

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:

The KPOA, PO Box 2592, Wichita, KS 67201-2592, Phone: (316) 722-8433; E-mail:kpoa@kpoa.org

--or--

Ed Klumpp, Phone: (785) 235-5619; E-mail:eklumpp@cox.net

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|------------------------|--------------|--|--|---|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | SB 46 | Firearms | Changes the altering of a firearm identification mark to a lvel 10 nonperson felony | | Passed by Senate 40-0. Assigned to House Judiciary. |
| | | | | 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. | | Passed by Senate 40-0. Assigned to House Judiciary. |
| 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. Another subcommittee meeting will be needed but is not scheduled. |
| X | | | | | SB 366 | Traffic | Allows district and municipal courts to charge a \$5 court cost for mailing a letter to the defendant that failure to comply will result in the suspension of their driver's license. Also makes some changes in the district court summons regarding notice to a violator about the potential suspension for failing to comply. | This will have minimal if any impact on municipal law enforcement but will impact the citation process for district courts. The addition of the fee for mailing and the opportunity to provide the notice in person when a defendant is in court should help both the municipal and the district courts. | Passed by Senate 39-0. Amended and passed by House 107-15 and currently in conference committee. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|------------------------|----------------------|---|---|---|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | SB 397 | Alcohol | Creates defenses to serving alcohol to a minor. Includes the minor using identification having a photo "reasonably appearing" to be that of the juvenile. | | Passed by Senate 40-0. Assigned to House Federal and State Affairs Committee. |
| | 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 who will recommend mandatory prison for third conviction of theft. Also with provisions for sentencing to DOC substance abuse treatment center for 5th |
| | | | 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. | Passed by Senate 40-0. Assigned to House Judiciary. |
| | | | 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. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|------------------------|--------------------------------|--|---|--|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| 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. Hearing on 2/25/08. |
| | | | | 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. | Passed Senate on 2/14 with 40-0 vote. Assigned to House Transportation Committee. No hearing set. |
| | | | | X | SB 463 | Traffic - Insurance | Provisions for self insurers of motor vehicle liability requiring coverage for underinsured and uninsured motorists. | | Assigned to Senate Financial Institutions and Insurance Committee. Hearing on 2/14/08 but no final action yet. |
| X | | | | | 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. | | Passed Senate 40-0. Assigned to House Judiciary. No hearing set. |
| | X | | | | SB 477 | Criminal Procedure | Adding those convicted of electronic solicitation to the offender registration. | Supported by KBI. | Passed Senate 39-0. Assigned to House Judiciary. No hearing set. |
| X | | | | | SB 479 | Criminal Procedure | Lifetime parole for those released from life sentences. Covers cases prior to change to determinat sentencing. | | Passed Senate 40-0. Assigned to House Judiciary. No hearing set. |
| X | | | | | 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. No hearing held and it will probably be dead after 3/1. |
| X | | | | | SB 481 | Drugs | To include salvia divinorum and datura stramonium (jimson weed) in schedule I | We supported another bill on salvia divinorum. | Passed Senate 40-0. Assigned to House Judiciary. No hearing set. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|------------------------|--------------------|--|---|--|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| | X | | | | 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. | Part of SB409 subcommittee and will be recommended for inclusion of bill to proceed forward. Final action on 2/27/08. |
| | X | | | | 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. | Part of SB409 subcommittee and will be recommended for inclusion of bill to proceed forward. Final action on 2/27/08. |
| | X | | | | 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. | Part of SB409 subcommittee and will be recommended for inclusion of bill to proceed forward for 5th conviction. Final action on 2/27/08. |
| X | | | | | SB 491 | Drugs | Enacting the prescription monitoring program act | Substitute bill recommended by Senate Public Health and Welfare Committee. Also creates the Methamphetamine Precursor Task Force to study impact of making meth precursors schedule III or IV drugs. | Passed Senate 40-0. Assigned to House Health and Human Services. No hearing set. |
| X | | | | | 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 | Placed into subcommittee with SB409. Some committee members want to make it 30 days instead of 10. | Assigned to Senate Judiciary. Hearing on 2/11/08. Now part of SB409 subcommittee. They made no recommendation on it. Some of the Committee members want to make it 30 days. Final committee action set for 2/25/08. |
| X | | | | | SB 503 | Drugs | Requiring pharmacies to electronically record and report sale of methamphetamine precursors | | Assign to Senate Public Health and Welfare. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|------------------------|--------------------|--|--|--|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | SB 512 | EMS | Change to certification requirements | Fingerprinting provision removed by committee. Currently no impact on law enforcement. | Amended by Senate Fed and State Committee and recommended to pass. |
| X | | | | | SB 514 | EMS | Allowing deviation from regulations. | No impact on law enforcement. | Passed by Senate 40-0. Assigned to House Fed and State Committee. |
| X | | | | | SB 526 | E-911 | Concerning distribution of service fees from enhanced wireless 911 service | | Passed by Senate 39-0. |
| X | | | | | SB 536 | Criminal Procedure | An act concerning the Kansas offender registration act; prohibition from adopting and enforcing residency restrictions; amending K.S.A. 22-4913. | | Passed by Senate 36-3. |
| | | | | X | SB 543 | Traffic | An act clarifying residency for the purpose of vehicle registration; amending K.S.A. 8-1,138 and K.S.A 2007 Supp. 8-129. | | Assigned to Senate Transportation. |
| X | | | | | SB 551 | Traffic | An act reducing the mandatory time of imprisonment for driving while suspended to 30 days where it is now 90 days; amending K.S.A. 2007 Supp. 8-262. | | Assigned to Senate Judiciary. Hearing on 2/20. |
| X | | | | | SB 552 | Firearms | An act prohibiting the confiscation or seizure of firearms during an emergency and removing the sale of firearms as a provision the governor may impose in time of emergency; amending K.S.A. 48-925. Sister bill to HB2811. | Being touted as a bill to prevent some bad thing that supposedly happened in Greensburg regarding the return of firearms to their owners. Of course they also mentions the events of Katrina in New Orleans. | Assigned to Senate Judiciary. |
| | | | X | | SB 556 | Drugs | An act establishing the medical marijuana defense act. | | Assigned to Senate Health Care Strategies. Hearing on 2/11/08. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|------------------------|------------------|---|----------|--|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | SB 581 | Juvenile Justice | An act adding a violation of KSA 41-727, minor consuming alcohol from the Kansas juvenile justice code; amending K.S.A. 2007 Supp. 38-2302. If I understand this correctly, this violation, when committed by a 14-17 year old, would be prosecuted through adult courts if this becomes law. | | Assigned to Senate Judiciary. Hearing on 2/21. Final action on 2/26/08. |
| X | | | | | SB 582 | Traffic-DUI | A technical amendment to the law on interlock devices after DUI convictions. Also adds provision to allow a city to enact an ordinance to prosecute a DUI case that otherwise would be a felony but when prosecution is declined by the state. | | Assigned to Senate Judiciary. Hearing on 2/25. Final Committee action on 2/26/08. |
| | | | | | SB 583 | Criminal | An act which will add to sexual exploitation of a child having a temporary internet file depicting child pornography on a computer even if the person operating the computer at the time doesn't know it was placed there.; amending K.S.A. 21-3516. | | Assigned to Senate Judiciary. |
| X | | | | | SB 583 | Criminal | An act which will add to sexual exploitation of a child having a temporary internet file depicting child pornography on a computer even if the person operating the computer at the time doesn't know it was placed there.; amending K.S.A. 21-3516. | | Assigned to Senate Judiciary. |
| X | | | | | SB 587 | Criminal | Provides for the crime of battery against persons licensed in behavioral sciences a level 7 felony. | | Assigned to Senate Judiciary. No hearing date set. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|------------------------|-------------------------|---|---|--|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| | | | | X | SB 588 | Criminal | Adds facilities operated by the SRS to the laws relating to traffic in contraband in a correctional institution; amending K.S.A. 21-3826, by Committee on Judiciary. | | Assigned to Senate Judiciary. Final action on 2/26/08. |
| X | | | | | SB 590 | Criminal Procedure | Establishing the substance abuse policy board under the Kansas criminal justice coordinating council | | Assigned to Senate Judiciary. No hearing date set. |
| X | | | | | SB 591 | Traffic - DL | Provides for restricted DL for persons whose license was suspended for failure to appear if attempting to comply with court orders resulting in DL suspension. | | Assigned to Senate Judiciary. No hearing date set. |
| | | | | X | SB 604 | Traffic - Farm Vehicles | Exempts vehicles used for the transporting of livestock or agricultural products from a farm located in the state to the initial market located in the state from regulations authorized under | | Assigned to Senate Agriculture Committee. No hearing date set. |
| | X | | | | SB 610 | Criminal Procedure | Concerning racial profiling | Sen. Bett's bill expanding racial profiling to include traffic and pedestrian stops and removing "sole basis" form the statute. | Assigned to Senate Federal and State Affairs Committee. No hearing date set. |
| X | | | | | SB 611 | Traffic - DUI | Changes the suspension times for DUI or test failure. Decreases it to 60 days for 1st offense, increases it to 18 months on 3rd offense and to 24 months on 3rd and subsequent offense. If person is under 21 a 30 day suspension if BAC below .15 and 60 day suspension if above .15 or higher. All followed by a one year ignition interlock restriction. | | Assigned to Senate Judiciary. No hearing date set. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|-------------------------|-------------------------------|---|--|---|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | SB 615 | Traffic - Liability Insurance | Adds impoundment of vehicle for 30 days to punishment for no liability insurance. | | Assigned to Senate Judiciary. Hearing on 2/25/08. Final action on 2/27/08. |
| X | | | | | SB 622 | Alcohol | Creates significant changes to most of the statutes on alcoholic beverages. Some of the changes appear rather mundane while others appear significant. | I really haven't had time to review each piece of this yet. | Assigned to Senate Fed and State Affairs. Hearing on 2/20. |
| X | | | | | SB 640 | Drugs | Recodification of drug criminal statutes and moving them from Chapter 65 to Chapter 21. | No substantive change in law is proposed. Recommendations from the Criminal Code Recodification Commission. | Assigned to Senate Judiciary Committee. Hearing on 2/26/08. Final action on 2/27/08. |
| | | | | | SB 644 | | Identity theft provisions. Clarifies definition of "security freeze" a person may put on the credit history and the terms of its use. | | Assigned to Senate Financial Institutions and Insurance Committee. No hearing set. |
| X | | | | | HB 2370 | Immigration | Law enforcement cooperation and assistance in enforcement of immigration laws | | Assigned to House Federal and State Affairs Committee. Hearing on 2/25/08. |
| | | | | | HB 2545 | Drugs | Proposes increasing penalties for possession of MDMA. | Substitute bill recommended to pass by House Judiciary. It will make MDMA penalties the same as marijuana. | Passed by House 117-2. Assigned to Senate Judiciary. |
| | 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. Hearing on 2/13/08. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|-------------------------|--------------------------------|---|---|--|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| | 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. | Passed by House 117-5. Now in Senate and assigned to Judiciary. |
| | | | | 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. | Passed by House 118-0. Assigned to Senate Transportation with hearing on 2/26. |
| | 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. | Withdrawn from Health and Human Services Committee and reassigned to House Judiciary Committee. |
| | | | | 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 |
| 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 2680 | Immigration | Comprehensive immigration statute containing provisions for law enforcement on page 2, lines 38-39. | This has minimal law enforcement involvement only after complaint of employment of illegal alien is investigated by AG or county/district attorney. | Assigned to House Federal and State Affairs Committee. Hearing on 2/25/08 and 2/26/08. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|-------------------------|--------------------|---|--|--|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| | | | | 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. | Passed House 116-1. Now in Senate and assigned to Senate Natural Resources Committee. |
| 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 | | Reocmmended by House Judiciary to pass. Awaiting House action. |
| | | | | 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. |
| 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 | Amended by House Judiciary to make 3rd and subsequent convictions a SL9 nonperson felony with presumptive imprisonment. | Amended by House Judiciary and recommended to pass. Awaiting House action. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|-------------------------|--------------------|--|--|--|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| 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. Hearing on 2/25/08. |
| | 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. | Amended by House Judiciary. Awaiting final House action. |
| | X | X | | | 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 partner bill to HB2726. We are supporting this one but did ask them to consider a method to send the evidence to law enforcement, without the patient identification, for storage and possibly even for testing. | Assigned to House Judiciary. Hearing on 2/13/08. |
| | 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. Hearing on 2/12/08. |
| | 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. Hearing on 2/12/08. |
| | 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. |
| X | | | | | HB 2742 | Criminal | Exempting persons holding federal license to possess machineguns and silencers. | This would apply to anyone who gets the federal license, not just firearms dealers. | Assigned to Senate Federal and State Affairs Committee. No hearing date set. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|-------------------------|--------------|---|--|--|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | X | HB 2755 | Traffic - DL | An act to allow holders of a class C license to drive class A and B vehicles if they are registered as a farm vehicle.; amending K.S.A. 8-234b. | | Assigned to Senate Transportation Committee. No hearing date set. |
| X | | | | X | HB 2756 | Traffic | An act changing fines in road construction zones to double plus \$250; amending K.S.A. 8-2004 and K.S.A. 2007 Supp. 8-2118. | | Assigned to Senate Transportation Committee. Hearing on 2/20. |
| | | | | X | HB 2770 | Traffic - DL | An act creating a \$20 photo fee for driver's licenses; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324. | | Recommended to pass by House Transportation Committee. Awaiting House action. |
| | | | X | | HB 2793 | LE Policy | An act mandating all law enforcement agencies establish written policies, including a specified list of topics, on dealing with the mentally ill. | | Assigned to Senate Judiciary Committee. No hearing date set. |
| X | | | | | HB 2811 | Firearms | Prohibits the seizure of firearms during state of disaster, sets process of return of firearms to owners during a state of disaster, and removes the governor's authorization to suspend firearms sales during a state of disaster. Sister bill to SB552. | Being touted as a bill to prevent some bad thing that supposedly happened in Greensburg regarding the return of firearms to their owners. Of course they also mentions the events of Katrina in New Orleans. | Withdrawn from House Fed and State and assigned to House Elections and Governmental Affairs Committee. |
| X | | | | | HB 2812 | Traffic - DL | Imposing school attendance requirements on persons under age 18 to obtain a driver's license. | | Assigned to House Transportation Committee |
| X | | | | | HB 2815 | Alcohol | Changes the law concerning identification to obtain alcoholic beverages by persons under 21 years of age from an identification "containing" a photo of the person to identification "that reasonably appears to contain" a photo of the person | I am not sure what the proponents are trying to accomplish with this one. It sounds like the guy at the door can look at an identification card and just say, "Hey, that kind of looks like you. Go ahead in and drink." | Assigned to House Judiciary Committee |
| X | | | | | HB 2818 | Firearms | Allows the AG's office to access expunged records for concealed carry licensing purposes. A technical fix | | Assigned to House Judiciary Committee |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|-----------------|------------------|---------------------------------|-----------------|------|-------------------------|----------------|--|----------|--|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | HB 2819 | Firearms | Another bill to allow federally licensed firearms dealers to handle silencers and short barreled shotguns. Intent is to allow them to sell these items to LE. | | Reassigned from House Judiciary Committee to House Federal and State Affairs Committee. |
| X | | | | | HB 2820 | Domestic | Deals with child custody orders and clarifying which orders supersede other court orders regarding child custody | | Assigned to House Judiciary Committee |
| | | | X | | HB 2829 | Hunting | Allows for antlerless deer hunting in a county where the Sheriff reports more than 25% of the motor vehicle collisions in the county are deer related | | House Agriculture and Natural Resources. Hearing on 2/25/08. |
| | X | | | | HB 2830 | Criminal | Amends the sentence for theft so that a person in criminal history categories A-E are mandatory imprisonment; Also includes DUI sentencing to state treatment facilities | | Assigned to House Judiciary Committee |
| | X | | | | HB 2831 | Criminal | Creating an independent statute for theft of a vehicle as a level 7 felony | | Assigned to House Judiciary Committee |
| | | | X | | HB 2835 | Regulatory | To regulate location and activities of a sexually oriented business | | Assigned to House Fed and State Affairs Committee |
| X | | | | | HB 2836 | Illegal Aliens | Enacting the Kansas illegal alien reform act; has a law enforcement component (section 3) | | Assigned to House Fed and State Affairs Committee. Hearing on 2/25/08 and 2/26/08. |
| | | | X | | HB 2841 | Traffic | Provides an exception to a red traffic signal if the signal light is malfunctioning | | Assigned to House Transportation Committee |
| | | | X | | HB 2845 | Criminal | Concerning aiding escape and theft of DOC uniforms | | Assigned to House Judiciary Committee. Hearing on 2/20/08. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|-------------------------|--------------------------------|---|--|---|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| X | | | | | HB 2850 | Criminal | Proposes significant changes to the stalking statute, including increased penalties | | Assigned to House Judiciary Committee. Hearing 2/21/08. |
| | | | X | | HB 2861 | Traffic - Vehicle Registration | Expands who is qualified for a purple heart license plate medal recipients | | Assigned to House Transportation Committee. Hearing on 2/25/08. |
| X | | | | | HB 2867 | Traffic - Liability Insurance | Provides for up to a 30 day vehicle impoundment for failure to maintain financial security | | Assigned to House Insurance and Financial Institutions Committee |
| | | | X | | HB 2875 | Traffic - Vehicle Registration | Relating to registration of custom vehicles and street rods | | Assigned to House Transportation Committee |
| | X | | | | HB 2879 | Traffic - DUI | Relating to persons sentenced for 4th and subsequent conviction for DUI will go to DOC for 18 months including treatment. | | Assigned to House Select Committee on Corrections Reform/Oversight Committee. Hearing on 2/19/08 and 2/22/08. |
| | X | | | | HB 2890 | Other | Establishing the division of vehicles modernization fund to fund the huge software improvement for vehicle and driver's license records; the improvements will greatly enhance law enforcement access and search capabilities for these files | | Assigned to House General Government Budget Committee. Hearing 2/25/08. |
| | X | | | | HB 2901 | Criminal Procedure | Places limits on dispositional departures. | | Assigned to House Judiciary. |
| | X | | | | HB 2902 | LE Support | An act concerning law enforcement officers; enacting the law enforcement family support act containing benefits for LE officers killed or permanently and totally disabled in the line of duty. | This is the one the KACP, KSA and KPOA worked together on. | Assigned to House Judiciary. |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Watch | Proposed Action | | | | Bill Number | Topic | Description | Comments | Action |
|-------|------------------|---------------------------------|-----------------|------|--------------------------------|-------------------------------------|--|--|-------------------------------------|
| | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| | X | | | | HB 2910 | Criminal - Domestic Violence | This is the domestic violence bill that we previewed several weeks ago. Requires the use of a domestic violence flag that follows the case throughout the entire domestic violence case. Defines domestic violence, domestic violence offender, domestic violence offense, firearm, and intimate relationship. Adds specific domestic violence sentencing to the battery statute and requires offender assessments. | We are investigating a concern about local costs associated with creating the "flag" in our local offense software. | Assigned to House Judiciary. |
| | | | | | | | | | |

ACTIVE BILLS WITH POTENTIAL LE IMPACT IN 2008 SESSION

| Proposed Action | | | | | Bill Number | Topic | Description | Comments | Action |
|--------------------------|------------------|---------------------------------|-----------------|------|-------------------------|-----------|---|--|---|
| Watch | Actively Support | Seek Changes/ Voice Concerns | Actively Oppose | None | | | | | |
| 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. | I would think we would want to support this. | 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. |
| | | | | | HB 2832 | KPERS/KPF | Concerning employment of a KPERS retiree and the contributions from employers and stating the employee pays no contribution nor can the retiree enhance their retirement | | Hosue Select Committee on KPERS. |
| | | | | | HB 2833 | KPERS/KPF | Creates an annual "post-retirement" benefit for all KPERS/KP&F retirees based on 30% of the expanded Lottery revenues | | House Select Committee on KPERS. |