

KANSAS PEACE OFFICER ASSOCIATION
2010 Legislative Update January 15, 2010

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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Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					SB 208	Crim Proc	Death Penalty	Rescinds the death penalty.	By Judiciary Committee	02/05/2009 S Referred to Judiciary -SJ 119 03/05/2009 S CR: Be passed as am. by Judiciary -SJ 268 03/16/2009 S COW;; CR be adptd -SJ 335; Motion to; Rereferred to Judiciary 01/14/2010 S Hearing set for 1/19-21/2010
					SB 346	Jails	Transfer to DOC	Proposes any offender at a local jail whose sentence is 10 days or less will serve that time at the local jail.	Proposed without compensation to the local jail for housing the state's prisoner.	1/11/2010 S Introduced 1/12/2010 S Referred to Judiciary
	X				SB 348	Drugs	New Drug	Adds Synthetic Drugs to Schedule 1		01/13/2010 Passed favorably from Senate Health and Public Safety Committee
					SB 351	Traffic	Texting	Prohibits text messaging while driving. This proposal makes the violation a criminal act.	Proposed by Sen. Emler By Ways and Means Mirrors HB2440	1/12/2010 S Referred to Judiciary
			X		SB 352	LE Certification	Eligibility	Would remove the commission of a felony or domestic violence prior to age 21 from the disqualification for LE officer.	By Sen. Hensley	01/12/2010 S Referred to Judiciary
X					SB 353	Criminal	Trafficking	New law pertaining to peonage and forced labor.	Introduced by Derek Schmidt	01/12/2010 S Referred to Judiciary
				X	SB 361	Traffic	Tags	Established Gold Star specialty tags.	By Rep. Kelsey	1/14/10 Assigned to House Transportation

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					SB 367	Traffic	MC Helmet	Amends KSA 8-1598 to include allowing a person under 18 to ride a motorcycle without a helmet.	By Committee on Judiciary	01/15/2010 S Referred to Transportation Committee
					SB 368	Traffic	DUI	Changes effective date of DUI law change passed last year in 2009 Session Laws Ch. 107, section 6 from 7/1/2010 to 7/1/2011.	Recommended by DUI Commission. By Judiciary Committee	01/15/2010 S Referred to Judiciary Committee
					SB 375	Crim Proc	Death Penalty	Another bill to rescind the death penalty	By Judiciary Committee	1/15/2010 S Referred to S Judiciary 1/15/2010 Hearing set for 1/19-21/2010
					HB 2293	Admin Proc	Offender Registry	Mandates Sheriff's distribute registered offender information to media for broadcast	By Joe Patton Rep. Patton pulled this from the hearing schedule. We don't expect further action on it.	02/06/2009 H Referred to Judiciary -HJ 135 01/13/2010 H Hearing: Wed., 1/20/2010, 3:30 PM, Rm. 346-S
	X				HB 2411	Drugs	New Drug 1	Adds Synthetic Drugs to Schedule 1	By Rep. Olson	1/5/10 Prefiled by Olson 1/11/10 Assigned to House Corr. And Juv. Just. Committee 1/13/10 Hearing set for 1/19/10

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X					HB 2412	Corrections	Release of inmates	Will allow (not require) DOC to release terminally ill inmates. Decision made by a member of the parole board. Lists criteria to be considered and requires a physician's estimation the person will die within 30 days.	by Jt Comm Corrections & Juvenile Justice Oversight	01/11/2010 H Referred to Corrections and Juvenile Justice
X					HB 2413	Court Proc	Fees	Increases the amount of district court fines going to DOC for alcohol and drug abuse treatment from 2.01% to 8.51%.	We need to watch this to make sure other funding in this statute is not tampered with. Such as TRCC.	01/11/2010 H Referred to Corrections and Juvenile Justice 01/13/2010 H Hearing: Wed., 1/20/2010, 1:30 PM, Rm. 144-S
	X	X			HB 2423	911	Fees	This is the 911 funding bill.	By House Utilities Committee VERY IMPORTANT BILL. We need to support allowing funds to be used for radios.	01/13/2010 H Referred to Energy and Utilities 01/13/2010 H Hearing: Tues., 1/19/2010, 9:15AM, Rm. 783 Docking
X					HB 2425	Labor	Work Comp	Increases ability of firefighters to obtain work comp coverage for certain diseases.	By Vision 2020 Does not include LE but we have been asked to join this if desired.	01/13/2010 H Referred to Commerce and Labor
					HB 2430	Crim Proc	Sentencing	Adds veterans of combat zones with post traumatic stress as a mitigating factor for the purposes of sentencing departures.	Requested by Tom Sloan By Committee on Vision 2020	01/13/2010 H Referred to Corrections and Juvenile Justice

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
	X				HB 2432	Criminal	Use of Force	Fixes the problems created by an appellate court decision by clarifying threatening use of force is as an acceptable response to an aggressor when actual use of force is acceptable.	By Rep. Carlson	01/13/2010 H Referred to Corrections and Juvenile Justice
					HB 2435	Crim Proc		0 Adds several felonies to the list of crimes exempt from the general rule for severity level for attempts to commit a crime.	By Rep. Kinzer	1/14/10 Assigned to House Corr and Juv Justice Committee
				X	HB 2437	Traffic	Tags	Cleanup - Dealing with Kansas arts license plate.	Transportation Committee	1/14/10 Assigned to House Transportation
				X	HB 2438	Traffic	Susp DL	Adds a requirement for completing an approved driver training course for a person under 17 yoa to receive a restricted driver's license.		0 1/14/10 Assigned to House Transportation
	X				HB 2439	Traffic	Texting	Prohibits text messaging while driving. This is the proposal developed by the group we worked with during the interim.	Transportation Committee	1/14/10 Assigned to House Transportation 1/14/10 Hearing set for 1/19/10
				X	HB 2440	Crim Proc		0 Requires state DOC to notify crime victims upon certain events involving the offender.	As proposed does not involve LE	1/14/10 Assigned to House Corr and Juv Justice Committee 1/14/10 Hearing set for 1/19/10

Watch	Actively Support	Seek Change Voice Concern	Actively Oppose	None	Bill No.	Topic	Subtopic	Description	Comments	Action
					HB 2441	Traffic	Texting	Prohibits text messaging while driving. This proposal makes the violation a criminal act.	Mirrors SB351	1/14/10 Assigned to House Transportation
					HB 2449	Criminal	Eavesdropping	Amends KSA 21-4001 by adding wireless communications and adds using a peephole. Changes penalty to various felony levels from an A misdemeanor. Adds definition of "instrumentalities to include magnifying devices.	By Vision 2020 Commission	01/15/2010 H Referred to Corrections and Juvenile Justice
					HB 2451	Drugs	Schedule 1	Adds BZP and TFMPP to Schedule 1	Requested by KCDAA By Committee on Corrections and Juvenile Justice Plans are to add these to HB2411 at the House Committee hearing then abandoning this bill.	01/15/2010 H Referred to Corrections and Juvenile Justice
					HB 2453	Drugs		Adds Licensed Day Care centers to schools in sale within 1000 ft. of a school provisions.	By Corrections and Juv Justice	01/15/2010 H Referred to Corrections and Juvenile Justice
					HB 2454	Criminal	Ballistic vests	Creates sentencing enhancement of additional 30 months if ballistic resistant material in committing, fleeing from any felony.	Requested by Rep. Peck By Committee on Corrections and Juvenile Justice	01/15/2010 H Referred to Corrections and Juvenile Justice