

KPOA Weekly Legislative Report

March 14, 2008

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My activities for week of March 10-14:

- Testified on HB2707, temporary deprivation of motor vehicle, in Senate Judiciary.
- Monitored testimony on SB590, substance abuse policy board.
- Monitored final action and revisor's review of balloon amendment for immigration bills in House Federal and State Affairs Committee. These took place over two afternoons and one evening. Local law enforcement sections amended but still in place.
- Monitored final action and presentation of balloon amendments for immigration bills in Senate Federal and State Affairs Committee. All local law enforcement references were removed.
- Monitored final action on SB409, SB482, SB483, SB484, and SB495 in Senate Judiciary committee.
- Monitored meeting of House Select Committee on Corrections Reform and Oversight working on HB 2879, DUI, and the impact of SB409.
- Attended and spoke at Senate Judiciary subcommittee on HB2617, DUI bill.
- Attended retirement coalition meeting.
- Attended a second meeting of the Senate Judiciary subcommittee working on HB2617, DUI. Some amendments will be made but the fixes to the medical assistance for blood draws should remain intact.
- Provided written testimony to Senate Judiciary Committee hearing on HB2727, sexual assault examinations.
- Provided written testimony to Senate Judiciary Committee hearing on HB2545, penalties for MDMA possession.
- Met with Senator Brungardt, chair of the Senate Federal and State Affairs Committee in regards to SB610, racial profiling. Also met independently with some other members of the committee.
- Attended the Racial Profiling Task Force meeting in Wichita.

Hearings of LE Interest scheduled for March 17-21:

I don't propose we testify on all of these, but I will if I hear from you that we should.

Currently awaiting response from legislative committee regarding my recommended action.

Senate Judiciary - 9:30 a.m. Karen Clowers, Sec.--296-6817 123-S

Monday, March 17

Hearings on:

[SB 591](#)--Allowing offenders who owe fines or restitution to be issued a restricted driver's license if they are in compliance with a payment agreement

Final action on:

[SB 590](#)--Establishing the substance abuse policy board

Tuesday, March 18

Hearings on:

[HB 2732](#)--Sentencing, mitigating factors, departure limitations on crime of extreme sexual violence. [This bill limits downward departures for violent sexual offenders. I will testify in support.]

Wednesday, March 19

Final action on:

[SB 591](#)--Allowing offenders who owe fines or restitution to be issued a restricted driver's license if they are in compliance with a payment agreement

[Sub HB 2545](#)--Controlled substances, ecstasy

Thursday, March 20

Final action on:

[HB 2726](#)--Polygraph examinations prohibited for certain alleged victims

[HB 2707](#)--Theft, intent to deprive, leased or rented motor vehicles

Senate Federal and State Affairs - 10:30 a.m. Connie Burns, Office Assistant--296-4335 526-S

Tuesday, March 18

Discussion and action on previous bills:

[Sub HB 2562](#)--Veterans preference law revision

Wednesday, March 19

Discussion and action on previous bills:

[SB 622](#)--Cereal malt beverages; alcohol content, by ABC, retailers authorized to sale, taxation

Senate Ways and Means - 10:30 a.m. Mary Shaw, Sec.--296-3775 123-S

Tuesday, March 18

Subcommittee reports on:

KPERS Issues, KPERS Budget, Kansas Lottery Commission, Kansas Racing and Gaming Commission

Hearings on:

[SB 662](#)--KPERS Act of 2009

[SB 663](#)--KPERS plan compliance with federal law

Wednesday, March 19

Hearing on:

[SB 661](#)--KPERS three-year cost-of-living increase for certain retirants. [This is one of our legislative priorities from the legislative conference. I will testify in support.]

House Appropriations - Shirley Jepson, Assistant - Ph 291-3446, 9:00 a.m. Room 514-S

Tuesday, March 18

Briefing on grants administered by Governor's Office

Edward J. Byrne Memorial Justice Assistance Grant (JAG); State Children's Advocacy Centers Grant Program; Enhanced 911 State Grant (E911); Federal Family Violence Prevention and Services Grant (VPSA); Federal Sexual Violence Prevention and Education Grant (SVPE); Federal State Access and Visitation Program (SAVP); Governor's Discretionary Portion of Federal Safe and Drug-Free Schools and Communities Program (SDFSCA); Federal S.T.O.P. Violence Against Women Grant (S.T.O.P. VAWA); Federal Victims of Crime Act Victim Assistance Grant (VOCA); State General Fund Grant Programs for Domestic Violence and Sexual Assault Programs

House Federal and State Affairs - Jeannie Dillon, Assistant - Ph 368-7166, 1:30 p.m. Room 313-S

Nothing of law enforcement interest on schedule at this time

House Health and Human Services - Chris Haug, Assistant - Ph 6-7683, 1:30 p.m. Room 526-S

Monday, March 17

Hearings on:

[SB 512](#) - Emergency medical services, attendant's certificate requirements. [Currently has no law enforcement impact but I am monitoring.]

Wednesday, March 19

Hearings on:

[Sub SB 491](#) - **Prescription monitoring program act [This is one of our legislative priorities from the legislative conference. I will testify in support.]**

House Elections and Governmental Organization - Piper Cameron, Assistant - Ph 6-7699, 3:30 p.m. Docking Room 784

Thursday, March 20

Hearings on:

[SB 438](#) - **Job security for firefighters and LE Reserves and part time LE. [I will testify in support. This bill contains amendments we proposed in the Senate.]**

House Judiciary - Cindy O'Neal, Assistant - Ph 6-5805, 3:30 p.m. Room 313-S

Monday, March 17

Hearings on:

[SB 476](#) - Arrest for violating condition of probation or conditions of release

[SB 477](#) - **Offender registration, electronic solicitation. [This is one of our legislative priorities from the legislative conference. I will testify in support.]**

[SB 479](#) - Postrelease supervision for certain offenders convicted under K.S.A. 21-4628

[SB 481](#) - Controlled substance, schedule I, salvia and gypsum weed

Possible action on bills previously heard

Tuesday, March 18

Action on any bills previously heard

Wednesday, March 19

Hearings on:

[SB 430](#) - Aggravated criminal threat, penalty

[SB 536](#) - Prohibiting adoption and enforcing residency restrictions on registered offenders

[SB 582](#) - Driving under the influence, ignition interlock and impoundment of vehicles

Possible action on any bills previously heard

Thursday, March 20

Hearings on:

[SB 615](#) - Motor vehicles, failure to maintain financial security

[SB 588](#) - Traffic in contraband in a correctional facility

[SB 48](#) - Municipal court, accused person's competency to stand trial, mental health evaluation

[SB 414](#) - Electors of county or counties may establish an office of the district attorney, salary based on felony caseload

Possible action on any bills previously heard

House Select Committee on Corrections Reform and Oversight - Cyndie Rexer, Assistant - Ph 6-7685, 11:30 a.m. Room 431-N

Tuesday, March 18

Continued discussion on:

[HB 2879](#) - Fourth or subsequent DUI, mandatory confinement in correctional facility for 18 months; treatment program

GENERAL NOTES:

- **Racial Profiling Bill** – It is unclear when the committee will take final action on the bill. Comments from the committee members immediately following the hearing were favorable to the association's position. The Task Force met Friday in Wichita.
- **HB 2617 DUI** – The subcommittee of the Senate Judiciary Committee met twice this week. I attended both meetings. In the last meeting the voted to report back favorably to the full committee with some amendments. The provisions we worked with the medical profession on regarding blood and urine draws should remain intact. The clarification of when we can request urine for drug testing should remain intact. The testing of persons involved in accidents will be recommended for amendment. That amendment would allow us to mandate a test if there is probable cause the person was driving and probable cause the person committed any violation of the law leading up to the accident. The amendments are not available yet, but I was promised an opportunity to look at them prior to the full committee vote.
- **Immigration** — Both the House Federal and State Affairs Committee and the Senate Federal and State Affairs Committee met this past week and recommended immigration bills for passage. The Senate committee removed all references to the local law enforcement issues while the House left those references in with some minor amendments. Both still have provisions for an investigative unit within the Attorney General's Office. The House version is now Substitute for SB329. Neither has been voted on in the full House or Senate yet. I expect both chambers to debate their respective bills this coming week. I also expect further attempts to heavily amend the Sub SB329 on the House floor, including another attempt to remove the LE requirements. The Senate amendments are in [Substitute for SB548](#) is now available on line. The new Substitute for SB329 is not available on line yet, but it should be available at <http://www.kslegislature.org/bills/2008/329.pdf> some time late Monday.
- **SB409 and related bills** – The Senate amended this group of bills into one bill. It is now [Substitute for SB409](#) and is available on line. As now proposed, 5th and subsequent DUI convictions will result in imprisonment in a DOC treatment facility. For 3rd or subsequent convictions on burglary or theft, the court may sentence the person to imprisonment in a DOC substance abuse treatment facility. On a 3rd conviction for drug possession under KSA 65-4160 or KSA 6504162 will result in imprisonment in the DOC substance abuse treatment facility and the 4th or subsequent conviction will be presumptive imprisonment. There is also a clause for DOC to place other prisoners into substance abuse treatment facilities. They also added (from SB495) that a prisoner in custody of the Sheriff for 10 days or less left on a DOC sentence will serve that time with in the county jail. If more than 10 days is left they will serve it in the county jail only by agreement of DOC and the Sheriff. If you believe treatment can prevent future recidivism you will like these bills. If you don't believe in treatment and just want to get people locked up, you will find this bill a mixture of good and bad. I think it will marginally pass the Senate and face a great deal of resistance and uncertainty in the House.
- **GDL** – The bill on graduated driver's licensing was pretty much gutted by the recommendations of the House Transportation subcommittee. About the only thing left in it is to restrict driver's under age 18 in their use of cell phones. The full committee hasn't acted on it yet. I don't think anything will pass this year. The amended version is not available yet.