

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 7, 2000 in Room 313-S of the Capitol.

All members were present except:

- Representative Phill Kline - Excused
- Representative Peggy Long - Excused
- Representative Tony Powell - Excused
- Representative Rick Rehorn - Excused
- Representative Candy Ruff - Excused
- Representative Clark Shultz - Excused
- Representative Dale Swenson - Excused

Committee staff present:

- Jerry Ann Donaldson, Legislative Research Department
- Mike Heim, Legislative Research Department
- Jill Wolters, Office of Revisor of Statutes
- Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

- Harry Cross, Crime Victims Restitution Fund Coordinator for Lincoln County
- Robert Crangle, Lincoln County Attorney
- Frank Muscato, National Special Investigator, Wal-Mart, Inc.

Hearing on **HB 2772 - Crime victims restitution; increasing amounts of compensation; allowing business and governmental entities to be compensated**, was opened.

Harry Cross, Crime Victims Restitution Fund Coordinator for Lincoln County, appeared before the committee as a proponent of the bill. They have turned down many business that have applied for restitution because they were not individuals. The original intent was to compensate individuals who have no other recourse. The proposed bill would require businesses who have insurance to reimburse the Fund if their insurance pays for the destruction. (Attachment 1)

Robert Crangle, Lincoln County Attorney, appeared in support to the bill. He didn't foresee any problems with businesses requesting funds, because Lincoln County is conservative when they grant funds to individuals and would continue to do that with both businesses & individuals.

All monies that go into the Fund come from diversion agreements and goes to the county treasurer for use by the Board. He also believed that increasing the amount that can be paid would benefit those seeking restitution. (Attachment 2)

Hearing on **HB 2772** was closed.

Hearing on **HB 2774 - Theft of property from three businesses as part of the same criminal transaction is a severity level 9, nonperson felony**, was opened.

Frank Muscato, National Special Investigator, Wal-Mart, Inc. informed that committee that retail theft has become low risk/high profit. This bill would allow investigators to arrest those who steal from three different establishments, within 72 hours of each other to be arrested and charged with a felony, regardless of the dollar amount that was stolen. Boosters (thieves) usually stay under the \$150 amount so they can't be charged with a felony. (Attachment 3) He provided the committee with an article about an Indiana man sentenced for running a theft ring, by stealing many items from Wal-Mart's, Kmart & Target stores. (Attachment 4)

Marlee Bertholf, Kansas Chamber of Commerce & Industry, did not appear before the committee but requested her written testimony be included in the minutes. (Attachment 5)

Hearing on **HB 2774** was closed.

CONTINUATION SHEET

Hearing on **HB 2805 - Theft detection shielding devices**, was opened.

Frank Muscato, National Special Investigator, Wal-Mart, Inc. appeared as a proponent of the bill. Using theft detection shielding devices has grown in frequency and sophistication. These devices override the electronic article surveillance systems. Companies are now enclosing a new electronic article surveillance system inside their products, which boosters cannot take off the packages. It is estimated that shoplifting costs retail stores \$26 billion each year. (Attachment 6)

Marlee Bertholf, Kansas Chamber of Commerce & Industry, did not appear before the committee but requested her written testimony be included in the minutes. (Attachment 7)

Hearing on **HB 2805** was closed.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for Tuesday, February 9, 2000.