

KPOA Weekly Legislative Report

February 15, 2008

Ed Klumpp, Legislative Committee Chair

Home: (785) 235-5619

Cell: (785) 640-1102

E-mail: eklumpp@cox.net

My activities for week of February 11-15:

- Monitored Senate Judiciary Committee testimony on SB495 regarding transfer of state prisoners to DOC.
- Monitored Senate Judiciary Committee final action on SB 476--Arrest for violating condition of probation or conditions of release, SB 477--Offender registration, electronic solicitation, and SB 479—Post-release supervision for certain offenders.
- Attended Senate Judiciary Subcommittee on SB409, SB482, SB483, and SB484.
- Provided testimony to the Senate Health Care Strategies Committee opposing SB556 regarding medical defense for possession and use of marijuana.
- Attended a planning meeting in regards to racial profiling bills and an appearance at the Racial Profiling Task Force.
- Attended House Energy and Utilities Committee to monitor hearing on HB2692, adding stainless steel to the list of metals included in the scrap metal law. This is attempting to address a growing problem of beer kegs going to the scrap yards.
- Attended Senate Fed and State Committee where Senator Betts requested the Committee to sponsor his racial profiling bill.
- Monitored the final action in Senate Fed and State Committee on SB512, SB513, and SB514. SB512 was amended by removing the fingerprinting and records check provision. This makes SB513 unnecessary so it is dead. There will be significant amendments to SB514, but none of this will directly impact law enforcement.
- Provided testimony to the House Judiciary Committee on HB2726, Use of polygraphs with sexual assault victims.
- Provided testimony to the House Judiciary Committee on HB2727, sexual assault evidence collection without law enforcement involvement.
- Attended and assisted at Retiree Coalition Rally at Capital.
- Attended Senate Judiciary Committee to monitor final action on SB46, SB427, SB481, SB495.
- Attended the Governor's Racial Profiling Task Force Meeting. Spoke on a key issue in the proposed legislation covering whether or not the word "sole" should be removed from the statute and the impact on proactive and preventative law enforcement. The Task Force agreed to introduce a version of a racial profiling bill containing the provisions previously approved at a meeting on January 30. There is an attempt within the task force to still alter that decision.

Hearings of LE Interest scheduled for February 18-22:

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
 - Monday, February 18:
 - Subcommittee on SB409, SB482, SB483, and SB484 will meet at 8:30.
 - Wednesday, February 20:
 - [SB 551](#)--Driving while suspended, to reduce mandatory imprisonment time for 3rd+ offenders from 90 days to 30 days. I do not plan to testify.
 - [SB 582](#)--Driving under the influence, ignition interlock and impoundment of vehicle. I do not plan to testify.
 - Thursday, February 21:
 - [SB 581](#)--Juvenile offender, changing court of jurisdiction to adult court for possession of alcohol when offender is 14-17. I do not plan to testify.
 - [SB 588](#)--Traffic in contraband in a correctional facility. I do not plan to testify.
- House Transportation Committee
 - Wednesday, February 20
 - [HB 2756](#) - Traffic regulations, fines in road construction zones double fine plus \$250. I do not plan to testify.
- House Judiciary
 - Monday, February 18
 - [HB 2816](#) - Driver's license suspension; possession of illegal drugs or weapons in school. Note: This is a fix to the bill from last year that was in conflict with federal law. I do not plan to testify.
 - Tuesday, February 19
 - [HB 2850](#) - Stalking, protection orders. I do not plan to testify.
 - Wednesday, February 20
 - [HB 2780](#) - Criminal procedure; new crime committed on probation or community correction, services of warrant for violation of original conviction. I do not plan to testify.
- House Select Committee on Corrections Reform and Oversight
 - Tuesday, February 19
 - [HB 2879](#) - Fourth time DUI offenders mandatory 18 month incarceration including treatment program. I plan to testify in favor of this.
- Senate Agriculture
 - Wednesday, February 20
 - [SB 604](#)--Exempting certain motor carriers from KCC rules and regulations. I do not plan to testify.

Other Committee action scheduled for February 18-22:

- Senate Judiciary Committee
 - Thursday, Feb 21 – Final action, no testimony on:
 - [SB 551](#)--Driving while suspended, term of imprisonment
 - [SB 582](#)--Driving under the influence, ignition interlock and impoundment of vehicle

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 587](#), providing for the crime of battery against persons licensed in behavioral sciences a level 7 felony; amending K.S.A. 2007 Supp. 74-7507, by Committee on Judiciary.

[SB 588](#), 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.

[SB 590](#), establishing the substance abuse policy board under the Kansas criminal justice coordinating council; amending K.S.A. 2007 Supp. 74-9501, by Senator Journey.

[SB 591](#), Provides for restricted DL for persons in attempting to comply with court orders resulting in DL being suspended while in good faith efforts to comply; amending K.S.A. 22-3717 and K.S.A. 2007 Supp. 8-237 and 8-2110, by Senator Journey.

[SB 604](#), 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 KSA 66-1,129. Sunsets on July 1, 2011.; amending K.S.A. 2007 Supp. 66-1,129, by Committee on Ways and Means.

[SB 610](#), **Concerning racial profiling; prescribing duties for the attorney general; requiring training for law enforcement agencies and personnel; amending K.S.A. 22-4606, 22-4607, 22-4609, 22-4610 and 22-4611 and K.S.A. 2007 Supp. 74-9501, by Committee on Federal and State Affairs for Senator Betts.**

[SB 611](#), 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.; amending K.S.A. 2007 Supp. 8-1014 and 8-1015, by Senator Journey.

[SB 615](#), **Adds impoundment of vehicle for 30 days to punishment for no liability insurance.; amending K.S.A. 2007 Supp. 8-1021 and 40-3104, by Senators Umbarger and Vratil.**

[SB 622](#), Creates significant changes to most of the statutes on alcoholic beverages. Some of the changes appear rather mundane while others appear significant.; amending K.S.A. 41-102, 41-210, 41-211, 41-304, 41-307, 41-308, 41-601, 41-602, 41-701, 41-708, 41-717, 41-718, 41-724, 41-725, 41-726, 41-729, 41-806, 41-901, 41-905, 41-1001, 41-1002, 41-1004, 41-1101, 41-1102, 41-1122, 41-1123, 41-1125, 41-2604, 41-2610, 41-2614, 41-2632, 41-2637, 41-2641, 41-2642, 41-2643, 41-2705, 41-2706, 41-2707, 41-2709, 41-2722, 41-2726, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2007 Supp. 41-104, 41-209, 41-308b, 41-712, 41-805, 41-2611, 41-2645, 41-2701, 41-2704, 41-2728, 79-3606 and 79-41a03 and repealing K.S.A. 41-103 and 41-2712 and K.S.A. 2007 Supp. 41-2702, 41-2703 and 41-2708, by Committee on Federal and State Affairs.

[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; amending K.S.A. 48-925, by Committee on Appropriations.

[HB 2812](#), imposing school attendance requirements on persons under age 18 to obtain a driver's license; amending K.S.A. 2007 Supp. 8-255, by Representative Schwartz.

[HB 2815](#), 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; amending K.S.A. 21-3610, 41-346 and 41-2615 and K.S.A. 2007 Supp. 41-2905 and 41-2906, by Committee on Judiciary.

[HB 2818](#), Allows the AG's office to access expunged records for concealed carry licensing purposes. A technical fix; amending K.S.A. 21-4619 and K.S.A. 2007 Supp. 12-4516, by Committee on Judiciary.

[HB 2819](#), 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; amending K.S.A. 21-4201, by Committee on Judiciary.

[HB 2820](#), Deals with child custody orders and clarifying which orders supersede other court orders regarding child custody; amending K.S.A. 2007 Supp. 38-2202, 38-2203, 38-2243, 38-2255, 38-2263, 38-2277, 38-2278, 38-2279 and 60-1610, by Committee on Judiciary.

[HB 2829](#), 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, by Committee on Agriculture and Natural Resources.

[HB 2830](#), **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; amending K.S.A. 21-4704, by Representative Patton.**

[HB 2831](#), **Creating an independent statute for theft of a vehicle as a level 7 felony; amending K.S.A. 21-3705, 21-4603d and 21-4704, by Representative Patton.**

[HB 2832](#), 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; amending K.S.A. 74-4922 and 74-4939 and K.S.A. 2007 Supp. 74-4914, by Representative Otto.

[HB 2833](#), **Creates an annual "post-retirement" benefit for all KPERs/KP&F retirees based on 30% of the expanded Lottery revenues, by Representatives Otto, Williams, Henderson, Horst, Lane, Mast, McCray-Miller, Palmer, Powers and Rardin.**

[HB 2835](#), To regulate location and activities of a sexually oriented business; amending K.S.A. 22-3901, by Representative Kinzer.

[HB 2836](#), Enacting the Kansas illegal alien reform act; has a law enforcement component (section 3); amending K.S.A. 21-3830, 22-2802 and 25-2416 and K.S.A. 2007 Supp. 8-240, 8-1324, 79-32,120 and 79-32,138, by Representatives Kinzer, Landwehr, Judy Morrison, Ruff, Brown, Crum, Faber, Fund, Gatewood, Hodge, M. Holmes, Kelley, Keigerl, Mast, McLeland, Merrick, Jim Morrison, Myers, Otto, Pauls, Peck, B. Wolf and Worley.

[HB 2841](#), Provides an exception to a red traffic signal if the signal light is malfunctioning; amending K.S.A. 8-1508, by Committee on Elections and Governmental Organization.

[HB 2845](#), Concerning aiding escape and theft of DOC uniforms; amending K.S.A. 21-3701, 21-3702 and 21-3811 and, by Committee on Judiciary.

[HB 2850](#), Proposes significant changes to the stalking statute, including increased penalties; amending K.S.A. 21-3438, 21-3843 and 60-31a06, by Representative Kelley.

[HB 2861](#), Expands who is qualified for a purple heart license plate medal recipients; amending K.S.A. 2007 Supp. 8-1,140, by 40 Representatives.

[HB 2867](#), Provides for up to a 30 day vehicle impoundment for failure to maintain financial security; amending K.S.A. 2007 Supp. 8-1021 and 40-3104, by Representative Pottorff (By request).

[HB 2875](#), Relating to registration of custom vehicles and street rods, by Representative Mast.

[HB 2879](#), **Relating to persons sentenced for 4th and subsequent conviction for DUI will go to DOC for 18 months including treatment; amending K.S.A. 21-4704 and 21-4710 and K.S.A. 2007 Supp. 8-1567, by Select Committee on Corrections Reform and Oversight.**

[HB 2890](#), **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, by General Government Budget Committee.**

[HB 2901](#), **Places limits on dispositional departures; amending K.S.A. 21-4704 and 22-3716, by Committee on Judiciary.**

[HB 2902](#), **An act concerning law enforcement officers; enacting the law enforcement family support act, by Committee on Judiciary.**

GENERAL NOTES:

- Several representatives from KPOA, KACP, and KSA attended the meeting of the Governor's Racial Profiling Task Force on Friday, February 15. They voted to introduce their own racial profiling bill. But they later started waffling on that decision and are trying to get another meeting together, possibly for Monday, to try to change direction.
- The deadline for introduction of new bills from individual legislators and non-exempt committees has now passed. This will result in few new bills of law enforcement interest. But there will still be some come through committees such as Fed and State which is exempt. The next major deadline for the legislature is March 1 which is the last day to consider bills still in the house or origin. This means any House bill not passed by the House or any Senate bill not passed by the Senate is dead, unless it has been in an exempt committee.