

## Law Enforcement Legislative Update May 4, 2010

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As we go into the final days of the session on Wednesday we still have several law enforcement issues unresolved by the legislature. The House was in session until about 10 PM Tuesday night. I was there hoping they would take up some of the conference committee reports and concur votes. But they did not. Here is where we are on the law enforcement related issues remaining unresolved:

E-911 - HB2582 - The Senate has passed a conference committee report to extend the current E-911 funding for one year. The vote was 40-0. It also contains a provision the funds cannot be spent on radios and a provision requiring fund reporting. The House still has to vote on the committee report.

KCJIS Funding - HB2226 - agreement was reached for the House to attempt to concur with the Senate provisions for funding the KCJIS lines. I think this is going to be a close vote. If the House concurs it will go to the governor.

Concealed Carry - SB306 which was pushed by the NRA to make substantial changes to the concealed carry permit process has been discussed in the Federal and State Affairs Conference Committee and they have reached agreement. The bill is pretty much as it left the House. The fees to the sheriffs will be reduced to \$32.50 per applicant from the current \$40. A stricter use provision was also approved by the conference committee. Both of those issues were heavily discussed as we had made a considerable effort to leave the fees and the use of the fees as in current law. Neither chamber has voted on the conference committee report yet.

Substantial gains were made today on crime related bills when the Senate Judiciary and the House Corrections Conference Committee came to an agreement on HB2508 which has to do with parole procedures for persons in prison for crimes committed prior to 1993. This was a major sticking point between the House and the Senate and nearly all the other bills were being held up by the House until this was resolved.

DUI - SB368 - The conference committee agreement will add the use of interlock devices for first time offenders of DUI and reduces the suspension time for those offenders. The agreement left the existing refusal provisions intact. This was the area of concern we campaigned hard to accomplish. The original proposal would have made the penalty for refusing the test either the same as, or in some cases less than, the sanctions for failing the test or being convicted of DUI. The bill also delays implementation of a DUI sentencing provision passed last year and scheduled to go into effect on July 1, 2010. Neither chamber has voted on the conference committee report yet.

The crime bill - SB434 - This is the one containing the controversial HB2508 parole provision. It also contains a special sentencing provision for burglary attempt, solicitation, or conspiracy. It also contains some sentencing provisions for unlawful sexual relations and trafficking contraband in a correctional institution. A provision also adds offender registry for unlawful

sexual relations. The conference committee has agreed to the terms of this. Neither chamber has voted on it yet.

Prisoner work, compensation for - SB520 - The House was supposed to debate this Thursday. But with the length of the budget debate they did not. The Wednesday Calendar has it back below the line where it unlikely to be debated. There are at least two floor amendments to be proposed if it does get debated. One will add a restriction that an employer of a work release prisoner cannot displace another employment position to hire a lower cost work release inmate. The other is intended to clarify municipal courts can utilize house arrest. If the bill is amended, the intent is to send it to conference committee, put the contents in another bill, and use this bill for a juvenile procedure bill they want to pass.

### Transportation (Traffic) Issues

Traffic offense bill - HB2660 - Neither chamber has voted on this yet. It will include the following:

Texting - The conference committee has agreed to the texting bill that is predominantly the bill a coalition put together over the interim. We participated in that interim group. This makes it a traffic infraction.

Motorcycle helmets - Amends the law requiring persons under 18 on a motorcycle to wear a helmet to allow the operator to be cited for allowing a person under 18 to ride on a motorcycle without a helmet. It also adds a requirement that a person under 18 have eye protection.

Window tint - Amends the existing law to exempt marked law enforcement vehicles. Also removes the "glazing material" language which was causing problems in some courts.

Clarifies law banning a covering over the license plate.

License tag issues - SB300 - Neither chamber has voted on this yet. It will include the following:

Vietnam veteran license plate

Boy Scout license plate

Pet Friendly license plate

New laws on off-road vehicles being titled as non-highway vehicles.

Driver's License issues - HB2482 - Neither chamber has voted on this yet. Amends various driver's license rules including:

Restricted license holder driving to and from religious events.

Motorcycle instructor options.

Prohibits diversion agreements for CDL drivers.

DL expiration and renewal provisions.

Primary Seat Belts - No agreement in conference committee. House has put all of these bills in committee. But look for a House vote on this before they go home. It will be a very close vote. Probably closer than last year.

The following issues appear to be dead for this year:

Civil cause of action for child pornography.

Community defense act (Strip Clubs).

Search incident to arrest - SB435 - It would have amended the search and seizure law to address a recent US supreme court decision.

RICO bill.

Harassment by telecommunications device.

Data collection.