

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 18, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Ward Loyd - Excused  
Representative Judy Morrison - Excused  
Representative Dean Newton - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research  
Jill Wolters, Department of Revisor of Statutes  
Sherman Parks, Department of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Autumn Fox, Attorney, Abilene  
Marlee Carpenter, Kansas Chamber of Commerce & Industry  
Mike Davis, JC Penny Company  
Representative Peggy Long  
Mike Pfannensteil, Johnson County Sheriff's Office  
Ron Gaches, Consumer Data Information Association  
Representative Clark Shultz  
Theresa Weigel, International Board Certified Lactation Consultant  
Aimee Gross, Nurse Practitioner  
Margaret DeVoss  
Kathy Porter, Office of Judicial Administration

Hearings on **HB 2366 - common law marriages; parties must be 18 years or older or have parental or judicial consent**, were opened.

Autumn Fox, Attorney, Abilene, appeared before the committee in support of the bill. She stated that common law marriages are inconsistent with today's criminal laws. She does not support abolishing common law marriages and suggested that the proposed bill is a half way point. ([Attachment 1](#))

Hearings on **HB 2366** were closed.

Hearings on **HB 2751 - identity theft, identity of fictitious person and defrauding for any benefit**, were opened.

Representative Peggy Long appeared before the committee as the sponsor of the bill which would close the loophole that there must be the "intent" to deprive someone of an economic loss. Hopefully, the proposed bill will prevent people from suffering great economic loss by early intervention. ([Attachment 2](#))

Mike Pfannensteil, Johnson County Sheriff's Office, supported the proposed bill stating that it would strengthen the identity theft statute so "any" benefit would be a cause for a crime. ([Attachment 3](#))

Ron Gaches, Consumer Data Information Association, also supported broadening the definition to those who lose more than "economic losses". ([Attachment 4](#))

Hearings on **HB 2751** were closed.

Hearings on **HB 2078 -if a minor shoplifts, the parents are liable for a civil penalty up to \$500**, were opened.

Marlee Carpenter, Kansas Chamber of Commerce & Industry, informed the committee that this bill was passed out of committee but was not worked on the House floor and therefore was re-referred back to committee. ([Attachment 5](#))

Mike Davis, JC Penny Company commented that juvenile shoplifting is costing millions of dollars to the retailers of Kansas. Forty-nine states have statutes authorizing the victims of shoplifters to recover civil

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damages but twelve of those states do not allow civil recovery from juveniles. Kansas is one of those twelve. The proposed bill is about personal responsibility by forcing teenagers to realize that their parents will be held responsible for their actions. Shoplifting to juveniles is considered a status symbol and is considered no big deal. ([Attachment 6](#))

Frances Kastner, Kansas Food Dealers Association, did not appear before the committee but requested her written testimony in support of the bill be included in the minutes. ([Attachment 7](#))

Hearings on **HB 2789 - jury service; parents taking care of children**, were opened.

Representative Clark Shultz explained the proposed bill would allow certain parents who do not work full time outside the home and provides care for a child to be excused from being called to serve on a jury. ([Attachment 8](#))

Theresa Weigel, International Board Certified Lactation Consultant, stated that there are ages when separation from parents is stressful to children and judges may not understand child development. ([Attachment 9](#))

Aimee Gross, Nurse Practitioner, supported the bill because of the financial costs to parents who are breast feeding their child. ([Attachment 10](#))

Margaret DeVoss relayed her story that she tried to get dismissed from jury duty because she needed to provide care for her children but was threatened with a contempt of court if she did not show up. ([Attachment 11](#))

Kathy Porter, Office of Judicial Administration, commented that the courts have no objection to the proposed bill and that it is the legislatures duty to decide if there should be exemptions from jury duty. ([Attachment 12](#))

The committee meeting adjourned at 6:30 p.m. The next meeting was scheduled for February 19, 2002.