

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on March 5, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce- excused
Barbara Allen arrived, 9:34 A.M.
Phil Journey arrived, 9:40 A.M.
Julia Lynn arrived, 9:34 A.M.
Dwayne Umbarger arrived, 9:34 A.M.
Donald Betts- excused
David Haley- absent

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Kyle Smith, Deputy Director, Kansas Bureau of Investigation
Ed Klumpp, Kansas Association of Chiefs of Police
David C. Van Parys, Counselor, Leavenworth County
Dale Goter, City of Wichita
Capt. Darrell Haynes, Wichita Police Department
Randy Downing, Galamba Metals
Jeff Westeman, Triumph Structures
Paul Snider, Manager of Government Affairs, Kansas City Power & Light

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2074—Fingerprints and photo of juveniles in custody.**

Kyle Smith appeared in support, indicating this bill is similar to **SB 103** which the committee already passed out (Attachment 1). Both bills are identical in intent and address the unintended consequences that arose with legislation passed in 2006. Mr. Smith prefers the language of **HB 2074** since it is slightly more clear.

Ed Klumpp spoke in favor, stating it is critical to have the tools in place to allow accurate verification of a suspect's identity (Attachment 2). Without proper identification at the time of arrest, there is no way to assure a person later arrested on warrant or adjudicated is the same person originally taken into custody or arrested. Accurate identification of a person is critical to ensure that an innocent person's record is not tarnished by false information provided at the time of arrest.

There being no further conferees, the hearing on **HB 2074** was closed.

The hearing on **HB 2161—Counties; enforcement of county code and resolutions** was opened.

David Van Parys testified in support, stating passage of **HB 2161** will benefit the citizens of a county by allowing an expedited and self-funding mechanism for the enforcement of local regulations (Attachment 3).

Written testimony in support of **HB 2161** was submitted by:

Judy A. Moler, General Counsel, Kansas Association of Counties (Attachment 4)

There being no further conferees, the hearing on **HB 2161** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on March 5, 2007, in Room 123-S of the Capitol.

The hearing on **Sub HB 2035–Scrap metal dealers; theft of scrap metal** was opened.

Dale Goter, proponent, suggested proposed amendments and provided a brief explanation (Attachment 5).

Capt. Darrell Haynes spoke as a proponent, indicating due to the rising prices of copper and other metals there has been a huge boom in the theft of scrap metal (Attachment 6). This bill will protect the public from this growing threat.

Ed Klumpp appeared in support, stating the theft of metal is chronic in many areas of the state and has led to large financial losses to the victims of this crime (Attachment 7). Losses far exceed the value of the stolen metal due to property damage and lost production.

Randy Downing spoke in support, indicating **Sub HB 2035** represents a compromise agreed upon by scrap metal dealers, utility companies, and law enforcement that addresses all sides of the issue of scrap metal theft in Kansas (Attachment 8).

Jeff Westeman spoke in favor, relating the effects of metal theft with respect to the aerospace industry (Attachment 9). Mr. Westeman requested an amendment to change the description of aluminum metals from the current form to “aluminum except food and beverage containers” which would cover the many forms of aluminum parts used in the industry.

Paul Snider appeared in support, indicating that in addition to the financial losses, thefts are creating public safety issues (Attachment 10). Widespread power outages, as the result of thefts, inconvenience to customers due to interruption of heating, cooling, lighting, communications and other critical functions. Metal thefts endanger the safety of Kansas residents, and to maintenance workers, as well as increasing the cost of providing electrical service.

Written testimony in support of **Sub HB 2035** was submitted by:
Senator Mike Peterson (Attachment 11)

There being no further conferees, the hearing on **Sub HB 2035** was closed.

The Chairman called for final action on **HB 2074–Fingerprints and photos of juveniles in custody**.

Senator Umbarger moved, Senator Schmidt seconded, to recommend HB 2074 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2161–Counties; enforcement of county codes and resolutions**.

Senator Goodwin moved, Senator Donovan seconded, to recommend HB 2161 favorably for passage and place the bill on the consent calendar. Motion carried.

The meeting adjourned at 10:25 A.M. The next scheduled meeting is March 6, 2007.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-5-07

NAME	REPRESENTING
Hal Jones	John Peterson
Joe Mosman	Pat Hubbard
Jeff Bohaboy	KS Shareholders Ass'n
Whitney Danner	Empire District Electric Co.
Mike Wetherston	Sen. Petersen
Mark Gleason	Judicial Branch
Ed Kumpf	KS Assoc of Chiefs of Police
Ry Smith	KBI / KPOA
Rob Neal	LCR
Chris Dunn	Leavenworth County
DAVID VAN PARYS	LEAVENWORTH COUNTY
Richard Samanigo	Kentucky & Assoc
Paul Snider	KCP&L
Brad Smoot	Copart
Sandi Bayless	Western Energy
John Pedigo	KSC
Brenda Harmon	KSC
Raymond Brown	Galamba Metals Group LLC

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-5-07

NAME	REPRESENTING
RANDY DOWNING	GALAMBA METALS
Marianne Galamba Brown	Galamba Metals Group



Kansas Bureau of Investigation

Larry Welch
Director

Paul Morrison
Attorney General

Testimony in Support of HB 2074
Before the Senate Judiciary Committee
Kyle G. Smith, Deputy Director
Kansas Bureau of Investigation
March 5, 2007

Chairman Vratil and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation and as legislative chair of the Kansas Peace Officers' Association in support of immediate passage of HB 2074. This legislation is almost identical to a bill you have already passed out this session, SB 103. Both bills return address the unintended consequences that arose with the change in the processing of juvenile offenders adopted last year in SB 261.

I won't repeat the reasons why this legislation is needed other than to state that we need to return the fingerprinting and photographing of juvenile offenders back to the pre-SB 261 due to numerous problems in identifying juveniles to their criminal records. If you desire more details please refer to my testimony on SB 103 or on this bill on the house side.

As you can see by the attachment, SB 103 and HB 2074 are identical in intent and only vary slightly in wording. We would prefer the wording in HB 2074 as slightly more clear. Also, there is a real need to get this fix back into statute as soon as possible and prompt action by this committee on HB 2074 would be the fastest way to get the solution on to the Governor's desk. I'm not sure if the consent calendar would be appropriate or faster, but thought it advisable to ask the committee about that possibility.

Thank you for your attention and I would be happy to answer questions.

Senate Judiciary

3-5-07

Attachment 1

HOUSE BILL No. 2074

By Committee on Judiciary

1-16

AN ACT concerning juveniles; relating to fingerprints and photograph amending K.S.A. 2006 Supp. 38-2313 and repealing the existir section.

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

Section 1. K.S.A. 2006 Supp. 38-2313 is hereby amended to read as follows: 38-2313. (a) Fingerprints or photographs shall not be taken c any juvenile who is taken into custody for any purpose, except that:

(1) Fingerprints or photographs of a juvenile may be taken if author ized by a judge of the district court having jurisdiction;

(2) after adjudication, fingerprints and photographs shall be taken e all juvenile offenders adjudicated because of commission of an offense, which if committed by an adult would constitute the commission of, felony or any of the following misdemeanor violations: K.S.A. 21-3424 and amendments thereto, criminal restraint, when the victim is less than 18 years of age, subsection (a)(1) of K.S.A. 21-3503, and amendment thereto, indecent liberties with a child, K.S.A. 21-3507, and amendment thereto, adultery, when one of the parties involved is less than 18 year of age, K.S.A. 21-3508, and amendments thereto, lewd and lascivious behavior, subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, promoting prostitution, when one of the parties involved is less than 18 years of age, K.S.A. 21-3517, and amendments thereto, sexual battery, and including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, to com mit a violation of any of the offenses specified in this subsection a juve nile's fingerprints shall be taken, and photographs of a juvenile may be taken, immediately upon taking the juvenile into custody or upon first appearance or in any event before final sentencing, before the court for an offense which, if committed by an adult, would constitute the com mission of a felony, a class A or B misdemeanor or assault, as defined by K.S.A. 21-3408, and amendments thereto;

(3) fingerprints or photographs of a juvenile may be taken under K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A) Prosecuted as an adult pursuant to K.S.A. 2006 Supp. 38-2347, and

SENATE BILL No. 103

By Senators V. Schmidt, Hensley and Kelly

1-17

AN ACT concerning juveniles; relating to fingerprints and photographs; amending K.S.A. 2006 Supp. 38-2313 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 38-2313 is hereby amended to read as follows: 38-2313. (a) Fingerprints or photographs shall not be taken of any juvenile who is taken into custody for any purpose, except that:

(1) Fingerprints or photographs of a juvenile may be taken if author ized by a judge of the district court having jurisdiction;

(2) after adjudication, fingerprints and photographs shall be taken of all juvenile offenders adjudicated because of commission of an offense which if committed by an adult would constitute the commission of a felony or any of the following misdemeanor violations: K.S.A. 21-3424, and amendments thereto, criminal restraint, when the victim is less than 18 years of age, subsection (a)(1) of K.S.A. 21-3503, and amendments thereto, indecent liberties with a child, K.S.A. 21-3507, and amendments thereto, adultery, when one of the parties involved is less than 18 years of age, K.S.A. 21-3508, and amendments thereto, lewd and lascivious behavior, subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, promoting prostitution, when one of the parties involved is less than 18 years of age, K.S.A. 21-3517, and amendments thereto, sexual battery, and including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, to com mit a violation of any of the offenses specified in this subsection a juve nile's finge.rprints shall be taken, and photographs of a juvenile may be taken, immediately upon taking the juvenile into custody or upon first appearance or in any event before final sentencing, before the court for an offense which, if committed by an adult, would constitute the com mission of a felony, a class A or B misdemeanor or assault, as defined by K.S.A. 21-3408, and amendments thereto;

(3) fingerprints or photographs of a juvenile may be taken under

1-2

amendments thereto; or (B) taken into custody for an offense described in subsection (n)(1) or (n)(2) of K.S.A. 2006 Supp. 38-2302, and amendments thereto; ~~and~~

(4) fingerprints or photographs ~~may~~ **shall** be taken of any juvenile admitted to a juvenile correctional facility; **and**

(5) **photographs may be taken of any juvenile placed in a juvenile detention facility. Photographs taken under this paragraph shall be used solely by the juvenile detention facility for the purposes of identification, security and protection and shall not be disseminated to any other person or agency except after an escape and necessary to assist in apprehension.**

(b) Fingerprints and photographs taken under subsection (a)(1) or (a)(2) shall be kept readily distinguishable from those of persons of the age of majority. Fingerprints and photographs taken under subsections ~~(a)(2)~~, (a)(3) and (a)(4) may be kept in the same manner as those of persons of the age of majority.

(c) Fingerprints and photographs of a juvenile shall not be sent to a state or federal repository, except that:

(1) Fingerprints and photographs may be sent to ~~a the state or~~ **and** federal repository if authorized by a judge of the district court having jurisdiction; ~~and~~

(2) *a juvenile's fingerprints shall, and photographs of a juvenile may, be sent to the state and federal repository if taken under subsection (a)(2) or (a)(4); and*

(3) fingerprints or photographs taken under subsections ~~(a)(2)~~, subsection (a)(3) ~~and (a)(4)~~ shall be processed and disseminated in the same manner as those of persons of the age of majority.

(d) Fingerprints or photographs of a juvenile may be furnished to another juvenile justice agency, as defined by K.S.A. 2006 Supp. 38-2325, and amendments thereto, if the other agency has a legitimate need for the fingerprints or photographs.

(e) Any fingerprints or photographs of an alleged juvenile offender taken under the provisions of subsection (a)(2) of K.S.A. 38-1611, prior to its repeal, may be sent to a state or federal repository on or before December 31, 2006.

(f) Any law enforcement agency that willfully fails to submit any fingerprints or photographs required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

(g) The director of the Kansas bureau of investigation shall adopt any rules and regulations necessary to implement, administer and enforce the

1 K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A)
2 Prosecuted as an adult pursuant to K.S.A. 2006 Supp. 38-2347, and
3 amendments thereto; ~~and~~ or (B) taken into custody for an offense de-
4 scribed in subsection (n)(1) or (n)(2) of K.S.A. 2006 Supp. 38-2302, and
5 amendments thereto;

(4) fingerprints or photographs ~~may~~ **shall** be taken of any juvenile admitted to a juvenile correctional facility; **and**

(5) *photographs may be taken of any juvenile placed in a juvenile detention facility.*

(b) Fingerprints and photographs taken under subsection (a)(1) or (a)(2) shall be kept readily distinguishable from those of persons of the age of majority. Fingerprints and photographs taken under subsections ~~(a)(2)~~, (a)(3) and (a)(4) may be kept in the same manner as those of persons of the age of majority. *Photographs taken under subsection (5) shall be used solely by the juvenile detention facility for the purposes of identification, security and protection and shall not be disseminated to any other person or agency, except after an escape and when necessary to assist in apprehension.*

(c) Fingerprints and photographs of a juvenile shall not be sent to a state or federal repository, except that:

(1) Fingerprints and photographs may be sent to ~~a the state or~~ **and** federal repository if authorized by a judge of the district court having jurisdiction; ~~and~~

(2) *a juvenile's fingerprints shall, and photographs of a juvenile may, be sent to a state or federal repository if taken under subsection (a)(2) or (a)(4); and*

(3) fingerprints or photographs taken under subsections ~~(a)(2)~~, (a)(3) and (a)(4) shall be processed and disseminated in the same manner as those of persons of the age of majority.

(d) Fingerprints or photographs of a juvenile may be furnished to another juvenile justice agency, as defined by K.S.A. 2006 Supp. 38-2325, and amendments thereto, if the other agency has a legitimate need for the fingerprints or photographs.

(e) Any fingerprints or photographs of an alleged juvenile offender taken under the provisions of subsection (a)(2) of K.S.A. 38-1611, prior to its repeal, may be sent to a state or federal repository on or before December 31, 2006.

(f) Any law enforcement agency that willfully fails to submit any fingerprints or photographs required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

provisions of this section, including time limits within which fingerprints shall be sent to a state or federal repository when required by this section.

3 (h) Nothing in this section shall preclude the custodian of a juvenile
4 from authorizing photographs or fingerprints of the juvenile to be used
5 in any action under the Kansas parentage act.

6 Sec. 2. K.S.A. 2006 Supp. 38-2313 is hereby repealed.

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

1 (g) The director of the Kansas bureau of investigation shall adopt any
2 rules and regulations necessary to implement, administer and enforce the
3 provisions of this section, including time limits within which fingerprints
4 shall be sent to a state or federal repository when required by this section.

5 (h) Nothing in this section shall preclude the custodian of a juvenile
6 from authorizing photographs or fingerprints of the juvenile to be used
7 in any action under the Kansas parentage act.

8 Sec. 2. K.S.A. 2006 Supp. 38-2313 is hereby repealed.

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

H-1

WRITTEN TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
REFERENCE HB 2074
Presented by Ed Klumpp
On behalf of the
Kansas Association of Chiefs of Police

March 5, 2007

This testimony is in support of HB 2074 providing for changes in KSA 38-2313 concerning the fingerprinting and photographing of juveniles arrested for certain crimes.

The accurate identification of persons arrested is critical to ensure an innocent person's record is not tarnished by false information provided by the suspect at time of arrest. It is also critical to have tools in place allowing for verification of a particular persons arrest when the suspect's identity is later questioned. This is best accomplished when the fingerprinting and photographing are completed at the time of arrest. Without fingerprints taken at the time of arrest, there is no way to assure the person later arrested on warrant or adjudicated is the same person originally taken into custody or arrested. In addition, the availability of fingerprints and photographs at the time of arrest allows law enforcement to verify the suspect's identity through photo lineups and forensic evidence comparison. The importance of this ability includes the potential to clear an innocent suspect as well as to confirm the suspect perpetrated the crime when such evidence exists.

The provisions of this bill will change the laws on juvenile offender fingerprinting and photographing to be consistent with the laws for fingerprinting and photographing of adult suspects [see KSA 21-2501]. The changes also revert to the timing of the fingerprinting and photographing existing prior to the passage of SB 261 last year.

Kansas utilizes a premier electronic criminal records reporting system that minimizes the opportunity for errors in criminal records. That system is dependant upon positive identifiers connecting the records as the case progresses through the system. The submission of fingerprints is a critical component to that process. It then utilizes that information to confirm the identity of the person when necessary at various stages of the process. Current Kansas law also provides for separation and security of information collected on juveniles including fingerprints and photographs. This allows for the higher scrutiny of access to juvenile records and the limited access to juvenile records as they become adults.

The most compelling reason to approve the provisions of HB 2974 is public safety and officer safety issues when dealing with violent juvenile offenders. This is becoming increasingly important with rising violent juvenile gang activity. Photos and fingerprints can help identify those persons if they fail to show up for trial or if they escape custody. Such identification is imperative to the quick apprehension of the subject in these cases, especially when false identification and names are being used by the suspect.

We urge you to recommend passage of HB 2074.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net; Phone: (785) 235-5619; Cell: (785) 640-1102

Senate Judiciary
3-5-07
Attachment 2

SUMMARY OF TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2161

Submitted on behalf of the Board of County Commissioners of Leavenworth County, Kansas

Before the Senate Judiciary Committee,
Senator John Vratil, Chairman

Dear Senator Vratil and Members of the Committee,

Please accept the following as a summary of testimony in support of the approval of House Bill No. 2161. This bill is offered at the request of the board of county commissioners of Leavenworth County, Kansas. The passage of H.B. No. 2161 will benefit the citizens of the county by allowing for an expedited and self-funding mechanism for the enforcement of local regulations.

HISTORY

Under the current version of K.S.A 19-101d(b)(1), which H.B. 2161 would amend, Crawford, Douglas, Franklin, Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee and Wyandotte counties are authorized to utilize the codes court procedures. Leavenworth county also wishes to be given the discretionary authority to utilize the codes court procedures to enforce local resolutions.

EFFECT OF THE BILL

The effect of the proposed legislation is to authorize the board of county commissioners of Leavenworth County to elect to utilize the codes court procedures to enforce locally adopted resolutions. This will generally involve actions taken to remedy nuisance situations (illegal dumps, auto graveyards, vicious dogs, burn ban violations, etc.) The legislation **does not require** that Leavenworth county use the codes court procedures, **but allows the use as an option.**

FISCAL IMPACT

No fiscal impact to the state. Minimally positive local fiscal impact.

Sincerely,

David C. Van Parys
County Counselor, Leavenworth County
300 Walnut
Leavenworth, KS 66048
913-684-0415

Senate Judiciary

3-1-07
Attachment 3



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY
Before the Senate Judiciary Committee
March 5, 2007
HB 2161

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you, Chairman Vratil and Members of the Committee for allowing the Kansas Association of Counties to provide testimony on HB 2161. I am sorry that I cannot appear in person but I am in Washington DC at the annual National Association of Counties Legislative meeting.

The Kansas Association of Counties is in support of HB 2161. The KAC has introduced legislation in the past to extend the ability to all counties. As we speak, there is a bill doing just this in Senate Elections and Local Government, HB 2058. It will be heard in that committee on Thursday. I have attached a copy of that bill.

Currently, the statute limits code courts to ten counties. The other 95 counties, including Leavenworth, enforce county codes through the already beleaguered district court. Cases involving murder, burglary and the like take priority in district court. Code cases fall to the bottom of the barrel in the docketing of cases. This bill is not extending to Leavenworth County any new powers for code enforcement....only a method to expedite hearings for those found in violation of county codes. The KAC would like to see this afforded to all counties so we certainly support this for Leavenworth County. We have long had this expansion of code courts on our adopted KAC Policy Statement. We strongly support HB 2161.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, education and technical services, and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Judiciary

3-1-07
Attachment 4

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2058

By Representatives Schroeder, Bowers, Goico and Vickrey

1-11

10 AN ACT concerning counties; relating to enforcement of county codes
11 and resolutions; amending K.S.A. 2006 Supp. 19-101d and repealing
12 the existing section.
13

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

15 Section 1. K.S.A. 2006 Supp. 19-101d is hereby amended to read as
16 follows: 19-101d. (a) (1) The board of county commissioners of any county
17 shall have the power to enforce all resolutions passed pursuant to county
18 home rule powers, as designated by K.S.A. 19-101c, and amendments
19 thereto. Resolutions may be enforced by enjoining violations, by prescrib-
20 ing penalties for violations by fine, by confinement in the county jail or
21 by both fine and confinement. Unless otherwise provided by the resolu-
22 tion that defines and makes punishable the violation of such resolution,
23 the penalty imposed shall be in accordance with the penalties established
24 by law for conviction of a class C misdemeanor. In no event shall the
25 penalty imposed for the violation of a resolution exceed the penalties
26 established by law for conviction of a class B misdemeanor.

27 (2) Prosecution for any violation shall be commenced in the district
28 court in the name of the county and, except as provided in subsection
29 (b), shall be conducted in the manner provided by law for the prosecution
30 of misdemeanor violations of state laws. Writs and process necessary for
31 the prosecution of such violations shall be in the form prescribed by the
32 judge or judges of the courts vested with jurisdiction of such violations
33 by this act, and shall be substantially in the form of writs and process
34 issued for the prosecution of misdemeanor violations of state laws. Each
35 county shall provide all necessary supplies, forms and records at its own
36 expense.

37 (b) (1) In addition to all other procedures authorized for the enforce-
38 ment of county codes and resolutions, ~~in Crawford, Douglas, Franklin,~~
39 ~~Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee and Wyandotte~~
40 ~~counties, in any county~~ the prosecution for violation of codes and reso-
41 lutions adopted by the board of county commissioners may be com-
42 menced in the district court in the name of the county ~~and may be con-~~
43 ~~ducted.~~ Except as otherwise provided in this section, ~~in the manner~~

1 ~~provided for and~~ *such prosecution may be conducted* in accordance with
2 the provisions of the code for the enforcement of county codes and res-
3 olutions *set forth in article 47 of chapter 19 of the Kansas Statutes An-*
4 *notated and amendments thereto.*

5 (2) For the purposes of aiding in the enforcement of county codes
6 and resolutions, the board of county commissioners may employ or ap-
7 point code enforcement officers for the county who shall have power to
8 sign, issue and execute notices to appear and uniform citations or uniform
9 complaints and notices to appear, as provided in the appendix of forms
10 of the code contained in this act to enforce violations of county codes and
11 resolutions, but shall have no power to issue warrants or make arrests.
12 All warrants shall be issued and arrests made by law enforcement officers
13 pursuant to and in the manner provided in chapter 21 of the Kansas
14 Statutes Annotated.

15 (3) The board of county commissioners may employ or appoint at-
16 torneys for the purpose of prosecuting actions for the enforcement of
17 county codes and resolutions. The attorneys shall have the duties, powers
18 and authorities provided by the board that are necessary to prosecute
19 actions under the code.

20 (4) All costs for the enforcement and prosecution of violations of
21 county codes and resolutions, except for compensation and expenses of
22 the district court judge, shall be paid from the revenues of the county.
23 The board of county commissioners may establish a special law enforce-
24 ment fund for the purpose of paying for the costs of code enforcement
25 within the county. ~~In addition, the board of county commissioners is au-~~
26 ~~thorized to levy a tax not to exceed ½ mill upon all taxable tangible prop-~~
27 ~~erty within the county to pay the costs of code enforcement.~~

28 (c) Notwithstanding the provisions of subsection (b), any action com-
29 menced in the district court for the enforcement of county codes and
30 resolutions, in which a person may be subject to detention or arrest or in
31 which an accused person, if found guilty, would or might be deprived of
32 the person's liberty, shall be conducted in the manner provided by law
33 for the prosecution of misdemeanor violations of state laws under the
34 Kansas code of criminal procedure and not under the code for the en-
35 forcement of county codes and resolutions.

36 Sec. 2. K.S.A. 2006 Supp. 19-101d is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.



TESTIMONY

City of Wichita

455 N Main, Wichita, KS. 67202

Wichita Phone: 316.268.4351

dgoter@wichita.gov

WICHITA

Dale Goter

Government Relations Manager

Kansas Senate Judiciary Committee

Proposed amendments to HB 2035

March 5, 2007

- Substitute \$25 for \$50 on Page 2, Line 40, Section 2
- In the description of covered metals in Lines 9-14, Page 2, Section 1, substitute "Aluminum (except food and beverage containers), copper, titanium, tungsten, and nickel in any form, a description made in accordance with the Institute of Scrap Recycling Industries, Inc., scrap specifications of items purchased"

Senate Judiciary

3-5-07

Attachment 5



WICHITA

Darrell L. Haynes
Captain - Wichita Police Dept.

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4164
dhaynes@wichita.gov



House Bill 2035

An act relating to the registration of copper of aluminum obtained by purchase or trade

March 5, 2007

The City of Wichita supports House Bill 2035, believing that this legislation is needed to prevent victimization, and to assist all law enforcement agencies in the state to deal with the issue of rampant metal theft.

In 2005 and 2006, Wichita experienced a huge boom in the theft of scrap metal with much of it centered on the aircraft industry. The theft of metal reached epidemic proportions driven by extremely high prices in all metals especially copper, aluminum, titanium, tungsten and tungsten alloys, nickel, and nickel alloys. Metal prices have been driven up by the rise in the industrial base of China and India. We expect metal prices to remain high for the foreseeable future. Bare copper has been valued at a high of \$4.00 a pound, but is currently below \$3.00 a pound.

No community in Kansas is immune from the theft of metal. Traveling thieves because of their associations have a built-in network, and are very mobile, often traveling to other Kansas communities to sell their stolen property after committing crimes. While Wichita regulates scrap metal processors, there are businesses just outside our jurisdiction, which are unregulated, and where there is no accountability for the metal purchased.

By mid-2006 the prices of copper had risen high enough that thieves were targeting copper in abandoned warehouses, occupied buildings, and from the air conditioning units outside of buildings. The loss in this type of theft is extensive, requiring thousands of dollars in repair for the small value in copper or aluminum that was taken by a thief. The vast majority of these thieves are addicted to methamphetamine or crack cocaine, and have no concern about the future. Their concern is only how they can obtain their next high. To deal with this type of theft, the Wichita Police Department is making a proposal that any sale of refrigerant condenser coils, may only be made by a person or company holding an EPA Refrigerant Handlers License.

In 2006, the Wichita Police Department received reports of \$714,084 in industrial metal thefts. Of that figure, \$467,044 was in copper, with the majority of the remainder being in aluminum. The copper thefts ranged from a small amount of scrap wire to losses exceeding \$100,000, when large vacant industrial structures are stripped of the electrical and piping systems. Small businesses and churches have been especially vulnerable to the dismantling of industrial-size air conditioning units located on the roof or hidden from view at the ground level.

As American industry has become ever more reliant on the promise of "just in time delivery" for machined parts, the hazard posed is that disruptions caused by criminal activity will correspondingly become more significant.

House Bill 2035 is an important first step towards a solution. Criminals will always find a method to continue their agenda. But this legislation, along with the proposed amendments, can make a huge difference in protecting the public from this growing threat.

Senate Judiciary

3-5-07

Attachment 6

Metal Theft

Facts, Figures, Economic Consequences

- To provide a general idea as to the volume of scrap metal that is involved in an area like Wichita, the largest scrap processor, Glickman Iron and Metal, purchases each month 1,500,000 pounds of aluminum, 250,000 pounds of copper, 100,000 pounds of titanium and 400,000 pounds of nickel alloys.
- The actual reported dollar loss of a metal theft for business often does not pose an accurate picture of the true damage to the business. Below are some examples of how the theft of certain materials may be crippling to even a large business:
 - Aircraft-grade titanium block and sheet metal must now be ordered by machine shops 18 months in advance of planned production due to intense world-wide demand. High-grade block aluminum is ordered a year in advance for the same reason. When the metal or completed parts are stolen, there is no mechanism for industry to quickly remedy the problem. The end result is that production lines are shut down, with a chain-reaction slowdown stretching throughout an entire industry.
 - An example of this occurred in late 2005 when large cast aluminum landing gear trunions were stolen from the Metal Finishing Company in Wichita, which was processing the landing gears for Cessna's business jet division. Once these parts were stolen and could not be readily replaced, the production line at Cessna was seriously compromised. The trunions weighed 200 pounds and had a value of \$4,000 each, the thieves would have been paid the scrap metal value of \$80 each.
 - Small machine shops subcontracting for the larger aerospace firms are especially vulnerable. Often the metal to be machined is supplied by the Department of Defense, the larger manufacturer such as Raytheon, and when the metal or parts are stolen cannot be readily replaced, delaying production orders critical to the national defense. Too, once the smaller machine shops are unable to deliver parts on time as required by contract, they will not be considered for future orders.
- Thefts of copper beginning in mid-2005 quickly eclipsed thefts of aerospace-related metals. Westar energy in Wichita estimates a minimum of 3,000 utility poles had their bare copper ground wires cut off from the ground to the height a person can reach. Persons arriving a scrap yards riding bicycles and pushing shopping carts have no difficulty in selling this distinctive copper wire.
- The Burlington-Northern Santa-Fe Railroad's main intercontinental rail line runs through Wichita and surrounding counties. Once signal wire is stolen from the poles, all train traffic from Kansas west to California is stopped until repairs can be made. The BNSF estimates a loss of revenue of \$115,000 per hour when the trains are stopped. Special Agent Kenny Bishop with the BNSF Police estimates that wire has been stolen approximately 300 times during 2006 in Kansas alone.
- Losses unique to air conditioning equipment affect a range of victims from individuals to large corporations. As with other types of metal thefts, the cost of the metal and what the thieves make from the theft, do not accurately denote the cost to the victim. In almost all instances, when condensing coils, and copper coolant pipes are stolen, the unit is destroyed and must be replaced with a new unit. One especially large theft in Wichita at a vacant building produced \$50,000 in damages. One proposed addition to the bill would be to require that only individuals or businesses possessing an EPA-issued Refrigerant Handler's License would be able to sell the distinctive refrigerant condensing coils to a scrap metal dealer. This proposal takes into account that the considerable majority of those found to be stealing metals from coolant systems are either addicted to crack cocaine or methamphetamine. With this in mind, those selling stolen metals related to the refrigeration industry care little if a subsequent investigation at a scrap yard identifies them as a suspect. This lack of concern by the suspects, coupled with the near impossibility of identification of such metals after a theft, make the future prevention of such theft very difficult. However, the requirement that only a properly licensed individual or business could tag such items for sale would represent, perhaps, the only hope that something can be done to slow this type of rapidly growing theft.

Examples of Kansas Metal Theft Cases

Sumner County, KS Sheriff's Case 02-1179

A pick-up truck was discovered behind the Stellex Pre-Mac plant at 429 N. West Road, Sumner County, KS. One occupant of the vehicle ran from the scene and escaped capture. The bed of the truck was loaded with scrap aluminum to the extent that the shock absorbers were collapsed. The owner of the vehicle later reported it as stolen. About one month later, this same individual was apprehended in another jurisdiction while in the process of stealing scrap aluminum.

Sumner County, KS Sheriff's Case 05-788, 3/27/05

Three individuals were discovered and arrested at the DJ Extruding Plant, 723 E. Spring, Sumner County, KS. At the time of the arrests, these subjects were in the process of loading solid aluminum billets, 8" in diameter and 8 to 10 feet in length. DJ Extruding had reported two prior such thefts at their facility estimating each loss at between \$1200 and \$1500.

Sumner County, KS Sheriff's Case 06-836, 4/12/06

The American Tower Corporation reported the theft of copper wire from a communications relay tower at 900 W. 200th Street South, Sumner County, Kansas. The loss was reported as 3,000 pounds of various sized copper wire valued at \$8,000.

Sumner County, KS Sheriff's Case 07-463, 2/8/07

The Burlington Northern Santa Fe Railroad reported the theft of copper signal communications wire from a site near 1200 N. River Road, Sumner County, KS. The loss was reported as 6,500 feet of #6 copper wire valued at \$2,500.

The contact person for the above cases - Captain Jeff Hawkins, Sumner County Sheriff's Investigations Section (620) 399-1300

Dodge City, KS Police Department Case: 0622018

Unknown suspects entered a motel under construction at 506 N. 14th in Dodge City. They removed copper pipes from several floors of the motel. They also removed copper pipes from a supply trailer on the construction site. Due to this theft construction was delayed at this motel for several days.

**Contact person: Lt. Craig Mellecker Detective Bureau Commander
Dodge City Police Department Dodge City, Kansas 67801 620-225-8126**

Harvey County, KS: Since June of 2006 to now, our office has been investigating at least eight metal thefts. Two are from construction sites, one was a vehicle taken and sold for salvage from an abandoned farmstead, another one from an uninhabited farm house where copper plumbing was stripped as well as a window air-conditioner, three thefts from the Burlington Northern Santa Fe Railroad where copper lines were taken off the poles along the railroad, and another theft was a center pivot irrigation system where the suspect took the electrical control motor off the top of the system. I believe more have happened but they just haven't been reported.

**Contact person: Jim Sauerwein/ Sr. Investigator Harvey County Sheriff's Office
P.O.Box 231/ 120 E. 7th Newton, Ks 67114 (316) 284-6960**

Augusta, KS Department of Safety case number 2006001679

Sometime during the first week of August 2006 unknown person or persons obviously attempted to steal a large spool of copper wire from a fenced in area at one of the City of Augusta's Electrical Power Plants. A large hole was cut in the chain link fence but something obviously scared the thief(s) away as they left behind their gloves and tools. This attempted theft prompted city employees to move the copper wire storage area for the city to inside of a building to no avail as...(see next item)

Augusta, KS Department of Safety case number 2006001843

On the afternoon of 8-30-06 in broad daylight unknown person or persons stole six (6) spools of copper wire valued at least \$3,000 from inside the City of Augusta Electrical Distribution building. This occurred after three individuals were at the center earlier that day looking for "scrap" metal that they might be able to take to Wichita to sell as "scrap metal".

We've had several other thefts in Butler County as well.

**Contact person: B.A. Relph, Capt. Augusta Department of Safety
Augusta, KS (316) 775-4500 ext. 118**

Goddard, KS: Sometime prior to 1/11/2007 unknown person(s) scaled the wall to get into the Wichita Towers facility at 503 N. Easy in Goddard then cut and removed several pounds of copper that was being used to ground the cellular providers equipment at this location. Case numbers assigned are C070021, C070022 & C070023.

Contact person: Investigator Dan 'Mac' McElhiney Goddard Police (316) 794-2051

Johnson County, KS Sheriff's Office case # 06003799

Two individuals were arrested at the now condemned Sunflower Army Ammunition Plant near Desoto, Kansas. Guanidine contaminated copper was stripped from several ammunition bunkers and sold to recycling companies in Kansas City. This site has been found on the Internet as an area of urban interest attracting thieves as well as curiosity seekers. Multiple incidents at the same facility reported. Loss to preserved buildings \$30,000.00.

Contact person: Kent Leiker of the Johnson County, Kansas Sheriff's Office (913) 791-5573

Johnson County, KS Sheriff's Office case# 06003798

Four individuals were arrested stealing copper from five new commercial air conditioning units at an indoor soccer complex under construction at the New Century, Airport near Gardner, Kansas. The units were stripped of all types of metal, including #2 copper. The metals were sold to recycling companies in Kansas City. The air units were damaged beyond repair. The financial loss is estimated at \$150,000.00.

Contact person: Kent Leiker of the Johnson County, Kansas Sheriff's Office (913) 791-5573

Johnson County, KS Sheriff's Office

There were three separate instances where the fence was cut and spools of copper wire were taken from the Gardner, Kansas Energy Center on East Santa Fe Street in Gardner, KS. This is a facility where energy is transformed. This theft delayed repairs and ongoing projects for the company. Loss estimate is \$75,000.00

Contact person: Sgt. Steve Benz, Gardner Department of Public Safety (913) 856-7312

Johnson County, KS Sheriff's Office

Sprint reported the loss of 13 rolls of copper during daylight hours from their repair facility across from the Gardner, Kansas Police Department. Items recovered in Wichita, Kansas. The suspect involved took the spools to recycling center in Wichita, KS. The posted bond was low and the suspect has failed to appear in court on two occasions.

Contact person: Det. Dennis Davis, Johnson County Sheriff's Office (913) 791-5574

Cowley County, KS Sheriff's Office: Case 20060144

On the night of February 18-19, 2006, unknown persons stole approximately 3,000 lbs of copper wire valued at \$2,000.00 - \$3,000 from the City of Udall maintenance yard just east of the City on K-15 Highway.

Contact person: Lt Bill Mueller, Cowley County Sheriff's Office (620) 221-5444

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Cowley County, KS Sheriff's Office: Case 20061026

Sometime on November 10-13, 2006, unknown persons cut through the fence surrounding a Westar substation located on K-15 Highway two miles east of Udall and stole one 1,000 foot roll of two pair conductor wire, one 1,000 foot roll of four pair conductor wire and one 1,000 foot roll of twelve pair conductor wire. The total estimated value of the wire was \$6,385.00 plus an initially undetermined cost to repair the chain link fence.

Contact person: Lt Bill Mueller, Cowley County Sheriff's Office (620) 221-5444

Cowley County, KS Sheriff's Office: Case 20070067

Sometime between January 20 and 26, 2007, unknown persons cut a lock and chain to gain access to a pasture in which the Stelbar Oil Corp had a pipe storage yard in a remote area of rural northern Cowley County. Stolen from that storage yard was 4,500 feet of oil tubing valued at \$9,000.00.

Contact person: Lt Bill Mueller, Cowley County Sheriff's Office (620) 221-5444

Cowley County, KS Sheriff's Office: Case 20070144

Between February 16 and 19, 2007, unknown persons stole 245 feet of various sizes of plain pipe, galvanized pipe, and 110 feet of angle iron from an unoccupied rural residence in a remote area of northern Cowley County. Apparently at the same time the suspects extensively damaged the house and three vehicles at that location. The estimated cost of the vandalism was \$1,900.00; and the value of the stolen pipe and miscellaneous items also taken has not yet been determined.

Contact person: Lt Bill Mueller, Cowley County Sheriff's Office (620) 221-5444

Lyon County, KS In 2006 we had six (6) major metal thefts ranging from \$2,000 to \$12,000 from Electrical Contractors to Burlington Northern Santa Fe Railroad. Each theft disrupted the business due to the loss of the products needed to continue their operation, which means there is a greater loss than is reflected in the reports.

A case in Allen, KS involved the theft of 80 aluminum concrete forms that have not been recovered. The forms are typically sold for the scrap aluminum value. Osage County later arrested some subjects for this type theft but we could not link them to our case.

The Emporia Police Department took a report from an Electric Contractor where several thousand dollars worth of copper wire was taken, and their truck was driven through the security fence causing considerable damage to the fence and the truck which was later recovered after the copper was removed. No suspects were developed other than from a case where copper was stolen from a construction site west of Emporia, and several weeks later when several subjects were arrested in Jackson County. There was some information that these suspects were involved with this theft but evidence was not sufficient for a prosecutable case.

This type of theft has always been difficult to prosecute due to the lack of any records, and when evidence is destroyed very soon after arriving at a metal dealer capable of melting, grinding, or chopping it. Once processed the metal cannot be identified as evidence. If you need copies of reports or more information please contact me.

Contact person: Gary Eichorn, Sheriff, Lyon County, KS (620) 342-5545

Kingman, KS Police Department Case # 07-015

On 01/16/2007 The City of Kingman Municipal Power division reported that \$4,000.00 of copper power wire was stolen during a burglary of a municipal power sub-station. Suspects were developed by a cell phone trace from an unrelated business burglary. During the investigation it was determined that information about the power station was being sold to burglars. **This was the fifth burglary of the power station.**

**Contact Person: Officer David Lux #27 Kingman Police Dept.
120 N Spruce St Kingman, Kansas 67068 (620) 532-3138 davidjlux@yahoo.com**

Topeka, KS Police Department Case # 1998-06

Unknown individual(s) removed the working parts from six roof-mounted air-conditioning units on the Botwin Family Partner's building at 29th and S. Kansas Avenue in Topeka, Kansas. The investigation failed to identify the responsible parties. The estimated loss was between \$250,000.00 and \$280,000.00.

Sgt. Kurt Richter Topeka Police Department Property Crimes Unit (785) 368-9021

Topeka, KS Police Department Case # 18223-06

Three individuals, subsequent identified through investigation, entered a walled Westar power substation at St. John and NW Tyler, Topeka, Kansas. The suspects removed approximately 500 feet of copper grounding wire and associated brass hardware from the substation, which resulted in a power outage in the north Topeka area on July 20, 2006. The suspects were identified as the stolen copper that they sold to two local salvage yards could be identified because of unique welded connections. The theft of the ground wire resulted in a power outage in the north Topeka area effecting 2650 homes and businesses, as well as electronic traffic control devices. The total repair cost to Westar was \$29,280.00, which did not include the estimated \$900.00 loss in revenue. The suspects received \$270.60 for the stolen copper and brass.

Sgt. Kurt Richter Topeka Police Department Property Crimes Unit (785) 368-9021

Wichita, KS – Many cases

In 2006, the Wichita Police Department received reports of \$714,084 in industrial metal thefts, in over 428 reported incidents. Of that figure, \$467,044 was in copper, with the majority of the remainder being in aluminum. The copper thefts ranged from a small amount of scrap wire to losses exceeding \$100,000, when large vacant industrial structures are stripped of the electrical and piping systems. Small businesses and churches have been especially vulnerable to the dismantling of industrial-size air conditioning units located on the roof or hidden from view at the ground level. In 2006 and to February 26 of 2007 there have been 168 incidents where air conditioning systems were taken or destroyed for the metal content. In each incident of this nature the loss will be \$4,000 for a household unit to several thousand dollars when several industrial units are looted.

Contact person: Captain Darrell Haynes (316) 268-4263 dhaynes@wichita.gov

Wichita, KS 2005

Large cast aluminum landing gear trunions were stolen from the Metal Finishing Company in Wichita, which was processing the landing gears for Cessna's business jet division. Once these parts were stolen and could not be readily replaced, the production line at Cessna was seriously compromised. The trunions weighed 200 pounds and had a value of \$4,000 each the thieves would have been paid the scrap metal value of \$80 each.

Contact person: Captain Darrell Haynes (316) 268-4263 dhaynes@wichita.gov

Wichita, KS - In the year 2006 the following business, churches and associations were the victim of metal theft in over 428 reported incidents: A & H Electrical, A to Z Recycling, Absolute Dimensions, Accessories Inc, Accessories Inc, Action Wrecker, Action Wrecker, Advance Electric, Advance Electric, Advance Engine Rebuilders, Aero Metal Forms, Air Capital Electric Inc, Air Capital Equipment, Allen Signs and Lighting Service, Allpak Battery, Alltel, American Can, American Electric, American National Banc Shares, American National Banc Shares, Apex, Apex, Apex Engineering, Area Wide Electric, Arko Manufacturing, AT&T, Avion Precision, Axis Iron and Metal Recycling, Baldrige Electric, Bank of America, Belford Electric Inc, Big Ink, Boge Iron, Brecko Construction Company Inc, Buckley Roofing, Cap Carpet, Cargill, Central Cleaning, Central Equipment, Central States Electric, Ceros Candies, Cintas, City of Wichita, Clint Miller Homes, Coleman Ventures, Commerce Bank, Communication Technology, Complex Machine, Consolidated Electrical Distribution, Consolidated Recycling, Cooks Heating and Air, Cornejo & Sons, Cowies Small Engine Repair, Cox Communications, Cox Machine Company, Creek Electric, D P Holding Inc, Dairy Queen, Dawson Sales Inc, Delta Electric, Donham, Dp Holding Inc, Dynamic Drywall, Eagle Graphics, Eck & Eck Machine Co Inc, El Paso Merchant Energy, Electrical Contractors Inc of Wichita, Electrical Systems Ins, Electricraft, Engineered Machine and Tool Company, Enterprise Electric, Environmental Management, Evans Building Company Inc, Eventemp, Excel Manufacturing, Executive Realtors Air Capitol, Fagan Company, Fannie Mae, Fire Protection Services, First American Reo, Foley Equipment Co, Fraternal Order of Eagles, Glickman Metal Recycling, Global Engineering, Goentzel Construction, Gould Body Shop, Grace Baptist Church, Great Plains Industries, Greenway Electric, Hall Industrial Development, Hanna Heating & Air, Hesse Fence, High Speed Precision, Hoc Storage Systems, Home Depot, Hongs Landscaping, Huffman Refrigeration, Immanuel Baptist Church, Irwin Plumbing, Jack Foster Company Erectors Inc, Kamen Inc, Kansas and Oklahoma Rail Road, Kansas Can, Kansas Electric, Kansas Humane Society, Kansas Humane Society, Kansas Surgery and Recovery Center, Kennedy Tires, KG&E, Kilian Electrical Service, Kmg Tool and Machine, Koons Auto Salvage, L & T Machine, Lakeview Electric, Lampton Welding Supply, Linder and Associates, Locke Supply, Loper Electric and C1 Electrical, Lord's Electric, M & J Electric of Wichita Llc, Malone Construction, Martin Roofing Company, Masterpiece Homes Inc, Mechanical Systems Incorporated, Mennonite Housing, Metal Finishing, Metal Improvements, Mid States Supply of Kansas Inc, Milling Precision Tool, Miracle Sign Company, Moda Enterprises, Muaythai Boxing Gym, Nies Homes, Par Electrical Contractors, Parkwood Manor, Pat N Bros Bar & Grill, Pepco Construction, Perfekta, Phillips Southern Electric, Pinnacle Construction Group, Piping and Equipment, Professional Air Conditioning, Property Development, Purina, Quality Plumbing, Rankin Enterprises, Razooks Furniture, Rdk Machine Shop, Real Development, River City Awning, Robl Construction, Rowe Electric, Rumors, Saint Electric, Scenic Landscapes, Senior Aerospace Composites, Sheet Metal Supply, Shelley Electric, Sims Electric Service Inc, Smith Construction, Smoker Friendly, Snider and Seiwert Llc, Society, South Oliver Business Park, Southeast Village Apartments, Steve Johnson Companies, Strip Mall, Sunflower Apartments, Taco Shops of Wichita Inc, Telcove, The Friends of Jesus, The Gold Tender, The Yard, Transtar Metals, United Mortgage, Utility Contractors, Vision Communications, Walker's Heating & Air Conditioning, Walmart, Watertite Guttering, Weaver Manufacturing, Wescon, West Pat Crow Forgings Inc, Westar Energy, Weyerhaeuser, Weyerhaeuser Recycling, Wichita Brass & Aluminum Foundry Inc, Wichita Iron, Wichita Steel Fabricators Inc, Wildcat Construction, Young Electric Inc.

Contact person: Captain Darrell Haynes (316) 268-4263 dhaynes@wichita.gov

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Shawnee County Sheriff - 2006-2007 Burglaries/Thefts involving wire/metals/copper

Year	Case#	START date	Location	Victim	Items Stolen	MO
2006	0042	2-Jan	5236 S. Topeka Blvd	Ace Elec Cntrctr	Wire	Const Site-open
2006	2912	28-Apr	2828 NW Button Rd	HME, Inc.	Pallet of formed aluminum	Force-padlock cut
2006	2910	29-Apr	1100 SW Auburn Rd	Kaw Valley Electric	Gasoline, copper wire	Force-fence
2006	3982	7-Jun	1030 SW Union Rd	Miller, Kelly	Water heater, workbench, copper tubing, level, toolbox	No force (house under construction)
2006	4194	16-Jun	10020 SE Berryton Rd	Stevens, Dave	Aluminum wire, sleeping bags, clothing, flag	Force-front
2006	7142	12-Aug	3034 NW 62nd St	Milligan, Evelyn	Copper wire, electrical boxes	Force-side
2006	6567	7-Sep	223 SE 53rd St	Ace Elec Cntrctr	Copper wire	Force-(storage trailer)
2006	6578	14-Sep	2340 NE 39th St	Holloway, Kevin	Copper wire bundles	Force (key)-front (detached garage)
2006	7445	16-Oct	305 NE Croco Rd	Schmidtlein Elec	Copper wire, fireworks	Force-fence
2006	7515	19-Oct	2836 NW 24 Hwy	Hayen Tower Service	Copper wire (from unlocked shed in fenced yard)	Force-side
2006	8068	10-Nov	6242 NW Elmont Rd	Milligan, Evelyn	Copper wire	Force (abandoned structure)
2006	8247	14-Nov	3034 NW 62nd St	Milligan, Evelyn	Copper wire	Force-(shed)
2006	8314	17-Nov	2836 NW 24 Hwy	Hayen Tower Service	Copper wire	Force-front
2006	9103	19-Dec	5103 SW Topeka Blvd	LQK Auto Parts	Catalytic converters	Force
2006	9029	19-Dec	86th St & Davis Rd	Union Pacific RR	Copper grounding cables	Force
2007	0418	17-Jan	118 NW Hodges Rd	Sachs, Robert	Chop saw, copper pipe & wire, compressor, heater, drills, tools	Force-front (cabin on N bank of rvr)

DICK GIBSON

WRITTEN TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
REFERENCE HB 2035
Presented by Ed Klumpp
On behalf of the
Kansas Association of Chiefs of Police

March 5, 2007

This testimony is in support of HB2035 providing for the registration and record maintenance for the purchase and trade of certain metals. The theft of metal is chronic in many areas of our state as indicated in the KBI data from the table below. Note the figures provided do not include certain jurisdictions whose data is not reported to the KBI in a manner allowing for this kind of analysis. Those jurisdictions are major metropolitan areas and a check with those jurisdictions indicates these thefts are a major problem in their jurisdictions. We believe it is safe to estimate these jurisdictions represent at a minimum another 500 thefts and a half million dollar loss at used material value. This is clearly a statewide problem needing a statewide solution.

Region	Aluminum	Brass	Copper	Other ²	Total	Percent
East ¹	176	87	343	32	638	41%
Central	259	66	486	40	851	54%
West	36	8	33	0	77	5%
Statewide	471	161	862	72	1,566	

1) This data does not include reports from Kansas City Kansas, Topeka, Overland Park, Olathe, Lenexa, Leawood or JO County SO

2) Other includes reports using generic codes for scrap metal or where more than one type reported together.

These thefts have led to large financial losses to the victims of this crime. This loss far exceeds the value of the stolen metal either as scrap or if sold as used to consumers. For example, the value of an air conditioning unit or copper tubing as scrap is minimal to what they could be sold as used material. But the cost to replace those items will be many times those costs. The KBI estimates the value of the stolen metal at around \$1.5 million dollars. We think that figure is grossly understated due to poor estimates by officers and by underreporting of the crime. At best those reflect the value of the used material and not what Kansas victims are paying to restore their stolen and damaged property, not to mention the lost production in Kansas businesses.

The victims are not only the utility providers in Kansas, but also many citizens in the process of building or improving their homes or businesses. Copper tubing and wiring are stripped from homes and power stations, ground wires are pulled from utility poles, and air conditioning units are disconnected and stolen. The perpetrators of these crimes get pennies on the dollar of the cost to victims. These thefts have, on occasion resulted in serious injury and even death to some perpetrators. If it hasn't already happened, it is only a matter of time when a missing ground wire or other damage from these thefts will result in death or injury to an innocent person.

Senate Judiciary

3-5-07
Attachment 7

Statewide the victims of these crimes include churches, home builders, industries, businesses and homeowners. It especially hits non-profit organizations such as Homes for Humanities where these losses diminish their capability of providing housing to Kansans in need.

The registration and records keeping is a step that will provide law enforcement with a tool to investigate these crimes and to identify potential suspects in these thefts. It is consistent with the practice used in many cities with mandated reporting of pawn shop transactions. The mandated retention of the materials facilitates assurance law enforcement will have a reasonable time period to inspect the material as evidence in this criminal activity.

It is our understanding a suggested amendment will be offered to be more inclusive of certain metals that are not currently included in the bill but are the subject of theft. We support those amendments.

We understand the balance necessary for this to be effective and for the salvage businesses to be successful. In our opinion, this bill has reached that balance. As you examine that balance between law enforcement need and business need, understand the losses suffered are primarily business losses and far exceed the financial impact on the salvage companies.

We urge you to recommend passage of HB 2035.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police

E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

March 5, 2007

Testimony on Sub HB 2035, before the Kansas Senate Judiciary Committee.

Chairman Vratil, members of the Judiciary Committee. My name is Randy Downing and I represent the Institute of Scrap Recycling Industries, the trade organization of the scrap metal recycling industry in Kansas.

We would like to add our support for Sub HB 2035 as presented to the Judiciary Committee today. This bill represents a compromise agreed upon between the scrap metal recyclers, the utility companies and law enforcement from the original language of the bill. This bill represents the efforts of all parties to work out a compromise that address the needs of all sides of the issue of scrap metal theft in Kansas.

I also have with me today the President/CEO of Galamba Metals Mr. Raynard Brown and Ms. Marianne Glamba Brown whose family own Glamba Metals. They are here to answer any question on how Sub HB 2035 would effect their operations as a small; family owned business in Kansas.

Thank you, for the opportunity to appear before you today in support of the passage of Sub HB 2035.

Randy Downing
9916 W. 145 St
Overland Park, KS 66221
913-469-0102

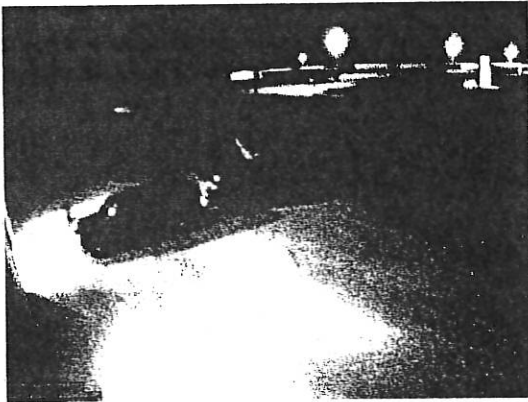
March 5, 2007

Subject: HB 2035

To: Kansas Senate Judiciary Committee

I understand this bill was NOT submitted specifically with aerospace and manufacturing in mind. However, in the latter part of 2005 and through 2006, our company and other aerospace firms in Wichita, had hundreds of thousands of dollars of metal stolen, which cost the aerospace industry countless dollars in lost time, productivity, and potentially jobs.

Below is a security picture of one such theft of aluminum at our facility that cost our organization approximately \$10,000.



Aerospace sub-contractors are measured by their customers on delivery performance. When that delivery performance falls below a certain number, the customer begins to look at alternative suppliers.

Why a supplier is late -- does not matter to the customer.

They require parts to meet THEIR customer requirements and delivery schedules.

The metal thefts that have occurred in the past have caused delays of product shipment to customers.

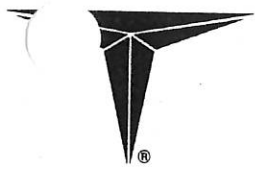
These delays could very well cause a customer to search for other sources of supply.

We're talking jobs.

These jobs are typically high paying manufacturing jobs. The types of jobs that cities work hard to attract because they boost the local economy.

Cities and states spend an enormous amount of effort and money in the form of tax abatement, and free tax zones.

This bill is important -- as it will protect EXISTING jobs from going to other cities and states.



We ask that the interests of the aerospace and manufacturing organizations be considered in this bill by changing the description of metals from the current version with all the sub-categories of aluminum to "Aluminum except food and beverage containers), copper, titanium, tungsten, and nickel in any form" (lines 9-14, p. 1)

We appreciate any support provided and would be more than happy to assist.

Thank-you,

Jeff Westeman
Manager of Technology and Lean Manufacturing
Certified Lean Production Coach
Certified AIW Lean Leader
Triumph Structures - Wichita, Inc.
(Formally Excel Manufacturing, Inc.)
316.942.0432
jwesteman@triumphgroup.com

**Testimony of Paul Snider
Before the Senate Judiciary Committee
In Support of House Bill 2035
March 5, 2007**

Kansas City Power & Light supports reasonable regulation of scrap metal dealers in order to reduce theft, prevent injuries and ensure reliable and economical electrical service for the citizens of Kansas.

KCP&L and its neighboring electric utilities have been the victims of numerous thefts of copper and aluminum cables and other electrical equipment. These thefts create a risk of serious injury or death to utility workers and the thieves and create public safety issues for KCP&L customers.

The widespread power outages that have resulted from these thefts in many parts of the country are not only an inconvenience to customers, they create public safety issues due to possible interruption of heating, cooling, lighting, communications and other critical functions. A limited review of news reports nationwide shows at least 9 individuals were electrocuted attempting to steal copper or other metals in 2006. The actual number of those killed is undoubtedly higher. Others were reportedly seriously burned attempting to steal metals.

In one unfortunate incident in Kansas City in October of 2006 metal thieves sabotaged electrical equipment at a Federal facility so they could steal copper cables. A General Services Administration maintenance employee called to the site for repairs was electrocuted while working on the damaged equipment. Later KCP&L linemen responding to another incident at the same Federal facility found thieves in the act of stealing cable and held them until police arrived.

Unfortunately metal thefts are becoming a national problem as scrap metal prices have increased at a dramatic rate. Prices have risen from about sixty cents per pound in 2001 to over four dollars per pound in 2006 largely due to increasing demand for metals in Asia. KCP&L alone experienced nearly fifty thefts or attempted thefts in 2006. This number is several times the number of incidents reported a few years ago. Other thefts may go unreported until outages or other problems on the electrical grid are reported. Total losses for reported incidents in 2006 are conservatively estimated at between \$300,000 to \$500,000. Estimates of costs are difficult to calculate since customers bear some of the cost of repairs and the cost of business interruptions and the labor costs for repairing the system and investigating the incidents is not always easy to quantify.

Some of the thefts involve cables and other conductors cut from substations, poles and other equipment. Other thefts have involved new cable hacked off large spools at KCP&L facilities, ruining its value for anything but scrap. A recent theft and attempted theft at one KCP&L facility during one week in August resulted in losses of nearly \$90,000

As long as a largely unregulated ready market exists for stolen metals, thieves will continue to steal these materials and sell them for a fraction of their cost. Requiring positive identification at the point the metals are presented for sale, as required in HB 2035, provides the best opportunity for obtaining tips and leads for law enforcement, giving them a chance to catch metal thieves.

Metal thefts endanger the safety of Kansas residents and increase the cost of providing electrical service. While KCP&L and other utilities have increased security in an attempt to reduce these thefts, KCP&L has well over one hundred substations and operates hundreds of miles of lines, a difficult system to secure. Therefore, reasonable restrictions such as those proposed in House Bill 2035 will help reduce the market for the stolen metals and help electric utilities provide economical, safe and reliable service to their customers. KCP&L supports the passage of HB 2035.

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ELECTIONS & LOCAL GOVERNMENT
TRANSPORTATION
UTILITIES
JT. COMMITTEE ON
INFORMATION TECHNOLOGY

SENATOR MIKE PETERSEN

HB 2035

Mr. Chairman and members of the Judiciary Committee I would like to thank you for this opportunity to submit testimony. Copper Thefts have been on the increase in the Wichita metro area. These thefts have affected a broad spectrum of our community. Buildings waiting to be leased have been completely stripped of their plumbing and wiring. Construction sites robbed of raw materials, storage facilities for manufacturing plants have lost valuable equipment and telephone poles have had their copper safety ground wires removed. Scrap thieves have also stolen air conditioning units from churches and new homes.

These thefts have an economic impact beyond the value of the stolen articles. Due to the increased cost of copper many distributors no longer stock equipment containing large amounts of copper. Replacements may not be available for several days and delays in production have cost Kansas companies revenues. Increased vigilance over copper equipment has some scrap thieves turning to yet another source of precious metals; catalytic converters which contain platinum, rhodium and palladium. **Prices for these metals has increased dramatically with platinum currently valued at over \$1,000.00 an oz., rhodium at over \$5,000.00 an oz. and palladium over \$300.00 an oz.** Scrap metal dealers are paying between \$10.00 and \$100.00 cash for converters without requiring any identification. I am requesting you amend substitute for HB 2035 to include catalytic converters containing platinum, rhodium and palladium.

I believe HB2035 will give Law Enforcement the much needed tools to help apprehend these unscrupulous thieves. I would appreciate your careful consideration of my proposed amendment.

Mike Petersen

Senator Mike Petersen

Senate Judiciary

3-5-07
Attachment 11

11-2

Substitute for HOUSE BILL No. 2035

By Committee on Energy and Utilities

2-12

10 AN ACT concerning scrap metal dealers; relating to the theft of certain
11 metals; amending K.S.A. 50-619, 50-620, 50-621 and 50-622 and re-
12 pealing the existing sections.

13

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

15 Section 1. K.S.A. 50-619 is hereby amended to read as follows: 50-
16 619. As used in this act, unless the context otherwise requires, the follow-
17 ing words and phrases shall have the meanings respectively ascribed to
18 them herein:

19 (a) "~~Junk~~ Scrap metal dealer" means any person *that operates a busi-*
20 *ness out of a fixed location, and that is also either: (1) Engaged in the*
21 *business of buying, selling and dealing in junk, or any person regulated*
22 *scrap metal; (2) purchasing, gathering, collecting, soliciting or traveling*
23 *about from place to place procuring junk or any person regulated scrap*
24 *metal; or (3) operating, carrying on, conducting or maintaining a junk*
25 *regulated scrap metal yard or place where junk regulated scrap metal is*
26 *gathered together and stored or kept for shipment, sale or transfer, but*
27 *shall not include antique dealers, or automotive salvage dealers dealing*
28 *in wrecked vehicles as defined in this act.*

29 (b) "~~Junk~~ Regulated scrap metal yard" means any yard, plot, space,
30 enclosure, building or any other place where *junk regulated scrap metal*
31 *is collected, stored, gathered together and kept, and stored or kept for*
32 *shipment, sale or transfer.*

33 (c) "~~Junk~~ Regulated scrap metal" shall mean and include, in addition
34 to items or goods commonly referred to as junk, such other used or see-
35 ondhand goods as rope, scrap iron, brass, lead, copper or aluminum wire
36 or tubing and other scrap metals, but shall not include antiques, or
37 wrecked vehicles as defined in this act.

38 ~~(d)~~ "Antique" means any furniture, object of art, or other object, item
39 or article made or manufactured at an earlier period of time, but shall
40 not include junk;

41 ~~(e)~~ "Antique dealer" means any person conducting a business of buy-
42 ing and selling antiques;

43 ~~(f)~~ "Wrecked vehicle" means any wrecked, ruined, dismantled or in-

11-3

1 operative motor passenger vehicle or motor truck, and any part or acces-
2 sory therefrom, for which an original or assigned certificate of title is
3 transferred for such vehicle or truck to an automotive salvage dealer and
4 later surrendered and reported to the division of vehicles of the state
5 department of revenue as required by law;

6 (g) "Automotive salvage dealer" means any person holding a valid
7 license under the provisions of K.S.A. 68-2201 to 66-2215, inclusive, and
8 any acts amendatory thereof or supplemental thereto, designated as the
9 junkyard and salvage control act. wire, cable, bars, ingots, wire scraps,
10 clamps, aircraft parts or connectors made from aluminum, and copper,
11 titanium, tungsten and nickel in any form; for which the purchase price
12 described in K.S.A. 50-620 and 50-621, and amendments thereto, was
13 primarily based on the content therein of aluminum, copper, titanium,
14 tungsten or nickel.

catalytic converters containing platinum, palladium
or rhodium

,

platinum, palladium or rhodium

15 Sec. 2. K.S.A. 50-620 is hereby amended to read as follows: 50-620.
16 It shall be unlawful for any person to sell any item or items of junk to a
17 junk dealer in this state unless such person shall present to said junk
18 dealer, at the time of sale, information as to the ownership of such item
19 or items of junk: regulated scrap metal to a scrap metal dealer in this
20 state unless such person either: (1) Receives full payment of the sale price
21 therefor by check; or (2) shall present to such scrap metal dealer, at or
22 before the time of sale, the information described below regarding such
23 item or items of regulated scrap metal. Such information shall include the
24 seller's name, address and place of business, if any. Every junk scrap metal
25 dealer shall keep a register in which the dealer shall at the time of pur-
26 chase or receipt of any item, excepting rags and paper, enter the name,
27 residence and place of business, if any, of the person from whom the junk
28 dealer purchased or received the item, description of items purchased
29 and the price paid for such item or items. for which such information is
30 required to be presented, cross-reference to previously received infor-
31 mation, or enter the name, residence or place of business, if any, of the
32 person from whom the scrap metal dealer purchased or received the item,
33 a description made in accordance with the commodity code standards of
34 the trade of items purchased, the price paid for such item or items, and
35 a copy of the seller's photo driver's license card or another government-
36 issued photo identification card. The scrap metal dealer's register, includ-
37 ing copies of identification cards, may be kept in electronic format. Not-
38 withstanding the foregoing, this section shall not apply to: (1)
39 Transactions for which the total sale price for all regulated scrap metal is
40 \$50.00 or less; (2) transactions in which the seller is also a scrap metal
41 dealer; or (3) transactions for which the seller is known to the purchasing
42 scrap metal dealer to be an established business that operates out of a
43 fixed business location and that can reasonably be expected to generate