

# KANSAS PEACE OFFICERS ASSOCIATION

## 2008 LEGISLATIVE SESSION

### FINAL SUMMARY OF LAW ENFORCEMENT RELATED BILLS

This is the final report for the 2008 legislative session. Any bill not passed is dead. Next year's session will start with all new bills. This report only includes the bills with a law enforcement interest that will become law. Some of those listed may not be of interest to everyone, but are of interest to some of our members.

Remember if you were tracking a particular bill by number it may not be listed here but the contents could have been added to one that is listed.

I will also send a summary with more bill details and listed by subject matter.

Feel free to contact me if you have any questions about what happened to a bill not listed

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Clicking on the bill number will take you to the actual bill.

Clicking on "CCR Brief" will take you to the summary of the conference committee report for the bill.

Clicking on "Supp Note" will take you to the supplemental note on the bill.

The supplemental note and the CCR brief are documents prepared by legislative research explaining the bill contents.

Every passed bill will have one or the other, but not both.

**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.

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Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	SB <a href="#">23</a> <a href="#">CCR</a> <a href="#">Brief</a>	Traffic – Admin./DL	Enhances the security for DL photos and establishes a system for scanning documents presented by persons applying for a DL. Paid for by an increase to \$8 for the photo fee when obtaining a new license.	No enforcement application except officers will see a different looking license with more assurance the information is accurate when the program is implemented. This was SB677.	Passed Senate 23-16. Passed House Signed by governor on 5/9/08.
Effective 7/1/08	SB <a href="#">46</a> <a href="#">Supp</a> <a href="#">Note</a>	Firearms	Changes the altering of a firearm identification mark from a B misdemeanor to a level 10 nonperson felony.	Now has the provision to allow citizen ownership of short barreled shotguns, machine guns, and silencers.	Passed by Senate 40-0 w/o House amendments. Passed by House 105-18 with amendments. Senate decided to concur during conference committee. Senate approved 28-9. Signed by governor.
Effective 4/10/08 upon publication in Kansas Register	SB <a href="#">226</a> House Sub. <a href="#">Supp</a> <a href="#">Note</a>	Criminal	Funeral Privacy Act  This law is now immediately enforceable.	Reinstatement of the law passed last year recently struck down by the Ks Supreme Court. The provisions struck down by the court (requirement for court to affirm constitutionality prior to enforcement) have been removed.	Passed by House 123-0. Passed by Senate 40-0. Signed by governor.
Effective 7/1/08	SB <a href="#">366</a>  <a href="#">Supp</a> <a href="#">Note</a>	Traffic – Admin.	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 and municipal courts. The addition of the fee for mailing notice should help both the municipal and the district courts.	Passed by Senate 39-0. Amended and passed by House 107-15. Sent to judiciary conference committee. Senate agreed to concur with House amendments, approved by Senate 39-0. Signed by governor.
Effective 7/1/08	SB <a href="#">411</a>  <a href="#">CCR</a> <a href="#">Brief</a>	Parole Procedure	Adds for consideration at parole hearings 1) DOC risk assessments and 2) DOC recommendations, and 3) for those sentenced for a crime committed prior to the implementation of the sentencing guidelines, "proportionality" of the time served as compared to the current sentencing guidelines for the same conduct.	Conference Committee added provisions of HB2700 extending the Johnson County sentencing pilot program to July 1, 2010. A report from the Sentencing Commission on progress toward making this a statewide program will be made at the beginning of the 2009 legislative session.	Passed by Senate 40-0. Amended by House Judiciary. Passed by House 100-23. Judiciary Conference Committee report adopted by House 107-13 and by Senate 37-2. Signed by governor.

Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	SB <a href="#">414</a> House Sub.  <a href="#">CCR Brief</a>	Criminal	Amends stalking statute. The base language duplicates the language of HB2850 and establishes the elements of the crime of stalking as recommended after significant research by the Judicial Council.  Conference committee added requirements similar to those found in statute for domestic violence regarding written policies, arrests, etc.  The bill also amends KSA 21-3843 and KSA 60-31a06 by specifically exempting legal proceedings and “legitimate” attorney contact with person protected by a restraining or protection from abuse order.	It requires law enforcement to: 1. Have written policies in place by 1-1-09 regarding the investigation and handling of stalking complaints. It also requires prosecutors to have written policies. 2. An offense report to be completed on stalking complaints. 3. Part of written policy must include arrest when PC exists.  It also strongly encourages law enforcement basic and annual training to include issues surrounding stalking complaints	Passed by House 123-0. In Judiciary Conference Committee. Conference Committee reached agreement. Conference Committee Report approved by House 125-0. Passed the Senate 40-0. Signed by the governor on 5/9/08.
Effective 5/1/08 upon publication in the Kansas Register	SB <a href="#">430</a>  <a href="#">Supp Note</a>	Criminal	Removes dollar loss values from Aggravated Criminal Threat statute and makes it a level 5 person felony rather than the current level 4, 5, or 6 person felony based on dollar loss.	House Committee amended effective date for the purpose of getting it into a conference committee.	Passed Senate 40-0. Amended by House Judiciary. Passed by House 123-0. Senate agreed to concur during judiciary conference committee. Senate approved 39-0. Signed by governor.
<b>Effective 7/1/08</b>	SB <a href="#">435</a>  <a href="#">CCR Brief</a>	Juvenile	Revisions to juvenile justice code and code for care of children	Conference committee added an amendment to KSA 38-2268 regarding consent to permanent custodianships; and redrafted parental unfitness language.	Passed Senate 40-0 as amended by judiciary committee. Passed House 123-0 as amended by House judiciary. Judiciary conference committee report approved by House 118-1 and by Senate 39-0. <b>Signed by governor.</b>

Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	SB <a href="#">438</a> <a href="#">Supp Note</a>	Employment	Protects volunteer firefighters, reserve law enforcement officers and part time law enforcement officers from job actions in jobs held with non-emergency services employers.	The inclusion of law enforcement was initiated by us.  An exemption of LE and Fire agencies when the employee is a fulltime firefighter or LEO was also at our request.	Passed by Senate 40-0. Passed by House 123-0. Signed by governor.
Effective 4/10/08 upon publication in the Kansas Register	SB <a href="#">462</a> <a href="#">Supp Note</a>	Motor Carriers	Appears to be primarily a cleanup bill taking care of several federal law references that have changed.	Technical changes to the laws covering the registration of interstate motor carrier vehicles. Needed to comply with change in federal law.	Passed Senate on 2/14 with 40-0 vote. Passed House 125-0. Signed by governor.
Effective 5/1/2008 upon publication in the Kansas Register	SB <a href="#">470</a> <a href="#">CCR Brief</a>	Traffic – DL	This fixes a problem created with a bill passed last year concerning the reporting of school safety violations for DL suspension.  Still requires LE notification by school within 10 days of certain acts (not a suspension); followed by LE investigation and forwarding information to MVD by LE within 10 days.	Sister bill to HB2816.  The conference committee amended in several other bills relating to teacher licensing. The only one with even a remote LE interest is the removal of misdemeanor DUI as an automatic disqualifier for a teaching license.	Passed Senate 39-0. Amended by House Education Committee. Passed by House 123-0. Conference committee report adopted by House 122-0 and by Senate 39-0. Signed by governor.
Effective 4/17/2008 upon publication in the Kansas Register	SB <a href="#">477</a> <a href="#">Supp Note</a>	Criminal Procedure	Adding those convicted of electronic solicitation to the offender registration.	Supported by KBI.	Passed Senate 39-0. Amended by House Judiciary and recommended to pass. Passed by House 123-0. Senate concurred with amendments. Signed by governor.
Effective 5/1/08 upon publication in the Kansas Register	SB <a href="#">481</a> <a href="#">Supp Note</a>	Drugs	Adds salvia divinorum and datura stramonium (jimson weed or gypsum weed) to schedule I drugs.	We supported adding salvia divinorum. We did not support nor oppose the addition of jimson weed or gypsum weed.  House committee added amendment adding Gypsum (Jimson) Weed to list of noxious weeds but this amendment was removed on House floor.	Passed Senate 40-0. Amended by House Judiciary and recommended to pass. Passed by House 122-1. In Judiciary Conference Committee. Senate agreed w/House amendments 38-0. Signed by governor.

Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	SB <a href="#">491</a> Senate Sub.  <a href="#">CCR Brief</a>	Drugs	Enacting the prescription monitoring program act  Also creates the Methamphetamine Precursor Task Force to study impact of making meth precursors (primarily pseudoephedrine) a scheduled drug.	Substitute bill recommended by Senate Public Health and Welfare Committee. Conference committee agreed to House amendments except for the Meth Precursor Recording Act from SB503. They also added the provisions of SB549 requiring pharmacies to have a continuous quality improvement program.	Passed Senate 40-0. Amended by House. Passed House 117-6. Judiciary conference committee report adopted by House 117-4 and by Senate 39-0. Signed by governor.
Effective 7/1/08	SB <a href="#">512</a>  <a href="#">Supp Note</a>	EMS	Change to certification requirements	Fingerprinting provision removed by committee. Currently no impact on law enforcement.  Does not impact LE directly.	Passed by Senate 40-0. Minor amendments by House Health and Human Services Committee Passed House 123-0. Senate concurred with amendments. Signed by governor.
Effective 7/1/08	SB <a href="#">514</a>  <a href="#">Supp Note</a>	EMS	Allowing deviation from regulations.	No impact on law enforcement.	Passed by Senate 40-0. Passed by House 125-0. Signed by governor.
Effective 7/1/08	SB <a href="#">522</a>  <a href="#">Supp Note</a>	Traffic – Vehicle Registration	Fleet Registration	Amends KSA 8-1,152 to include trucks with a registered gross weight of more than 26,000 pounds if the truck is only used in Kansas and is part of a commercial fleet.	Passed by Senate 40-0. Passed by House 123-0. Signed by Gov. 4/11/08.
Effective 7/1/08	SB <a href="#">526</a>  <a href="#">Supp Note</a>	E-911	Concerning distribution of service fees from enhanced wireless 911 service	Establishes distribution priorities for moneys that cannot be attributed to a particular PSAP.	Passed by Senate 39-0. Passed by House 125-0. Signed by Governor.
Effective 7/1/08	SB <a href="#">536</a>  <a href="#">Supp Note</a>	Criminal Procedure	An act concerning the Kansas offender registration act; prohibition from adopting and enforcing residency restrictions; amending K.S.A. 22-4913.	Removed the 6/30/08 sunset on the prohibition of cities and counties from restricting residential locations for offenders defined in KSA 22-4902.  Also exempts cities and counties from the above prohibition in regards to correctional placement residences.	Passed by Senate 36-3. Passed by House 115-8. Signed by governor.

Effective Date	Bill Number	Topic	Description	Comments	Action
<b>Effective 7/1/08</b>	HB <a href="#">2119</a> Senate Sub.  <a href="#">Supp Note</a>	Traffic	Micro Utility Trucks. References to Golf Carts removed in conference committee.	Provides the same statutory provisions for micro utility trucks as ATV's. They cannot be operated on the state and federal highways. They can be operated on city streets or highways only with the city's authorization. Cannot be registered, but are to be titled for non-highway use.	Passed House 121-1 as amended. Substitute bill passed by Senate 40-0. Transportation Conference Committee report adopted by Senate 37-0 and by House 90-27. <b>Signed by governor.</b>
Effective 7/1/08	HB <a href="#">2280</a>  <a href="#">CCR Brief</a>	Firearms	Was HB 2811. 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. HB2811 was sister bill to SB552. Conference committee version exactly same as HB2811 after the committee amended it.	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 mention the events after Katrina in New Orleans.  This appeared to be greatly driven by misinformation and misleading information presented to the committee by proponents. We were unable to overcome the momentum of that misinformation.  At our request, the House committee did amend the bill by adding a definition of "seizure" to clarify we can secure unattended or illegal weapons.	Conference committee report adopted by House 121-0 and by Senate 30-2. Signed by governor.
<b>Effective 7/1/08</b>	HB <a href="#">2359</a>  <a href="#">CCR Brief</a>	Firearms	Allows the AG's office to access expunged records for concealed carry licensing purposes. A technical fix. Was HB 2818.	Allows the AG's Office to use expungements for the purpose of concealed carry licensing for up to five years after expungement eligibility.	Result of Judiciary conference committee action. Passed by Senate 39-0 and passed House 117-4. <b>Governor forwarded bill unsigned to the Secretary of State, so it becomes law without her signature.</b>

Effective Date	Bill Number	Topic	Description	Comments	Action
<b>Effective 1/1/09</b>	HB <a href="#">2542</a>  <a href="#">CCR Brief</a>	Other	Establishing the division of vehicles modernization fund to fund the huge software and hardware improvements for vehicle and driver's license records; the improvements will greatly enhance law enforcement access and search capabilities for these files	Conference committee results from SB679 and HB2890.	Conference committee report by Omnibus conference committee passed by House 72-50 and Senate 24-10. <b>Signed by governor.</b>
Effective 7/1/08	HB <a href="#">2545</a>  <a href="#">Supp Note</a>	Drugs	Increasing penalties for possession of MDMA.	It will make MDMA penalties the same as marijuana.	Passed by House 117-2. Passed by Senate 40-0. Signed by governor.
Effective 7/1/08	HB <a href="#">2562</a>  <a href="#">CCR Brief</a>	Veterans Preference	Changes the statutory provisions for applying veteran preferences.	Requires certain action by hiring agencies, including: <ol style="list-style-type: none"> <li>1. Requires documentation of factors to be considered prior to starting selection process and lists some mandatory considerations to be included.</li> <li>2. Posting documents must include statement that employer is subject to veteran preference and how the applicant can apply veteran preference.</li> <li>3. Requiring a 30 day posting of the qualifications, performance standards, and the process to be used to fill any position.</li> <li>4. Requires government employment centers or HR departments to post notice that veterans are eligible for preference in initial hire and first promotion.</li> <li>5. Written notice to veterans not selected.</li> </ol> See the Bill and the CCR Brief for details and other provisions.	Passed in House 114-9. Senate Committee made minor amendments. Passed by Senate 40-0. Conference committee report approved by House 119-2 and by Senate 39-0. Signed by governor.

Effective Date	Bill Number	Topic	Description	Comments	Action
<b>Effective 7/1/08</b>	HB <a href="#">2617</a>  <a href="#">CCR Brief</a>	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 and the driver could be cited for any traffic infraction listed in KSA 8-2117, testing for alcohol and drugs must be requested. A driver who clearly did not contribute to the accident is exempted unless the officer has reason to believe they were operating the vehicle while under the influence of alcohol and/or drugs.	Subcommittee recommendation will include the amendments we proposed on medical personnel assisting with drawing of sample and amending when LE can request urine sample collection. The provision of when we can test in serious accidents was amended.	Passed by House 117-5. Amended by Senate committee. All of our procedural amendments with medical workers taking samples remained intact. Passed by Senate 40-0. Judiciary Conference Committee Report approved by House 121-0 and by Senate 37-0. <b>Signed by the governor</b>
Effective 7/1/08	HB <a href="#">2622</a>  <a href="#">Supp Note</a>	Traffic - Vehicle Registration	Would change the law to prohibit out of state, as well as the current prohibition of old license plates, on the front of vehicles if the vehicle is registered in Kansas.	Requested by KHP.  Does not include antique vehicles displaying a tag from the year of the model of the vehicle or large trucks.	Passed by House 118-0. Passed by Senate 40-0. Signed by governor.
Effective upon publication in Kansas Register on 4/24/2008	HB <a href="#">2657</a>  <a href="#">Supp Note</a>	Wildlife and Parks	Motorboat engine noise. Increases allowable decibels from 86 to 92 and removes requirement for muffler. Establishes penalty for failure to comply with request to test.		Passed House 97-26. Amended by Senate and passed 39-0. House accepted Senate amendments 102-21. Signed by governor.
Effective 7/1/08	HB <a href="#">2665</a>  <a href="#">Supp Note</a>	Traffic – Driver’s License	Allows MVD to destroy DLs returned to them as result of suspension or revocation.	Currently they have to retain them.	Passed by House 118-0. Passed by Senate 40-0. Signed by governor.
Effective 7/1/08	HB <a href="#">2691</a>  <a href="#">Supp Note</a>	Traffic – Vehicle Registration	Creates Gold Star Family License plates for mothers of a soldier who died while on active military duty and in good standing.		Passed by House 119-0. Passed by Senate 40-0. Signed by Governor.
Effective 7/1/08	HB <a href="#">2692</a>  <a href="#">Supp Note</a>	Criminal	Adds stainless steel to the list of metals covered by the scrap metal law passed last year	This is intended to address a developing problem of beer kegs being stolen and sold for scrap. Senate amendment adds exemption of aluminum in food and drink containers from scrap metal.	Passed House 116-1. Amended and passed by Senate 40-0. House concurs with Senate amendments 120-2. Signed by governor.

Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	HB <a href="#">2704</a> <a href="#">Supp Note</a>	Traffic-Registration	Creates an "In God We Trust" registration plate.		Passed House 117-2. Passed Senate 39-1. Signed by governor.
<b>Effective 7/1/08</b>	HB <a href="#">2707</a> <a href="#">CCR Brief</a>	Criminal	<p>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.</p> <p>For persons convicted of a crime of extreme sexual violence (as defined in KSA 21-4716) the judge cannot grant a dispositional departure nor a downward durational departure of more than 50% of the center sentencing range where the defendant is placed on the sentencing grid.</p> <p>Allows court service officers, probation officers, and parole officers to verbally authorize a LEO to detain a condition violator, but a written order must still be provided to the detention facility where the person is held.</p>	<p>Amended by House Judiciary to make 3rd and subsequent convictions of temporary deprivation of property a SL9 nonperson felony with presumptive imprisonment.</p> <p>We supported and worked for the passage of several of the provisions in this bill including the presumptive imprisonment for theft, other theft/temporary deprivation changes, DOC substance abuse treatment, and limits on departures.</p>	Amended by House Judiciary Committee. Amended by House. Passed by House 125-0. Amended by Senate Judiciary. Passed Senate 39-1. Judiciary Conference Committee Report approved by Senate 34-0 and by the House 122-1. <b>Signed by the governor.</b>
Effective 7/1/08	HB <a href="#">2726</a> <a href="#">Supp Note</a>	Criminal Procedure	Prohibits 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.	Passed by House 115-3. Passed Senate 40-0. Signed by governor.
<b>Effective 7/1/08</b>	HB <a href="#">2727</a> <a href="#">CCR Brief</a>	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. The bill was amended to have them sent to the KBI for storage.	Passed by House 125-0. Minor amendment by Senate Judiciary. Passed Senate 40-0. Judiciary Conference Committee adopted by Senate 38-1. Adopted by House 121-0. <b>Signed by governor.</b>

Effective Date	Bill Number	Topic	Description	Comments	Action
<b>Effective 7/1/08</b>	HB <a href="#">2748</a>  <a href="#">Supp Note</a>	Wildlife and Parks	Allows Secretary of Parks and Wildlife to set tagging rules by regulation. Could result in tagging not required during certain seasons.	Currently set by statute. Applies to tagging of wild turkeys and big game.	Passed by House 120-0. Passed by Senate 40-0. Signed by Governor.
<b>Effective 7/1/08</b>	HB <a href="#">2780</a>  <a href="#">CCR Brief</a>	Criminal	Complex bill with a variety of provisions. See the <a href="#">Supplemental Notes</a> for details. <ol style="list-style-type: none"> <li>1) Increases max fine for domestic battery from \$2500 to \$7500.</li> <li>2) Added \$500-\$2500 fine for first offense of certain types of animal cruelty.</li> <li>3) Prohibits expungement of conviction for agg. endangering a child.</li> <li>4) Requirement for prosecutor convicting person on parole or probation in other county to notify the prosecutor in the county of parole/probation.</li> <li>5) Adds Heart of America Regional Computer Forensics Lab to agencies eligible for \$400 analysis fee from persons convicted.</li> <li>6) Authorization for DOC to transfer inmates identified with substance abuse treatment to an in custody treatment facility.</li> </ol>	Senate Committee added amendments to K.S.A. 22-3716 relating to: (1) sentencing to DOC/intensive substance abuse treatment (minimum of 4 months) for violating conditional release or nonprison sanction; and (2) notice to appear and hearing within 120 days (Sec. 4). SC also added amendments to K.S.A. 75-5210 and 75-5220, inmates have presumption of minimum security status and inmates not sent through RDC when sentenced to DOC treatment.	Passed by House . Passed by Senate 40-0. Judiciary Conference Committee Report passed by House 111-10 and by Senate 37-0. <b>Signed by governor.</b>
<b>Effective 7/1/08</b>	HB <a href="#">2845</a>  <a href="#">Supp. Note</a>	Criminal	Makes aiding escape a level 4 nonperson felony when committed by an employee or volunteer working for DOC.	The senate amendments removed the theft of DOC uniforms provisions.	Passed by House 123-0. Amended by Senate Judiciary. Passed Senate 40-0. In Judiciary Conference Committee. House concurred with Senate version 119-0. <b>Signed by governor.</b>

## RETIREMENT RELATED BILLS

Effective Date	Bill Number	Topic	Description	Comments	Action
Effective 7/1/08	SB <a href="#">309</a> House Sub to Sub <a href="#">CCR</a> <a href="#">Brief</a>	KPERs/KPF	Provides retired nurses can work for the state part time without penalty. Also now contains what was originally in SB662, SB663, HB2077 and HB2673.  <a href="#">See conference committee report.</a>	The core bill is about care homes. They have added the original provisions from HB2673. This has no LE impact, but I include it to demonstrate the demise of the 3% COLA in HB2673. The conference committee also added a provision exempting Washburn University retirees from state income tax on their retirement benefits; removed the sunset for the exemption of retired nurses working for the state from the \$20,000 salary cap; made numerous technical amendments to the KPERs laws. See the CCR Brief for details.	Passed by House 121-2. Appropriations Conference Committee report adopted by House 122-0 and by Senate 39-0. Signed by governor.
<b>Effective 7/1/08</b>	HB <a href="#">2390</a>  <a href="#">Supp</a> <a href="#">Note</a>	KPERs/KPF	This is a bill passed to implement the \$300 one time payment passed at the end of the session as part of the omnibus bill.  <b>Effective upon publication in Kansas Register <u>and</u> effective date of HB 2946 (Omnibus funding bill which is effective on 7/1/08).</b>	<b>Payment cannot happen before 10/1/08 or before enough ELARF money is available to fund it. If no ELARF money becomes available prior to end of FY09 there will be no payment.</b>	Passed by Senate 31-4 and by House 117-4. <b>Signed by governor.</b>