

KPOA Weekly Legislative Report

February 1, 2008

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My activities for week of January 28-February 1:

- Testified in support of HB2545 proposing increased penalties for MDMA.
- Attended House Transportation Subcommittee meeting on SB294, graduated driver's license.
- Monitored testimony on SB48 reference ability of municipal courts to refer a person to district courts for mental competency determination.
- Monitored testimony on SB301 reference record expungement.
- Monitored testimony on SB366 reference district court traffic citations.
- Testified on SB438 reference employment protection for reserve and part time law enforcement officers.
- Monitored testimony on SB427 reference extended statute of limitations for certain sex offenses.
- Monitored testimony on SB429 reference battery to a fire fighter.
- Monitored testimony on SB430 reference changing the penalties for aggravated criminal threat.
- Attended House Judiciary Committee meeting to work HB2617 reference DUI sample collection in cases of accidents resulting in serious injury or death.
- Met with medical associations and revisors to refine recommendations on HB2617, DUI sample collection.
- Submitted a letter to House Judiciary chairperson confirming our agreement with proposed amendments to HB2617 jointly worked on by LE and medical associations.
- Monitored testimony on SB301 reference battery to a court services officer.
- Met with KSA lobbyist and KHP rep regarding proposed "Move it" bills which would require drivers to remove their vehicles from the traffic lanes in accidents with no injury and when the vehicles are drivable.
- Met with member of Racial Profiling Task Force to discuss proposed legislation by Task Force and by Senator Betts.
- Engaged in more discussion and follow-up with AG office, a representative, automobile dealer association lobbyist, and others on potential auto theft legislation.
- Attended the House Transportation Committee discussions on the Graduated Driver's License bill on Tuesday and Wednesday. On Wednesday provided information to the committee regarding enforcement issues with age restrictions and other GDL provisions.
- Met with medical associations to discuss and refine our recommendations on HB2617 reference DUI testing.
- Met with several senators and representatives on a variety of active and proposed law enforcement related bills.

Hearings of LE Interest scheduled for February 4-8:

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

- Senate Judiciary
 - Monday, February 4:
 - [SB 46](#)--Defacing identification marks of a firearm, increase from class B nonperson misdemeanor to a severity level 10, nonperson felony. I do not plan to testify.
 - [SB 476](#)--Arrest for violating condition of probation or conditions of release. I do not plan to testify.
 - Tuesday, February 5
 - [SB 427](#)--No statute of limitations for certain sex offenses. I do not plan to testify.
 - [SB 477](#)--Offender registration, electronic solicitation. I do not plan to testify.
 - Wednesday, February 6 (I will not attend do to the joint legislative conference.)
 - [SB 479](#)--Postrelease supervision for certain offenders convicted under K.S.A. 21-4628. I do not plan to testify.
 - [SB 481](#)--Controlled substance, schedule I. salvia and gypsum weed. I plan to offer written testimony in support. I will offer written testimony in support. I will not attend do to the joint legislative.
 - [SB 482](#)--Substance abuse treatment for certain offenders. I plan to offer written testimony in support. I will not attend do to the joint legislative conference.
 - Thursday, February 7
 - [SB 483](#)--Substance abuse treatment for violation of conditions of release. I plan to testify in support.
 - [SB 484](#)--Driving under the influence, substance abuse treatment facility. I plan to testify in support.
- Senate Public Health and Welfare
 - Monday, February 4
 - [SB 491](#)--Prescription monitoring program act. I do not plan to testify.
 - Thursday, February 7
 - Possible continued discussion and action on SB 491--Prescription monitoring program act
- House Judiciary
 - Monday, February 4
 - [HB 2700](#) - Community corrections in Johnson County; adult offender program extended to July 1, 2009. I do not plan to testify.
 - Tuesday, February 5
 - [HB 2701](#) - Laboratory fees for criminal procedures; heart of America regional computer forensics laboratory. I do not plan to testify.
 - Wednesday, February 6 (I will not attend do to the joint legislative conference.)
 - [HB 2674](#) - Creating the crime of negligent homicide. I do not plan to testify.
 - [HB 2684](#) - Felony criminal desecration of human remains. I do not plan to testify.

Other Committee action scheduled for February 4-8:

- Senate Judiciary Committee
 - Monday, Feb 4 – [SB301](#) Expungement - Final action (no testimony).

- Tuesday, Feb 5 - [SB430](#) Aggravated Criminal Threat-Final action (no testimony)
- Wednesday, Feb 6 - [SB435](#) Juvenile Code and Kansas Code for Children- Final action (no testimony). [I will not attend due to joint legislative conference.]
- House Judiciary Committee
 - Unknown date - [HB2617](#) – I anticipate they will reschedule this some time this week for final action.

New Bills Introduced Since My Last Update With Any Potential Impact on LE

- Please notify me if I have missed one you think should be on this list.
- Just because they are on the list doesn't mean I think we should support, oppose, or give testimony on these bills. I base that more on feedback from all of you. I will let you know if I think we should or shouldn't—but again the decision will be based on your feedback.
- The items in **bold** are bills I recommend we be directly involved with, including written or verbal testimony.

[SB 476](#), An act to allow 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; amending K.S.A. 22-3716 and K.S.A. 2007 Supp. 75-5217, by Committee on Judiciary.

[SB 477](#), An act adding those convicted of electronic solicitation to the offender registration; amending K.S.A. 22-4902, by Committee on Judiciary.

[SB 479](#), An act adding lifetime parole for those released from life sentences; amending K.S.A. 21-4608, by Committee on Judiciary.

[SB 480](#), An act amending Alexa's law by allowing it to cover unlawful acts committed by the mother; amending K.S.A. 21-3452, by Committee on Judiciary.

[SB 481](#), **An act to include salvia divinorum and datura stramonium (jimson weed) in schedule I**; amending K.S.A. 65-4105, by Committee on Judiciary.

[SB 482](#), **[Part of a package of bills introduced to address some concerns with SB409, the 3-strikes bill.] An act 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**; amending K.S.A. 21-4705 and 21-4714 and K.S.A. 2007 Supp. 75-5210 and 75-5220, by Committee on Judiciary.

[SB 483](#), **[Part of a package of bills introduced to address some concerns with SB409, the 3-strikes bill.] An act providing a judge may sentence a person convicted of certain drug crimes to a DOC treatment facility prior to beginning a non-prison sanction**; amending K.S.A. 22-3716 and K.S.A. 2007 Supp. 75-5210 and 75-5220, by Committee on Judiciary.

[SB 484](#), **[Part of a package of bills introduced to address some concerns with SB409, the 3-strikes bill.] An act 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**; amending K.S.A. 21-4704 and K.S.A. 2007 Supp. 8-1567, 75-5206, 75-5210 and 75-5220; also repealing K.S.A. 21-4704b and K.S.A. 2007 Supp. 8-1567b, by Committee on Judiciary.

[SB 491](#), Enacting the prescription monitoring program act; by Senators V. Schmidt, Allen, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Petersen, Pine, Reitz, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson and Wysong.

[SB 493](#), An act creating the Kansas uniform smoking prohibition act; amending K.S.A. 21-4012 and 65-530, by Committee on Judiciary. I only include this because we will be tasked with enforcing it.

[SB 495](#), An act 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; amending K.S.A. 2007 Supp. 75-5220, by Committee on Judiciary.

[SB 503](#), An act requiring pharmacies to electronically record and report sale of methamphetamine precursors, by Committee on Ways and Means.

[SB 526](#), An act concerning distribution of service fees from enhanced wireless 911 service; amending K.S.A. 2007 Supp. 12-5331, by Committee on Commerce. [Seems to just address handling of fees from PSAPs that currently are in limbo due to difficulty in identifying the PSAP they should be designated to.]

[HB 2684](#), An act 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; amending K.S.A. 21-4111 and 21-4704, by Representative Tafanelli.

[HB 2691](#), An act providing for the issuance of gold star family license plates; a gold star family is the surviving immediate family members of military personnel who die while in good standing; amending K.S.A. 2007 Supp. 8-1,141; by a large group of representatives.

[HB 2692](#), Adds stainless steel to the list of metals covered by the scrap metal law passed last year; amending K.S.A. 2007 Supp. 50-6,109, by Committee on Energy and Utilities.

[HB 2700](#), An act concerning community corrections; extends Johnson County program for an additional year; amending K.S.A. 2007 Supp. 75-5291, by Committee on Judiciary.

[HB 2701](#), An act to include the Heart of America Regional Computer Forensics Laboratory in the list of labs covered by the \$400 laboratory analysis fees; amending K.S.A. 2007 Supp. 28-176, by Committee on Judiciary.

[HB 2705](#), An act prohibiting the sending, reading or writing of text messages while operating a motor vehicle; amending K.S.A. 2007 Supp. 8-2118, by Committee on Transportation.

[HB 2706](#), An act concerning distracted driving; amending K.S.A. 2007 Supp. 8-2118, by Committee on Transportation.

[HB 2707](#), An act 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; amending K.S.A. 21-3702, by Committee on Transportation.

[HB 2709](#), An act regulating micro utility trucks; amending K.S.A. 2007 Supp. 8-126, 8-128, 8-135, 8-143, 8-1486, 8-1493 and 8-2118; also repealing K.S.A. 2007 Supp. 8-15,105, by Committee on Transportation.

[HB 2726](#), An act prohibiting asking certain sex crime victims to submit to polygraph examinations, by Committee on Judiciary.

[HB 2727](#), An act concerning sexual assault; allowing victims to request a sexual assault exam at county expense with or without the victim cooperating with LE; amending K.S.A. 65-448, by Committee on Judiciary.

[HB 2731](#), An act requiring the court to have a more thorough presentence report when considering a sentencing departure; amending K.S.A. 21-4632, 22-3439, 22-3711, 22-3717 and 22-4701 and K.S.A. 2007 Supp. 74-9101, by Representatives Patton, Beamer,

Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Judy Morrison, Olson, Rhoades, Siegfried, Vickrey, Watkins and Whitham.

HB 2732, **An act limiting the courts ability to downward depart for level 1-4 person felonies or when the person has a criminal history A or B**; relating to sentencing; amending K.S.A. 21-4716 and 21-4719 and K.S.A. 2007 Supp. 38-2371, by Representatives Patton, Beamer, Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Mast, Judy Morrison, Olson, Rhoades and Watkins.

HB 2733, **An act 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**; amending K.S.A. 21-4603d and K.S.A. 2007 Supp. 75-5217, by Representatives Patton, Beamer, Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Mast, Judy Morrison, Olson, Rhoades, Siegfried, Vickrey and Watkins.

HB 2742, An act exempting licensed firearms dealers from state laws prohibiting them from dealing in silencers, shotguns with barrel length less than 18" and certain ammunition; amending K.S.A. 21-4201 , by Committee on Federal and State Affairs. [As I understand this, this will allow those dealers to sell these items to LE in Kansas but does not allow their sale to those not authorized to do so.]

GENERAL NOTES:

- *Wednesday, February 6 is the Joint Legislative Conference at the Capital Plaza Hotel in Topeka.*
 - Friday, February 8 is last day for non-exempt committees to request bill drafts.
 - The US Senate Judiciary Committee is holding hearings on February 12 at 2 PM (EST) to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity.
 - The following EMS bills were introduced this week but none of them appear to have a direct impact on LE.
 - The DNA sample collection issue appears to be put to rest for this year. But I will keep an eye on it.
- SB 512**, [Does not appear to have a LE impact other than we may be asked to take some of the fingerprints] An act relating to emergency medical services; allows recognition of training in another state and requires fingerprinting of applicants; amending K.S.A. 65-6112 and 65-6129, by Senator Emler.
- SB 513**, [Does not appear to have a LE impact other than we may be asked to take some of the fingerprints] An act concerning the board of emergency medical services; relating to fingerprinting and criminal history record checks, by Senator Emler.
- SB 514**, [Does not appear to have a LE impact] An act allowing the emergency medical services board to grant a variance from their rules and regulations; amending K.S.A. 65-6111, by Senator Emler.
- Anticipated legislation:
 - There will probably be two racial profiling related bills filed within the next week or so. One developed by the task force and one by Sen. Betts.
 - There will be a bill filed attempting to address the auto theft problem. I have been working with the AG's office and with Rep. Patton on this issue.

- I expect a bill to be introduced in the next couple of weeks proposing a state benefit for permanently and totally disabled officers and officers killed in the line of duty. The KSA, KPOA, and KACP have been working together on this one.