

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:05 a.m. on January 18, 2000 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Mike Taylor, City of Wichita  
John Peterson, Security Benefit Life Insurance Company  
Senator Bonnie Sharp  
Paul Morrison, Johnson County District Attorney  
Ron Gaches, Associated Credit Bureaus  
Kathy Olsen, Kansas Bankers Association

Others attending: see attached list

The January 13<sup>th</sup> meeting minutes were approved on a motion by Senator Donovan and seconded by Senator Goodwin. Carried.

**BILL INTRODUCTIONS:**

Conferee Taylor requested introduction of a bill that would narrow the definition of domestic battery to: “ those involved in intimate relationships.” He explained how this would make the statute more effective and workable. (attachment 1) Following brief discussion Senator Feleciano made a motion the bill be introduced, Senator Harrington seconded. Carried.

Conferee Peterson requested enactment of Section 101 of the Uniform Non-probate transfers on Death Act. He stated that this statute “would provide that a variety of contractual arrangements, including beneficiary designations in individual retirement accounts, be regarded as non-testamentary in nature. He provided background data on non-probate transfer on death and discussed the impact of adoption of this statute. (attachment 2) Senator Vratil moved to introduce the bill, Senator Donovan seconded. Carried.

**SB 383–identity theft; departure sentencing**

Conferee Sharp testified as a proponent of **SB 383**. She briefly defined identity theft and provided statistical data to show it is the fastest growing crime in America. supporting her contention that the severity level for this type of crime needs to be increased from a class A misdemeanor to a felony crime. (attachment 3)

Conferee Morrison testified as a proponent of **SB 383**. He discussed economic crimes perpetrated through written or electronic means and the ineffectiveness of the criminal justice system in dealing with them no matter how devastating the loss because they are usually low grade property offenses carrying little or no jail time . He stated that identity theft needs to be a felony and the aggravating factor in the law for those crimes where devastating economic harm as been inflicted needs to be addressed. (attachment 4) Lengthy discussion followed.

Conferee Gaches testified as a proponent of **SB 383**. He presented a brief overview of his association’s function and discussed it’s provisions for customers who are victims of identity fraud. He stated that the current Kansas law lists identity theft as a misdemeanor so it is difficult to extradite criminals back to Kansas for prosecution and for law enforcement to allocate resources to pursue identity theft crimes. He urged passage of the bill. (attachment 5)

Conferee Olsen testified as a proponent of **SB 383**. She requested Committee consider amending the bill to include check fraud and forgery which she stated is another form of identity theft. She cited newspaper articles from the Lawrence Journal World, Aug. 5, 1999 and the Wichita Business Journal, Dec. 10, 1999, which address the issue of forgery and reveal how the current forgery law is ineffective as a deterrent since the convicted person never faces imprisonment. She asked the Committee to rectify this problem by making the penalties the same for all forms of identity theft crime. (attachment 6)

The meeting adjourned at 10:55 a.m.

