

Approved: 2/4/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:00 a.m. on January 25, 1994 in Room 514-S of the Capitol.

All members were present except: Senator Martin (excused)

Committee staff present: Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Captain Ron Miller, Kansas City, Kansas Police Department
Sergeant Sonny Callahan, Kansas City, Kansas Police Department
Kyle Smith, Kansas Bureau of Investigation
Scott Teeselink, Special Agent, Kansas Bureau of Investigation
Judge Dan Mitchell, Topeka
Judge Leonard Mistrone, 24th Judicial District, Rush County,
Helen Stephens, Kansas Peace Officers' Association
Chief Gerald Beavers, Topeka Police Department
Judge Leonard Mistrone, Rush County, LaCrosse, Kansas

Others attending: See attached list

SB 500--creating the crime of criminal possession of a firearm by a juvenile.

Captain Ron Miller, Kansas City, Kansas Police Department testified in favor of SB 500. He said Juvenile Court of Wyandotte County prosecuted 23 cases in 1989 involving firearms used by juveniles; in 1990, 30 cases were filed involving use of firearms by juveniles; 1991, 43 such cases filed; 1992 there were 57 cases filed and 1993, 61 cases were filed. He said juveniles know the system and know nothing will happen to them.

Sergeant Sonny Callahan, Kansas City, Kansas Police Department testified in favor of SB 500. He related an examples of juvenile cases involving the use of handguns who could not be tried as an adult. He stated the initiation into some gangs is to shoot an individual they don't know. He said this bill would help in dismantling gangs throughout the state.

Kyle Smith, Kansas Bureau of Investigation spoke on behalf of the KBI and the Attorney General's office in favor of SB 500 (Attachment No. 1). He stated more young people between the ages of 15 to 24 are killed by handguns than all the natural causes of death combined. This bill will create a deterrence by suspending the drivers license. He suggested the bill be changed to reflect a criminal forfeiture provision rather than civil forfeiture. There was concern that Line 26 should read "the court ~~may~~ shall require the person to surrender". Mr. Smith suggested shall would be better wording.

Scott Teeselink, Special Agent, Kansas Bureau of Investigation testified in favor of SB 500 and submitted written testimony (Attachment No. 2). He stated the national statistics show 14 children a day are killed with a handgun. He stated this bill is a means of controlling hand guns.

Helen Stephens, Kansas Peace Officers' Association provided written testimony in favor of SB 500 (Attachment No. 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on January 25, 1994.

Judge Dan Mitchell, Topeka suggested to the Committee that they not take action on SB 400 until after February 4. There will be a special meeting of the State Court SRS Education Liaison Committee in which they will formulate some concerns and suggestions on SB 400. Judge Mitchell testified in favor of SB 500. He stated he was in favor of confiscation of weapons to get them off the streets. He expressed concern about treating 10 to 17 year olds as adults rather than leaving them in the juvenile system. He was asked to comment in regard to Line 26 on the change from "may" to "shall". He stated there should be some consistency in the language used.

Judge Leonard Mistrone, 24th Judicial District, Rush County testified in favor of SB 500. He expressed concern that this bill established punishment as an adult for a first time offense for persons ages 10 to 17 and an adult child could be placed in the county jail for up to one year next to the general prison population on a Class A, non-person misdemeanor. He said he felt this would conflict with the federal mandates. Another concern was that a 10 year old was not capable of fully understanding his rights and therefore, the court would be required to appoint an attorney for every child that comes into court as an adult under this act. This bill does not provide for seizure of weapons.

Chief Gerald Beavers testified in favor of SB 500. He said this past year there has been a record 24 homicides, an increase in shootings, violence and use of guns by youth. Chief Beavers recalled a youth advisory meeting in which 3 juveniles from 3 different high schools were asked how easy it was to get a gun. They all three replied they could get one by the end of the day. He believes this bill is a useful tool.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for January 26, 1994.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 1/25/94

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Scott Teeselink	Topeka	KBI
Mike Boyer	Topeka	KBI
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RONALD MILLER	701 N 7th ST. KCKs	KANSAS CITY KS Police
Bill Curtis	Topeka	Ks Assoc of School Bds
Doug Bowman	"	Corporation for Change
Lee Nussner	St. John, KS.	Judge -
Michael F. Finkbeiner	Ashtabula	Judge
Toni Wheeler	Topeka	SEN KARP'S OFF.
Scott Gordon	Topeka	Sen. Petty



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ROBERT T. STEPHAN
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KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF SENATE BILL 500
JANUARY 25, 1994

Mr. Chairman and Members of the Committee:

I am here today on behalf of Attorney General Robert T. Stephan in support of SB 500. The carnage caused by the deadly combination of children and guns is well known to this committee. Indeed, to anyone who reads the headlines, recent federal statistics also illustrates the problems. This country suffers 13,000 homicides committed with handguns; 26,000 children are injured each year with firearms; and guns account for 37,000 deaths each year. Perhaps the most telling statistic is that firearms kill more people between the ages of 15 to 24 than all natural causes combined.

SB 500 is not going to stop all of this mayhem. It is a good, reasonable restriction that will help limit the damage. Just because a statute will not solve the whole problem is no reason to forego the benefit it will produce. Attorney General Stephan urges passage of SB 500.

Thank you.

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ROBERT T. STEPHAN
ATTORNEY GENERAL

SCOTT TEESLINK, SPECIAL AGENT
KANSAS BUREAU OF INVESTIGATION
BEFORE THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF SENATE BILL 500
JANUARY 25, 1994

Mr. Chairman and Members of the Committee:

I am Scott Teeselink, Special Agent, assigned to the Kansas Bureau of Investigation. My current duties include coordinating gang control efforts and assistance throughout the state. I work with the gang units in Kansas City, Sedgwick County and Topeka, but the main point I wish to make is that I work with a large number of smaller agencies as well, and the problem of juvenile offenders with guns is not limited to our metropolitan areas. Children are carrying guns and children are using guns at a growing rate across Kansas.

SB 500 will not eliminate this problem, but I believe it is an important step as both a message and a means of controlling this problem. The hard-core gang members are not likely to be deterred by even the level 8 felony for second time possession, but having them automatically sentenced as adults would give us a much better handle on them.

For the less hardened juvenile contemplating carrying a gun, I believe the mandatory loss of driving privileges would be a very real deterrent to our biggest problem age group, being the teenagers.

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Further, even in the case of a hardened gang member, losing his driving privileges will make his ability to move and transport contraband much more difficult and allow law enforcement agencies an easy hammer over such an offender, that is arrest while driving while suspended if they continue to operate their cars.

One suggestion for improvement I would have on this bill would address the disposition of the weapons seized, since gang officers tell me that it is not uncommon to see the same guns again and again. I believe it would be useful for this statute to have a mandatory forfeiture provision if the defendant is convicted, unless, of course, the weapon was stolen.

Thank you for your efforts. I will be happy to answer any of your questions.

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January 25, 1994

Re: Senate Bill No. 500

Mr. Chairman and Members of the committee:

I am Helen Stephens, representing the 3,500 members of the Kansas Peace Officers Association. We are here to express our support for Senate Bill No. 500.

Although passage of this will bill not solve our problem of guns in the hands of juveniles, it is a step in the right direction.

Thank you for your consideration. I stand for questions.

In Unity There Is Strength

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