

Approved: March 19, 2012

(Date)

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE  
COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 12:00 pm on Thursday, January 12, 2012 in room 144 S of the Capitol.

All members were present except:

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Lauren Douglas, Legislative Research  
Robert Allison-Gallimore, Legislative Research  
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Ed Klumpp, KS association of Chiefs of Police, Kansas Sheriffs Association, Kansas  
Peace Officers Association  
Detective Brown, Lawrence Police Department  
Robin Tummons, President, Kansas Pawnbrokers Association  
Andy Conser, Kansas Auctioneers Association

Others in attendance:

Chairperson Colloton opened the floor for bill introductions. She called on Sean Ostrow, Office of the Revisor of Statutes. Mr. Ostrow requested a cleanup bill for copper & wire on a bill from last year.

***Representative Brookens made a motion to accept the bill request from Mr. Ostrow.  
Representative Goodman seconded. Motion carried.***

Chairperson Colloton had a request for a bill regarding BIDS fees.

***Representative Kelly made a motion to accept the bill request of Chairperson Colloton.  
Representative Brookens seconded. Motion carried.***

Chairperson Colloton made another bill request addressing fleeing and eluding regarding vehicle forfeiture with some exceptions.

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***Representative Roth made a motion to except the bill request addressing fleeing and eluding. Representative Goodman seconded. Motion carried.***

Chairperson Colloton made another bill request allowing insurance premiums to increase as restitution to a crime.

***Representative Roth made a motion to accept the bill request allowing insurance premiums to increase as restitution to a crime. Representative Kelly seconded. Motion carried.***

Chairperson Colloton requested another bill regarding sexting and youth under 18 years of age.

***Representative Wolf made a motion to accept the request for a sexting bill. Representative Kelly seconded. Motion carried.***

Chairperson Colloton made one last request for a bill regarding mental health diversion creating an option.

***Representative McCray-Miller made a motion to accept the bill request regarding mental health diversion. Representative Moxley seconded. Motion carried.***

There being no others requesting bills, Chairperson Colloton announced to the Committee that they would have a joint meeting with Senate Judiciary regarding DUI at noon on Wednesday, January 25<sup>th</sup> and opened the hearing on **HB 2059—Requiring second-hand stores to verify identity of sellers and record such information.**

Chairperson Colloton called on Sean Ostrow, Office of the Revisor of Statutes, to explain the **House Substitution for HB 2059**. Mr. Ostrow provided a written copy for the Committee (Attachment 1)

Upon the completion of Mr. Ostrow's explanation of the Substitute Bill, Chairperson Colloton introduced Ed Klumpp representing Kansas Association of Chiefs of Police, Kansas Association of Sheriffs, and Kansas Peace Officers Association, to give his testimony as a proponent of the bill. Mr. Klumpp provided a written copy of his testimony for the Committee (Attachment 2)

He stated that the following were changes made from the original bill:

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1. Clear exemptions from the provisions of this bill for businesses already covered by other statutory authority. This includes pawn shops, precious metal dealers, scrap metal dealers, auto salvage dealers, and others.
2. Clear exemptions for non-profit organizations such as Salvation Army, Doorstep, Disabled Veterans, Goodwill and others.
3. Clear exemptions for personal sales such as garage sales, consignment clothing sale, and most flea market transactions.
4. Clear exemptions from the provisions for anyone not required to collect sales tax.

In closing, he stated these changes significantly narrow the scope of the proposed statute to include those businesses that regularly buy, trade, and sell second hand merchandise and household goods that are common targets of burglars and thieves. The changes clearly exempt sales by private individuals, and organizations less likely to be the outlets used by these thieves.

A question and answer session followed.

Chairperson Colloton introduced Detective Brown representing the Lawrence Police Department to give his testimony as a proponent of **HB 2059**. Detective Brown provided copies of his testimony for the Committee (Attachment 3). He stated the National Institute of Corrections reported that in 2008 property crimes accounted for around 89.1% of the crime rate in Kansas; which is about 5% higher than the national average. He went on to say that one of the issues facing law enforcement is the tracking of stolen property. Lack of documentation in second hand stores makes it very difficult to solve auto and residential burglaries. The passage of this bill will help law enforcement identify stolen property and those who sell stolen property.

Chairperson Colloton introduced Robin Tummons, President, Kansas Pawnbrokers Association to give her testimony as an opponent of the bill. Ms. Tummons provided written copies of her testimony for the Committee (Attachment 4). Ms. Tummons stated the Kansas Pawnbrokers Association has concerns with the bill. She highlighted on the following concerns:

1. The bill states that the dealer needs to keep a copy of the driver's license. They feel only the identification number should be recorded.
2. 30-20-day "police holds" exclusive of weekends and holidays is an extremely long time period.

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3. The bill states “Such register shall be open at all times during normal business hours to peace and law enforcement officers.” They are concerned information will be given out that shouldn’t because of the “client’s confidentially law”.
4. The bill only addresses “sell” and not trade.
5. Does a “consumer good” include firearms?
6. The bill does not require any reporting requirements.

In closing, she stated the Kansas Pawnbrokers Association cannot support this bill at this time.

A lengthy question and answer session followed.

Upon the conclusion of the questions and answer session Chairperson Colloton asked if there was anyone else who would like to speak to the bill. There were no others to speak so she closed the hearing on **HB 2059**.

The meeting was adjourned at 1:16 pm with the next meeting scheduled for January 17, 2012 at 1:30 pm in room 144 S.