

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:

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Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
X					SB 4	Traffic	Authorizes the Department of Revenue, Motor Vehicle Department to establish driver improvement clinics.		Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive. Hearing on 3/6/08.
X					SB 46	Firearms	Changes the altering of a firearm identification mark to a level 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 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.

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. Subcommittee will recommend mandatory prison for third conviction of theft. Also with provisions for sentencing to DOC substance abuse treatment center for 5th conviction of DUI, 3rd or subsequent substance abuse offenders, and persons on conditional release who violate substance abuse conditions.	Assigned to Senate Judiciary Committee. Hearing held 1-23-08. Assigned to subcommittee. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.
				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 416	Emergency Management	Creates Kansas "emergency response force"		Assigned to Senate Federal and State Affairs Committee. No hearing date set.
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.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
				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 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 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.
	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. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
	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. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.
	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. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.
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.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
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	Amended by Senate Judiciary to 20 days of less.	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. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.
X					SB 512	EMS	Change to certification requirements	Fingerprinting provision removed by committee. Currently no impact on law enforcement.	Passed by Senate 40-0. Assigned to House Health and Human Services Committee.
X					SB 514	EMS	Allowing deviation from regulations.	No impact on law enforcement.	Passed by Senate 40-0. Assigned to House Fed and State Affairs Committee.
X					SB 526	E-911	Concerning distribution of service fees from enhanced wireless 911 service		Passed by Senate 39-0. Reassigned from House Elections and Governmental Organization Committee to House Energy and Utilities Committee
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. Assigned to House Judiciary Committee.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	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.		Passed by Senate. Assigned to House Judiciary.
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.		Passed by Senate 40-0.
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 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.	On the senate floor Senator Journey successfully amended the bill to exclude parking lots open to the public. Senator Haley attempted to amend, but it failed, by adding a provision that no statement from an interrogation by LE is admissible unless it is video recorded.	Technical amendments by Senate Judiciary. Passed by Senate 40-0. Assigned to Senate Judiciary.
X					SB 590	Criminal Procedure	Establishing the substance abuse policy board under the Kansas criminal justice coordinating council		Assigned to Senate Judiciary. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
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. Reassigned to Senate Ways and Means Committee, then back to Senate Transportation Committee. This keeps the bill alive.
				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 KSA 66-1,129. Sunsets on July 1, 2011.		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. Hearing on 3/6/08.
X					SB 615	Traffic - Liability Insurance	Changes the provision allowing for impoundment of vehicle for 30 days for no liability insurance as a local option instead of a mandate.		Passed by Senate 31-8
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.	Passed Senate 40-0.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
X					SB 644	Crime Prevention - Identity Theft	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.
	X				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. Hearing on 3/5/08.
	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.
	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. Hearing on 3/5/08.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
				X	HB 2622	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.	Passed by House 118-0. Passed by Senate 40-0. Awaiting the governors signature.
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.
X					HB 2692	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.	Passed House 116-1. Now in Senate and assigned to Senate Natural Resources Committee.
	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 of temporary deprivation of property a SL9 nonperson felony with presumptive imprisonment. Amended by Rep. Holland in COW to include a provision requiring suspending the DL of a person under 18 until they are 21, or if 18 or older suspended for 5 years, if convicted of leaving the scene of injury accident.	Amended by House Judiciary. Amended by House Committee of the Whole. Passed by House 125-0. Assigned to Senate Judiciary
	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.	Passed by House 115-3. Hearing on 3/6/08.
	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. The bill was amended to have them sent to the KBI for storage.	Passed by House 125-0. Assigned to Senate Judiciary.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
	X				HB 2732	Criminal Procedure	Limiting the courts ability to downward depart for level 1-4 person felonies when the person has a criminal history A or B by making the list of mitigating factors exclusive of any other reasons.	This was amended in the House to exclude the potential for probation and limiting departures in extreme sexually violent crimes to no less than 50% of sentencing guideline.	Passed by House 123-0. Assigned to Senate Judiciary.
		X			HB 2742	Firearms	Exempting federally licensed firearms dealers to handle silencers, machine guns, and short barreled shotguns. Intent is to allow them to sell these items to LE.	This would apply only to firearms dealers. In its current form would allow dealers to possess them at any time, not just in course of business.	Assigned to Senate Federal and State Affairs Committee. Hearing on 3/5/08.
X					HB 2780	Criminal	Complex bill with a variety of provisions. See the Supplemental Notes for details.		Passed by House.
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 2818	Firearms	Allows the AG's office to access expunged records for concealed carry licensing purposes. A technical fix		Reassigned from House Judiciary Committee to House Federal and State Affairs Committee.
X					HB 2819	Firearms	Another bill to allow federally licensed firearms dealers to handle machine guns, silencers and short barreled shotguns. Intent is to allow them to sell these items to LE.	This bill would also allow any qualified citizen to possess a properly registered machine gun manufactured prior to 1986, or any silencer or any short barreled shotgun.	Reassigned from House Judiciary Committee to House Federal and State Affairs 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.

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
				X	HB 2845	Criminal	Concerning aiding escape and theft of DOC uniforms		Passed by House 123-0.
X					HB 2850	Criminal	Proposes significant changes to the stalking statute, including increased penalties		Passed by House 123-0.
	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.

RETIREMENT RELATED BILLS

Proposed Action					Bill Number	Topic	Description	Comments	Action
Watch	Actively Support	Seek Changes/ Voice Concerns	Actively Oppose	None					
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.
X					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		House Select Committee on KPERS.
	X				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.
	X				SB 661	KPERS/KPF	This is the 1% per year for 3 years COLA in the governor's budget.		Senate Ways and Means Committee.
X					SB 662	KPERS/KPF	Deals with return of service credit for a person who leaves employment then becomes employed with another participating employer. Also deals with vesting.		Senate Ways and Means Committee.
X					SB 663	KPERS/KPF	Appears to be technical cleanup from bills passed last year.		Senate Ways and Means Committee.