



KPOA 2010 Legislative Report No. 3

Week Ending January 29, 2010

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General Information:

REMINDER: Wednesday, February 3 is the Joint Law Enforcement Legislative Conference in Topeka at the Ramada Inn, 6th and I-70. Board and Legislative meeting at 10 AM, Joint meeting at 3 PM, Reception 5:30 to 7:30.

Testimony was provided on:

HB2451 (BZP and TFMPP) in House Corrections and Juvenile Justice

The committee combined these provisions with HB2411 (K-2)

SB353 Coercing Employment in Senate Judiciary Committee

Testimony by Kyle Smith

SB351 (Texting) in Senate Judiciary Committee.

No committee action yet. They plan on working it next week.

Racial Profiling

Interested parties have agreed to request no racial profiling legislation for this year to allow the Racial Profiling Task Force to complete their work and make a recommendation to the 2011 Legislature.

SB348 and HB2411 and HB2451 (Adding K-2 and BZP and TFMPP to schedule 1)

SB348 was passed by the Senate and is now in the House. Meanwhile, HB4211 was passed out of committee favorably and is awaiting floor debate and vote. The house version has TFMPP in it and the Senate version does not. The plan appears to be for the House to either pass HB2411 and send it to the Senate or to amend SB348 by adding TFMPP and sending it back to the Senate. Either way it appears the Senate will accept the change and send the bill to the governor for signing.

SB48 (Was HB2423) (911 fees) in House Energy and Utilities Committee.

This bill is now on the House Calendar awaiting debate and House action. We have determined it is the desire of the associations to not take the risks associated with attempting a floor amendment. We need to support no floor amendments to be sure to keep the Sprint floor amendment from passing. Further information will be forthcoming.

HB2517 (domestic violence)

I attended a meeting this week with the committee chair and several interested parties, mostly advocacy groups promoting this bill. The hearing is Monday and there will be attempts at several amendments. I will be monitoring for amendments detrimental to law enforcement.

Switchblade knife issue

The Senate Natural Resources committee chair allowed the lobbyists for the knife companies to give a one-sided presentation to the committee then request a bill introduction. The committee approved the introduction of a bill. It is tentatively scheduled for a hearing on February 12.

Committee Action Scheduled for Next Week:Monday, February 1

KPERS Select Committee, 8:00 AM, Room 142S

Review of Statutory Early and Phased Retirement Programs.

Senate Judiciary, 9:30 AM, Room 548S

[SB 368](#) - Amending penalties for driving under the influence of alcohol or drugs.

[SB 434](#) - Increasing criminal penalties for unlawful sexual relations.

[SB 374](#) - Adopting a Kansas apology law.

House Corrections and Juvenile Justice, 1:30 PM, Room 144S

[HB 2517](#) - Domestic violence offenses; special sentencing provision.

House Transportation, 1:30 PM, Room Docking 783

[HB 2510](#) - Temporary Vehicle registration, use of permit

House Judiciary, 3:30 PM, Room 346S

[HB 2432](#) - Criminal law; justified threat or use of force.

House Transportation and Public Safety Subcommittee, 3:30 PM, Room 142S

Ks-CPOST Budget Presentation

Tuesday, February 2

Senate Judiciary, 9:30 AM, Room 548S

[SB 381](#) - Criminal law; justified threat or use of force.

[SB 346](#) - No transfer of offenders with 10 or less days remaining on sentence to department of corrections custody.

Senate Local Governmnet, 9:30 AM, Room 144S

[SB 465](#)--Cities; nuisance abatement notice

Wednesday, February 3

Senate Federal and State Affairs, 10:30 AM, Room 144S

[SB 452](#) – Purchase or consumption of alcoholic beverage by person less than 18 years of age, detention

House Corrections and Juvenile Justice, 1:30 PM, Room 144S

[HB 2453](#) - Enhanced penalties for certain drug crimes on or within 1,000 feet of a child care facility.

[HB 2454](#) - Enhanced criminal penalty for felonies committed while wearing or using ballistic resistant material.

[HB 2413](#) - Disposition of district court fines, penalties and forfeitures.

Thursday, February 4

Senate Judiciary, 9:30 AM, Room 548S

[SB 386](#) - Preventing transmission of unredacted personal identifiers during discovery; repealing a statute concerning recorded statements of child victims.

[SB 411](#) - Criminal possession of a firearm.

Senate Federal and State Affairs, 10:30 AM, Room 144S

[SB 222](#) – Emergency medical services, criminal history record checks

House Corrections and Juvenile Justice, 1:30 PM, Room 144S

[HB 2518](#) - Proportionality of sentencing; merging the drug and nondrug sentencing grids.

[HB 2489](#) - Providing sentencing requirements and punishments for postrelease supervision violators.

[HB 2435](#) - Certain crimes in which the penalty is an offgrid felony, attempt, conspiracy and criminal solicitation are also offgrid; aggravated habitual sex offender.

[HB 2468](#) - Requiring offenders guilty of attempt, conspiracy or solicitation to commit any crime requiring offender registration for life to register as an offender.

House Transportation, 1:30 PM, Room Docking 783

[HB 2485](#) - Increasing time period for audit of certain motor carriers

House Transportation and Public Safety Budget Subcommittee, 3:30 PM, Room 142S

KBI Budget Presentation

Ks-CPOST deliberation and recommendations

Friday, February 5

Senate Judiciary, 9:30 AM, Room 548S

[SB 399](#) - Controlled substances; aggravated endangering a child; enhanced penalties for distributing on park property and distributing to a child or pregnant person.

House Corrections and Juvenile Justice, 9:30 AM, Room 144S

[HB 2505](#) - Release procedures and discharge of paroled inmates.

[HB 2506](#) - Requiring the parole board to weigh the proportionality of a crime committed prior to July 1, 1993, to the sentence for the same crime under the new guidelines.

[HB 2507](#) - Parole and postrelease conditions established by parole board.

[HB 2508](#) - Shortening the length of deferral time for certain inmates' parole hearings to five years and requiring review of inmates on a 10 year deferral.

[HB 2509](#) - Notice of release of sexually violent predators into work release program.

Bills tentatively set for hearings after next week:

2/12 Senate Natural Resources on bill not yet numbered changing provisions of weapons statute as it relates to switch blade knives.

NEW BILLS INTRODUCED THIS WEEK:

[SB 411](#), An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 2009 Supp. 21-4204 and repealing the existing section,

By Committee on Judiciary; Referred to Senate Judiciary

Hearing 2/4/10

Adds conviction of attempts, conspiracy or criminal solicitation to conviction of crimes prohibiting firearm possession.

[**SB 434**](#), An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 21-3520 and repealing the existing section.

By Committee on Judiciary; Referred to Senate Judiciary

Hearing 2/1/10

Related bill: HB2534

This bill raises the severity level of all violations of this statute to SL5 person from SL10 person.

[**SB 435**](#), An act concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section.

By Committee on Judiciary; Referred to Senate Judiciary

This is an attempt to modify the search incident to arrest statute to reflect the recent supreme court case.

[**SB 436**](#), An act concerning children in need of care; relating to runaways; amending K.S.A. 2009 Supp. 38-2231 and repealing the existing section.

By Committee on Judiciary; Referred to Senate Judiciary

Same as HB2513. This bill removes the authorization for law enforcement to allow a runaway to remain at a place of shelter when there is reason to believe it is in the best interest of the child and the person providing shelter voluntarily reports the location of the runaway. It proposes requiring all runaways to be placed in a secure facility until a CINC determination is made. It also defines a runaway.

[**SB 444**](#), An act establishing the child witness protection act.

By Committee on Ways and Means; Referred to Senate Judiciary

Creates a new statute governing the testimony of a child under the age of 13. Includes allowing a support person to be with them.

[**SB 452**](#), An act concerning minors; relating to purchase or consumption of alcoholic beverages by a person less than 18 years of age; detention; amending K.S.A. 2009 Supp. 41-727 and repealing the existing section.

By Committee on Federal and State Affairs; Referred to Senate Federal and State Affairs

Hearing 2/3/10

Proposes a child under the age of 18 arrested for violating 41-727, minor possessing, purchasing, consuming or obtaining liquor or CMB and no other crime cannot be placed a juvenile detention facility for more than 24 hours and cannot be placed in jail for any period of time.

[**SB 458**](#), An act concerning criminal procedure; relating to admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 2009 Supp. 22-3437 and repealing the existing section.

By Committee on Judiciary; Referred to Senate Judiciary

This would allow video testimony regarding forensic examinations in limited cases.

[**SB 465**](#), An act concerning cities; relating to certain nuisance abatement procedures; amending K.S.A. 12-1617f and K.S.A. 2009 Supp. 12-1617e and repealing the existing sections.

By Committee on Local Government; Referred to Senate Local Government

Hearing 2/2/10

Changes the method of delivery by certified mail to first class mail and removes the alternate notification methods when the owner failed to acknowledge receipt of prior attempts within the past 24 months.

[**SB 468**](#), An act concerning grand juries; relating to summoning; amending K.S.A. 22-3001 and repealing the existing section.

By Committee on Ways and Means; Referred to Senate Judiciary

Allows the AG, district attorney, or county attorney to more easily convene a grand jury for off-grid, SL1, SL2, SL3, SL4, D1 and D2 felonies.

[**SB 471**](#), An act concerning crimes and punishment; relating to harassment by telephone; harassment by telecommunications; amending K.S.A. 21-4113 and repealing the existing section.

By Committee on Judiciary; Referred to Senate Judiciary

Expands the statute from just telephones to telecommunication devices specifically including telephones, cell phones, facsimile machines, or any device using telephone lines or services.

[SB 480](#), An act regulating traffic; concerning license plates; amending K.S.A. 2009 Supp. 8-133 and 8-2118 and repealing the existing sections.

By Committee on Ways and Means; Referred to Senate Transportation

Removes the provision a license tag must be maintained free from foreign materials and in a condition to be clearly legible.

[SB 481](#), An act concerning district magistrate judges; relating to the elimination or reassignment of positions upon vacancy.

By Committee on Ways and Means; Referred to Senate Ways and Means

A 3rd bill concerning district and magistrate judge assignments.

[SB 483](#), An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2503 and 8-2504 and repealing the existing sections.

By Committee on Transportation; Referred to Senate Transportation

This year's attempt at a primary seatbelt law.

[SB 484](#), An act relating to drivers' licenses; concerning restricted licenses and instructional permits; amending K.S.A. 2009 Supp. 8-296, 8-2,100 and 8-2,101 and repealing the existing sections.

By Committee on Transportation; Referred to Senate Transportation

Adds going directly to or from a religious service or function to the allowable uses of an age restricted driver's license.

[HB 2526](#), An act relating to the vehicle dealers and manufacturers licensing act; concerning scrap metal recyclers; amending K.S.A. 2009 Supp. 8-2401, 8-2404, 8-2408 and 8-2434 and repealing the existing sections.

By Representative Trimmer; Referred to House Energy and Utilities

Removes scrap metal recyclers from the Chapter 8 provisions. This might leave a gap with the scrap metal dealers regulated in 50-6,110 regarding vehicle titles for scrapped vehicles. I am checking on that issue.

[HB 2529](#), An act concerning open records; relating to exceptions to disclosure; amending K.S.A. 60-3351 and K.S.A. 2009 Supp. 38-1664 and 45-229 and repealing the existing sections; also repealing K.S.A. 74-7405a and K.S.A. 2009 Supp. 79-1437f.

By Special Committee on Judiciary; Referred to House Judiciary

Hearing 2/4/10

If I am reading this correctly, this bill will allow the law enforcement records exemption in K.S.A.38-1508 to expire on July 1, 2010. These records are reports of child abuse or neglect. It also ends the exemption on several other juvenile records not held by LE.

[HB 2534](#), An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 21-3520 and repealing the existing section.

By Committee on Corrections and Juvenile Justice; Referred to House Corrections and Juvenile Justice

Proposes changing the severity level of this crime from the current SL10 person as follows:

To SL5 person for LEO, employee or contractor of corrections or JJA.

To SL9 person for parole officer, court services officer, community corrections officer, SRS employee, or other person of authority.

[HB 2537](#), An act concerning alcoholic beverages; amending pretty much the entire alcohol acts.

By Committee on Federal and State Affairs; Referred to House Federal and State Affairs

Hearing 2/4/10

Entire rewrite of the alcohol laws.

[HB 2541](#), An act enacting the Kansas illegal immigration relief act; amending K.S.A. 2009 Supp. 8-240, 8-1324, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 76-731a.

By Committee on Local Government; Referred to House Federal and State Affairs

This is an immigration bill similar to some in past years. It requires Referred to See section 6 law enforcement to inquire into the citizenship and immigration status of any person arrested, and if the person indicates they are not a citizen or national of the US we would have to check with the ICE law enforcement support center on their legal status. **NOTE: The law enforcement position on immigration bills for the past several years is to offer informational testimony only and to clearly not be a proponent or opponent to the legislation.**

[HB 2542](#), An act relating to motor vehicles; concerning drivers' licenses; amending K.S.A. 8-234b and K.S.A. 2009 Supp. 8-235 and repealing the existing sections.

By Representative Horst; Referred to House Transportation

Proposes allowing three wheeled motorcycles to be operated by a licensed driver holding any class of license.

[HB 2556](#), An act regulating traffic; restricting the use of certain wireless communication devices while operating a moving motor vehicle; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section.

By Commerce and Labor; Referred to House Transportation

Another texting while driving bill, very similar to the other traffic infraction based bills.

[HB 2561](#), An act regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 8-1517 and repealing the existing section.

By Committee on Transportation; Referred to House Transportation

Proposes to allow transit buses to use shoulders in certain conditions and when authorized by KDOT.

[HB 2582](#), An act concerning crimes, criminal procedure and punishment; relating to property crimes; amending K.S.A. 2009 Supp. 21-4704 and repealing the existing section.

By Committee on Corrections and Juvenile Justice; Referred to House Corrections and Juvenile Justice

This bill cleans up some language in the presumptive imprisonment sentencing provision for burglary and agg. burglary by adding attempts and conspiracy to the statute.

[HB 2583](#), An act concerning open records; relating to disclosure of certain information.

By Committee on Judiciary; Referred to House Judiciary

Proposes that any voluntary subscription list of public record which contains an individual's email address shall not be disclosed unless the email address of such individual is redacted or such individual has been given an opportunity to allow such disclosure.