

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

KANSAS PEACE OFFICERS ASSOCIATION

Legislative rules require bills must be passed out of house of origin by Saturday, March 1, 2008, to remain active during this legislative session. The exception to this is a bill that is in an exempt committee, such as: Ways and Means, Appropriations, or Federal and State Affairs. Just because the bill is inactive does not mean it is dead. Unless a bill is actually voted down at Committee, or under the full senate or house, or fails to meet a deadline it remains alive. A bill generally becomes inactive when the Committee it is assigned to does not act on it or the full house or senate does not act on it. The bill could be re-referred to an exempt committee that does not have the deadline or the topic could be amended into an active bill. All bills not approved by the end of this legislative session are dead. 2009 will start a new slate of bills.

NOTE: This is a list of all active bills identified by KPOA as having a potential for LE impact. KPOA does not intend to be active regarding all of these bills. Some simply do not need or deserve our attention. Others are matters we do not have a strong position on whether they become law or not. Many of these bills will die a graceful and quiet death, as they should.

Items in bold are changes or additions from the last distribution of the document.

The author is not an attorney and does not present anything in this document as legal opinion or legal advice.

LEGEND FOR THE PROPOSED ACTION: The proposed action is an indication of how the KPOA currently intends to respond to the bill. This is based on the collective feeling of the members and the Legislative Committee. It can change based on many factors including new information about the topic of the bill, amendments to the bill, or new information voice by KPOA members. The following further explains the terms I have used in this column of the document:

Watch - We will closely monitor the bill for amendments or new information about the bill.

Actively Support - We will offer testimony and otherwise actively support the bill or the portion of the bill relating to LE.

Seek Changes/Voice Concern - We will actively seek changes or voice concerns about certain provisions of the bill.

If this box is the only one checked we intend to not support or oppose the bill in principle but voice our concerns or recommendations on specific issues in the bill.

If this box is checked along with the "Actively Support" or "Actively Oppose" box we intend to support or oppose the bill in principle and also voice our concerns or recommendations on specific issues in the bill.

Actively Oppose - We will offer testimony and otherwise actively oppose the bill or the portion of the bill relating to LE.

None - We do not intend to be active in this bill at this time.

USE OF THIS DOCUMENT: Law enforcement organizations are authorized to use this document within their respective organizations. KPOA respectfully requests that this document not be distributed in part or with any modifications not expressly approved by the KPOA. If any part of this document is referenced appropriate credit to the KPOA should be included. We also respectfully request that only the KPOA and its members express the organization's position on any bill unless specific authorization is given to others to express that opinion.

Questions or comments about this document can be made by contacting:

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Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
				X	SB 48	Crim Proc	Would provide a municipal court may refer a defendant to the District Court for determination of competency to stand trial for a municipal violation.		Senate Judiciary Committee recommended to pass.
X					SB 236	CCW	Adds hospitals and medical office buildings to list of places CCW is prohibited.		Assigned to Senate Judiciary Committee. Hearing on 1/17/08. No final action yet.
	X				SB 294	Traffic - DL	A graduated driver licensing proposal includes a one year instruction period followed by a restricted license for persons under 18. Also restricts holders of such license from using a cell phone. Includes some farm permit language.	This looks like an excellent bill for the graduated license. It seems to be very thorough with all the controlling conditions well defined. If we want to support a graduated license process, and I think we do, this is probably the one. This is the one KDOT is supporting.	After some amendments passed by Senate. Assigned to House Transportation Committee who has held informational meeting 1/22 & 23/08 and has now assigned a subcommittee. Subcommittee meeting Monday, 2-4-08.
X					SB 301	Crim Proc	This bill reduces the time to ask for expungement from three to two years.	I don't like reducing this time, but I think we probably just need to watch this one. Let me know if you think we should take an active stand on it.	Assigned to Senate Judiciary Committee. Hearing on 1/17/08. No final action yet..
	X				SB 409	Criminal	Mandates prison for any person convicted of any felony with two or more prior convictions of any felony. Allows for the court to make a "durational departure." Sentencing is still by the sentencing guidelines with no durational amendments.	Includes language for sentences for felony DUI to be served in state DOC provided the Secretary of Corrections determines space is available.	Assigned to Senate Judiciary Committee. Hearing held 1-23-08. Assigned to subcommittee. Several companion bills are also being filed.
				X	SB 411	Parole Procedure	Adds for consideration at parole hearings 1) DOC risk assessments and 2) DOC recommendations, and 3) "proportionality" of the time served as compared to the current sentencing guidelines for the same conduct.	I don't see the need for us to be active in this, but we need to monitor it in case crazy changes get amended into it.	Senate Judiciary Committee recommended to pass.

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			X		SB 413	Crim Proc	Would require finding of probable cause before taking DNA sample from arrested persons. Original bills were SB237 and HB2381.	This is unnecessary and not practical. The interim Judiciary Committee voted to introduce this for consideration during the regular session.	Assigned to Senate Judiciary Committee. Hearing held 1-22-08. The committee voted to table this bill, effectively leaving it in critical condition but not quite dead.
X					SB 416	Emergency Management	Creates Kansas "emergency response force"		Assigned to Senate Federal and State Affairs Committee. No hearing date set.
X					SB 458	Illegal Immigration Relief Act	Creates some law enforcement duties reference illegal immigration. See section 6 starting on page 5 of the bill.	I suggest we just monitor this one closely and try to stay out of the political fight on it.	Assigned to Senate Federal and State Affairs Committee. No hearing date set.
				X	SB 462	Motor Carriers	Appears to be primarily a cleanup bill taking care of several federal law references that have changed.	I don't see an issue here but I will leave that to leo with experience in this area. Let me know if there is something we need to do on this one.	Assigned to Senate Transportation Committee. Hearing 2/6/08.
				X	SB 463	Traffic - Insurance	Provisions for self insurers of motor vehicle liability requiring coverage for underinsured and uninsured motorists.	I suggest we just monitor this one.	Assigned to Senate Financial Institutions and Insurance Committee. No hearing date set.
					SB 476	Criminal Procedure	Allows a court services officer, community corrections officer, or parole officer to issue a verbal directive to arrest a violator of parole/probation conditions. A requirement for a written directive to the jail facility remains.		Hearing 2/4 in Senate Judiciary
					SB 477	Criminal Procedure	Adding those convicted of electronic solicitation to the offender registration.	Supported by KBI.	Hearing 2/5 in Senate Judiciary
					SB 479	Criminal Procedure	Lifetime parole for those released from life sentences		Hearing 2/6 in Senate Judiciary.

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					SB 480	Criminal	Amending Alexa's law by allowing it to cover unlawful acts committed by the mother	We stayed out of this one last year.	Assigned to Senate Judiciary.
					SB 481	Drugs	To include salvia divinorum and datura stramonium (jimson weed) in schedule I	We supported another bill on salvia divinorum.	Hearing 2/6 in Senate Judiciary.
					SB 482	Drugs	Providing certain drug offenders will receive a mandatory sentence a DOC drug treatment facility for the third conviction of certain drug crimes, and receive mandatory imprisonment on 4th and subsequent convictions	Part of SB409 (3-strikes) package. Will probably go to subcommittee after hearing.	Hearing 2/6 in Senate Judiciary.
					SB 483	Criminal Procedure	Providing a judge may sentence a person convicted of certain drug crimes to a DOC treatment facility prior to beginning a non-prison sanction	Part of SB409 (3-strikes) package. Will probably go to subcommittee after hearing.	Hearing 2/7 in Senate Judiciary.
					SB 484	Traffic - DUI	Providing those convicted 3 or more times of DUI may be sentenced to a DOC substance abuse treatment facility, or if space is not available in such facility, to another facility designated by DOC	Part of SB409 (3-strikes) package. Will probably go to subcommittee after hearing.	Hearing 2/7 in Senate Judiciary.
					SB 491	Drugs	Enacting the prescription monitoring program act		Hearing 2/4 in Senate Public Health and Welfare.
					SB 495	Criminal Procedure	Providing an offender held in a county jail awaiting transfer to DOC with 10 or less days remaining on their DOC sentence will serve that time at the county jail		Assigned to Senate Judiciary.
					SB 503	Drugs	Requiring pharmacies to electronically record and report sale of methamphetamine precursors		Assignd to Senate Public Health and Welfare.
					SB 526	E-911	Concerning distribution of service fees from enhanced wireless 911 service		Assigned to Senate Commerce.

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X					HB 2562	Veterans Preference	Changes the statutory provisions for applying veterans preferences.	The revisions in this bill appear very good and I recommend supporting it. Chief Doehring and I worked with legislators and others to get some of these amendments made.	Passed in House. Currently in Senate Federal and State Affairs Committee. Hearing held 1-30-08.
X					HB 2602	Criminal	Creates the crime of endangering a child using a controlled substance. Aimed at the use of controlled substances by women who are pregnant. Also includes permitting or causing a child to induce a controlled substance into their body.		Assigned to House Federal and State Affairs Committee.
	X				HB 2617	Traffic - DUI	Changes KSA 8-1001section (b) so that when a person is a driver of a vehicle involved in an accident resulting in serious injury or death, testing for alcohol/drugs must be requested.	This is the result of the interim joint judiciary committee hearing on this issue. I testified at that hearing. I think this is a good change but needs a little tweaking. I have more information but it is too lengthy to include here.	Assigned to House Judiciary Committee. Hearing held 1-22-08. Continue to meet with medical associations and revisor to discuss proposals. Awaiting revisor's work.
				X	HB 2622	Traffic - Vehicle Registration	Would change the law that currently prohibits old license plates on the front of vehicles so it only applies if the vehicle is registered in Kansas.	Interestingly, this bill was introduced by the Joint Committee on Kansas Security. How this enhances security is beyond me. I will see if I can find out what prompted this.	Recommended by House Transportation Committee to pass.
	X				HB 2650	Drugs	Adds salvia divinorum to schedule 1 drugs.	We probably should testify about this one but it is out of my area of expertise. I suggest finding someone among us who is knowledgeable about the problem who can either come to Topeka to testify or write testimony and we will offer it written only.	Assigned to Health and Human Services Committee. No hearing date set.
				X	HB 2667	Vehicles	Contains salvage vehicle processes.	I don't see any critical LE issue in this bill. I suggest we just monitor it.	Assigned to House Transportation Committee

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X					HB 2674	Criminal	Creates the crime of negligent homicide.	I suggest we monitor this on for now. But I anxiously await comments from our members who see a need for this new law.	Assigned to House Judiciary Committee. Hearing set for 2/6/08.
				X	HB 2684	Criminal	Changing criminal desecration involving human remains to a level 7 nonperson felony and other forms of desecration to a level 9 nonperson felony when damages are under \$25,000; also requires a minimum 5 day jail sentence in county jail; adds language to for DUI sentencing in county jails or DOC treatment facility when space is available		Hearing in House Judiciary on 2/6.
X					HB 2692	Criminal	Adds stainless steel to the list of metals covered by the scrap metal law passed last year	I am not sure who asked for this to be added, but so far it doesn't appear to be a LE request. There is some hesitancy to open this discussion up again given the resistance from the industry when this was passed last year. I think we should support it, but probably quietly, without direct testimony. This might change as we learn more about the reasons behind it.	Assigned to House Energy and Utilities.
	X				HB 2701	Criminal Procedure	Include the Heart of America Regional Computer Forensics Laboratory in the list of labs covered by the \$400 laboratory analysis fees		Hearing in House Judiciary on 2/5
X					HB 2705	Traffic	Prohibiting the sending, reading or writing of text messages while operating a motor vehicle	Let me know what you want to do on this one.	Assigned to House Transportation.
X					HB 2706	Traffic	Concerning distracted driving	Let me know what you want to do on this one.	Assigned to House Transportation.

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	X				HB 2707	Criminal	Relating to theft of property; intent to deprive; covers vehicles rented from a business that are not returned making them a prima facie intent to permanently deprive and requiring LE to handle them as a stolen vehicle	I think this issue will be covered better in a new bill that should be introduced this week. Let me know if you want me to support it.	Assigned to House Judiciary.
X					HB 2709	Traffic	Regulating micro utility trucks	This is a hold over issue from last year, but a new bill to address it.	Assigned to House Transportation.
X					HB 2726	Criminal Procedure	Prohibiting asking certain sex crime victims to submit to polygraph examinations	This is federal grant driven and if it does not pass the state could lose significant victim assistance grant funds.	Assigned to House Judiciary.
					HB 2727	Criminal Procedure	Concerning sexual assault; allowing victims to request a sexual assault exam at county expense with or without the victim cooperating with LE	This is part of a package of DV bills. No big change here and we might want to consider supporting this one.	Assigned to House Judiciary.
	X				HB 2731	Criminal Procedure	Requiring the court to have a more thorough presentence report when considering a sentencing departure	This is one of several bills aimed at judges who downward depart in cases where it later appears to not have been wise. It sounds like a good plan to me as it arms the judge with better information prior to making the decision.	Assigned to House Judiciary.
	X				HB 2732	Criminal Procedure	Limiting the courts ability to downward depart for level 1-4 person felonies or when the person has a criminal history A or B	This is one of several bills aimed at judges who downward depart in cases where it later appears to not have been wise. It sounds like a good plan to me as it addresses the worst of the criminals by either level of crime committed or by their criminal history.	Assigned to House Judiciary.
	X				HB 2733	Criminal Procedure	Changing the sentencing of a person incarcerated, on probation or on parole when they commit a new offense to be incarcerated for the new offense even if it is not a presumptive imprisonment crime	Currently the court <u>may</u> do this, if this bill passes the court <u>must</u> do this. Seems like a good plan to me.	Assigned to House Judiciary.

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X					HB 2742	Criminal	Exempting licensed firearms dealers from state laws prohibiting them from dealing in silencers, shotguns with barrel length less than 18” and certain ammunition	This corrects a problem where Kansas laws restrict a federally licensed gun dealer in Kansas from selling these types of firearms to law enforcement. The possession of non-law enforcement and persons not a licensed gun dealer would still be illegal.	

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Retirement Related Bills									
X					HB 2077	KPERS/KPF	Changes the penalty for a member improperly withdrawing contributions. Now includes provisions of HB2076 increasing the earnings a person with a medical disability from KP&F from \$10,000 to \$20,000 before a penalty begins.		House COW amended the provisions of HB2076 into this bill and recommended to pass. On 1/22/08 the House sent it to the Appropriations Committee for further action.
	X				HB 2078	KPERS/KPF	Will allow the retirement system to create the ability to exclude the payment of health insurance for the member from taxable federal income.		Assigned to House Appropriations Committee, Hearing held 3/13/07 but no further action.
	X				HB 2151	KPERS/KPF	Increases KP&F maximum retirement percentage to 100% of final average salary.	I would think we would want to support this.	Assigned to House Appropriations Committee, Hearing held 3/8/07 but no further action.