

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:12 a.m. on March 16, 2000 in Room 123-S of the Capitol.

All members were present except: Senator Goodwin (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Representative Richard Reinhardt
Bud Grant, Kansas Chamber of Commerce and Industry (KCCI)
Andy McSorley, Oakley Sunglasses
Kyle Smith, Kansas Bureau of Investigation (KBI)
John Smith, (KCCI)
Charles Simmons, Secretary, Department of Corrections (DOC)
Barbara Tombs, Sentencing Commission

Others attending: see attached list

The minutes of the March 14th and March 15th meetings were approved on a motion by Senator Bond and seconded by Senator Pugh. Carried.

HB 2596—concerning counterfeiting; relating to criminal penalties; concerning civil forfeiture

Conferee Reinhardt, testifying in support of **HB 2596**, briefly explained why this counterfeiting of trademarked goods issue caught his attention and why the bill exists. He stated that the bill is modeled after legislation that has been passed in other states. (no attachment) Discussion followed regarding current laws which cover this issue.

Conferee McSorley testified in support of **HB 2596**. He presented a comprehensive review of his company, its products and service in the State of Kansas and its contribution to the Kansas economy. He further presented an overview of the characteristics of counterfeit products and how they are distributed. He illustrated how counterfeit merchandise sales hurt Kansas and he urged passage of the bill. (attachment 1)

Conferee Smith testified in support of **HB 2596**. He stated that this legislation, which “would criminalize the manufacture, sale and distribution of fraudulent trademark property and services,” provides a deterrent to this type of activity and discussed how the forfeiture provision provides further disincentive as well. He further stated that there would be little impact, if any, on prison overcrowding. (attachment 2) Following discussion, Senator Bond moved to pass the bill out favorably, Senator Donovan seconded. Carried.

HB 2805—relating to theft detection shielding devices; relating to domestic battery

Conferee Grant testified in support of **HB 2805** briefly discussing the issue of retail theft and methods thieves use to prevent detection. He noted photographic examples of several of these methods which were handed out to Committee. (attachment 3)

Conferee Smith testified in support of **HB 2805**. He presented background on the issue of retail theft and expressed his concern with its effect on consumers and retailers. He stated that in 1997, the FBI Interstate Theft Task Force estimated external retail theft at approximately \$26 billion, a cost which is passed on to the consumer through higher prices. (attachment 4)

Written testimony supporting **HB 2805** was submitted by Marlee Bertholf, Executive Director, Kansas Retail Council. (attachment 5)

Conferee Simmons testified in opposition to the domestic battery amendment in **HB 2805**. He discussed a number of issues that the bill raises in regard to the sentencing disposition for persons convicted of felony domestic battery. (attachment 6)

Conferee Tombs testified in opposition to the domestic battery portion of **HB 2805** and discussed how this house amendment to the bill undermines the integrity of the sentencing guidelines. (attachment 7) Following discussion it was decided to take no action on the bill at this time.

HB 2600—concerning jurors; regarding exclusions

The Chair reviewed **HB 2600** and, following discussion, Senator Vratil moved to pass the bill out favorably, Senator Donovan seconded. Carried.

The meeting adjourned at 10:55. The next scheduled meeting is March 17, 2000.