a bad check, both of which are criminal acts.



This issue has plagued our industry for several years and has cost us a great deal of money both in lost revenue and in the time involved in attempting to recover stolen vehicles.

Thank you in advance for your assistance and support of HB 2231.

David Denver  
Vice-President and  
General Manager  
Budget Rent a Car of Wichita  
316-946-4890

January 22, 1998

AN OPEN LETTER FROM VEHICLE RENTAL INDUSTRY REPRESENTATIVES  
OF WICHITA, KANSAS

TO THE

HOUSE COMMITTEE ON JUDICIARY

HOUSE BILL 2231

Mr. Chairman and members of the Committee. We urge your support for H. B. 2231 as it relates to modifying K.S.A. 21-3702. The vehicle rental industry in Kansas desperately needs this change in the law.

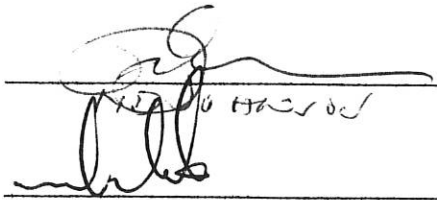
When a renter fails to return a rental vehicle to us and we then comply with the requirements of K.S.A. 21-3702, our local law enforcement agencies will file a local report only and will pick up the vehicle, if found, in their local jurisdiction only. They will not enter our vehicles in state or national law enforcement computer systems because it is a rental vehicle. Most renters involved in this will have given us false identification or false addresses/phone numbers, or false employment information. Most renters involved in this will leave the city limits and take the vehicle across state lines. We currently receive no assistance from local authorities in the recovery of our rental vehicles if the vehicle is outside their local area of authority.

Under the current law, a \$25,000.00 rental vehicle is being treated the same as an overdue rented \$200 TV or an overdue library book. Obviously the risks and inherent financial losses in the vehicle rental industry are disproportionately large compared to other rental products. The above described situation happens many times a year and we lose many thousands of dollars annually in addition to the loss of the vehicles if they are not recovered.

We ask that you pass this bill as presented to you.

Thank you.

<u>Name</u>	<u>Title</u>	<u>Company</u>
<u>Richard Klittan</u>	<u>City Manager</u>	<u>HERTZ Corp.</u>
<u>Ed DeLee</u>	<u>City Manager</u>	<u>National Car Rental</u>

  
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2. B&J Rental System  
Dollar Rent A Car

City MGR

THRIFTY CAR RENTAL

Greg Paul

City manager

Auto Rent A Car

Melinda Wood

Regional Vice President

Enterprise Rent A Car

  
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GENERAL MANAGER

CAR TEMPS USA

  
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AREA MANAGER

CAR TEMPS USA

  
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VICE-PRES & G.M.

Budget Rent A Car

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State of Kansas

## Office of the Attorney General

301 S.W. 10th Avenue, Topeka 66612-1597

CARLA J. STOVALL  
ATTORNEY GENERAL

HOUSE COMMITTEE ON JUDICIARY  
ATTORNEY GENERAL CARLA J. STOVALL'S

MAIN PHONE: (785) 296-2215  
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TESTIMONY IN SUPPORT OF

SENATE BILL NO. 257

Presented by Julene L. Miller

Deputy Attorney General

January 22, 1998

Mr. Chairman, members of the committee, thank you for the opportunity to testify in support of this bill.

Senate Bill No. 257 is a product of Attorney General Stovall's C.A.M.P.U.S. Task Force. As many of you know, Attorney General Stovall created the C.A.M.P.U.S. Task Force, composed of public and private university and community college administrators, university and municipal police officers, students, parents, and various individuals involved in student assistance services and the criminal justice system, in order to bring awareness of campus safety issues to the forefront. The Task Force accomplished this with a series of meetings to share ideas and concerns. Those meetings resulted in specific recommendations, one of which is the amendment before you.

The Task Force discussed at length the issue of students using false identification to obtain cereal malt beverages and liquor. One of the Task Force recommendations was to provide for graduated penalties in K.S.A. 1996 Supp. 8-260 for a second or subsequent conviction of use of a fictitious or falsified identification card to purchase liquor or cereal malt beverage. That recommendation passed last Session as part of 1997 House Bill No. 2167. Consistent with that recommendation, and believing that the penalties for businesses that furnish cereal malt beverage and liquor to minors are not currently severe enough, the Task Force also recommended the

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changes set forth in Senate Bill No. 257.

Senate Bill No. 257 would amend K.S.A. 21-3610 and K.S.A. 21-3610a to increase the penalties for the sale of alcoholic liquor and cereal malt beverages to minors. Currently, it is a class B person misdemeanor, punishable by a minimum fine of \$200 and a possible term of imprisonment in the county jail not to exceed six months, to furnish liquor or cereal malt beverage to a minor, regardless of how many prior offenses have occurred. Senate Bill No. 257 would provide for increased and graduated penalties, making it a class B person misdemeanor, punishable by a minimum fine of \$500 and possible term of imprisonment in the county jail not to exceed six months for the first offense, and a class A person misdemeanor, punishable by a minimum fine of \$1000 and possible imprisonment in the county jail not to exceed one year, for a second or subsequent offense.

Senate Bill No. 257 would also amend K.S.A. 1996 Supp. 41-2615 to increase the penalty for licensees or permit holders (or owners, officers and employees thereof) who permit the consumption of alcoholic liquor or cereal malt beverages by a minor on premises where alcoholic beverages are sold. Upon a first offense, it would be a class B person misdemeanor, punishable by a minimum fine of \$500 and a possible term of imprisonment not to exceed thirty days in the county jail. Upon a second or subsequent offense, the penalty would increase to a class A person misdemeanor, punishable by a minimum fine of \$1000 and a possible term of imprisonment in the county jail not to exceed sixty days.

These recommended penalties for furnishing liquor and cereal malt beverages to minors are commensurate with those passed last year for using a false ID to obtain liquor or cereal malt beverages. The bill retains the language establishing as a defense the sale by a retailer to a minor who the retailer has reason to believe is of legal age and who presents the retailer with a convincing picture ID.

We appreciate your support of this bill. Thank you.



Kansas Licensed Beverage Association

January 22, 1998

Representative Carmody  
Chair of Judiciary Committee and Members  
Kansas Senate  
State Capital Building  
300 SW 10th Street, Room 115 South  
Topeka, Kansas 66612

Dear Honorable Chairperson Carmody:

The Kansas License Beverage Association was established in December 1997 to represent Alcohol Beverage License holders. Members include liquor and cereal malt-license holders from throughout the State of Kansas, including Lawrence, Topeka, Wichita, Shawnee, Belleville, and St. Francis. Our association was founded by approximately twenty bars in Lawrence who annually participate in Alcohol Responsibility Seminars. Our most recent seminar held at Johnny's Tavern hosted 225 bartenders.

We are writing you today to provide our perspective on Senate Bill No. 257. As we read it, the bill doubles the current fines for furnishing alcohol to minors, from the original \$200 fine to \$500 per fine, and a second conviction becoming a misdemeanor and fined \$1000. To our knowledge, K.S.A. 21-3610 is not currently being imposed. Currently, fines for serving minors are being charged to the establishment, not the bartenders. We see no need to amend this statute.

Last year in an effort to curb underage drinking, Statute 41-727 was created, charging minors who use false ID's to purchase alcohol a lower class felony. Again to our knowledge, no minors have been charged for illegal use of false identification to date.

In our industry, refusing entrance due to false identification happens nightly, and on weekends in overwhelming proportions. The problem is that with the level of reproduction equipment, false ID's are getting harder and harder to detect.

We need your help! It will take teamwork to curb underage drinking. You can help by enforcing the current statutes on the books, evaluating their success rate in creating change, and then deciding if you need to write additional statutes to address the matter of underage drinking in alcohol establishments.

Sincerely,

*Rita Madl*  
Rita Madl, President

117 East 8th Street  
Lawrence, Kansas 66044



Memberships available. Inquiries invited.  
Phone: 785-331-4282

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