



## **KPOA 2010 Legislative Report No. 4**

### **Week Ending February 5, 2010**

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#### **General Information:**

##### **Provided testimony on the following bills during week of February 1-5**

HB2432 – The House bill on use of force attempting to fix the State vs. Hendrix case law. Hearing was in the House Judiciary. Committee. Testimony by Kyle Smith.

SB381 – The Senate bill on used of force attempting to fix the State vs. Hendrix case law. Hearing was in the Senate Judiciary Committee. Testimony by Kyle Smith.

SB399-Enhancing penalties for certain crimes involving exposing children t drugs. Testimony provided by Doug Murphy, Chief of Police, Harper PD

HB2517 – Domestic violence tag bill. Hearing was in House Corrections and Juvenile Justice Committee.

HB2454 – Ballistic vest sentencing enhancement. Testimony provided by members of Coffeyville PD.

HB2451 – Adding BZP and TFMPP to schedule 1. Testimony by Kyle Smith.

#### **Legislative Schedule**

The onslaught of new bills will slow down because Friday, February 5, was the last day for bills to be introduced other than in exempt committees. Wednesday, February 17<sup>th</sup> is the last day for committee hearings for the first half of the session. Saturday February 20, is “turn around day” when all non-exempt bills have to be out of the house of origin. Our focus will then turn to just the bills that still have life at that point and testimony as needed in the second chamber.

#### **Action on priority issues**

1. SB48 (911 Funding): Bill has passed house without amendments and will have a hearing in the Senate Utilities Committee this Tuesday.
2. SB375 (Repeal of Capital Punishment): Bill is awaiting floor debate in the Senate.
3. SB458 (Forensic testimony by video): Hearing scheduled for this Monday in Senate Judiciary Committee.
4. HB2454 (Sentencing enhancement for felons wearing ballistic vest): hearings were held last Wednesday.
5. KBI Support for local law enforcement: We attended the KBI House budget subcommittee hearings to support their requests in the areas of KCJIS lines

and improved funding for labs. Two relevant bills will be heard this week in committee. HB2605 will enhance assessment and collection of forensic testing fees from defendants. HB2637 will enhance assessment and collection of DNA fees from defendants.

6. Retirement bills: SB527 was introduced this week by Sen. Hensley. This bill would allow KPERs to let public safety employees pay health insurance pretax from their benefits saving them about \$400-\$450 per year.

### Hearings Scheduled for week of February 8-12:

Monday, February 8

Senate Transportation Committee, 8:30 AM, Room 152-S

Senate Judiciary Committee 9:30 AM Room 548-S

**SB 458** - Providing for the use of interactive video testimony in hearings or trials where there is a report concerning a forensic examination.

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

**HB 2449** - Eavesdropping; increase penalties; adding eavesdropping to crimes required to register pursuant to the Kansas offender registration act.

**Final action HB2518** – Proportionality of sentencing; drug distribution severity level determined by quantity.

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

KBI budget deliberations and recommendations

Tuesday, February 9

Senate Transportation Committee, 8:30 AM, Room 152-S

**SB 483**--Primary seat belt law

Senate Judiciary Committee 9:30 AM Room 548-S

Senate Utilities Committee, 1:30, 548-S

**SB48**- 911 fees

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

**HB2502**- Child Witness Protection act.

**HB 2605** - Clarifying the investigation fees for services rendered by the KBI and other regional forensic and scientific laboratories.

**HB2637**- Clarifying imposition and collection of \$100 DNA processing fee for arrestees.

House Transportation Committee, 1:30, Room 783

**HB 2498** - Religious services or functions, restricted drivers' licenses

House Agriculture and Natural Resources Committee, 3:30, Room 783-Docking

**HB 2638** - Horse thief reservoir water district employees granted law enforcement powers; requiring trained at the law enforcement training center

Wednesday, February 10

Senate Judiciary Committee 9:30 AM Room 548-S

**Final Action SB 353** - Coercing employment; peonage; human trafficking; aggravated human trafficking; forfeiture.

Senate Transportation Committee, 8:30 AM, Room 152-S

**SB 484**--Driver's licenses; restrictions and conditions

**SB 480**--Regulating traffic; license plates

House Federal and State Affairs Committee, 1:30, 346-S

[HB 2599](#) - Liquor control act; retailer; law enforcement officer investment permitted

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

[HB 2582](#) - Adding conspiracy and attempt to special sentencing requirement of presumptive imprisonment for second burglary offense.

[HB 2604](#) - Allowing the court to sentence a defendant to serve time in a work release program.

[HB2640](#)- Amending offender registry violation penalties.

House Federal and State Affairs Committee

[HB 2599](#) – Liquor control act; retailer; law enforcement officer investment

Thursday, February 11

Senate Judiciary Committee 9:30 AM Room 548-S

[SB 537](#) – Liens and claims against property; actions concerning validity.

Senate Transportation Committee, 8:30 AM, Room 152-S

Presentation on insurance verification programs in other states

Overview of license plate process

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

[HB 2534](#) – Increasing criminal penalties for unlawful sexual relations.

[HB 2641](#)- Amending penalties for unlawful sexual relations

House Transportation Committee, 1:30, Room 783

[HB 2481](#) - Motor vehicles, personalized license plates

[HB 2623](#) - Prohibiting covering license plate with clear or opaque material

House Judiciary Committee, 3:30, Room 342-S

[HB 2668](#)- Criminal Code Recodification

Friday, February 12

Senate Judiciary Committee 9:30 AM Room 548-S

Final action on various bills

House Corrections and Juvenile Justice Committee, 12:00, Room 144-S

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

## NEW BILLS INTRODUCED THIS WEEK:

[SB 497](#), An act concerning crimes and punishments; relating to the criminal use of weapons; amending K.S.A. 2009 Supp. 21-4201 and repealing the existing section.

Committee on Natural Resources

Referred to Natural Resources

Proposes amending the weapons statute, 21-4201, by adding switchblade amendment from federal law.

[SB 504](#), An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c11 and 75-7c12 and repealing the existing sections.

Committee on Judiciary

Referred to Judiciary

Amendments to concealed carry laws proposed by NRA.

[SB 518](#), An act relating to motor vehicles; concerning vehicle identification number inspection fees; amending K.S.A. 2009 Supp. 8-116a and repealing the existing section.

Committee on Federal and State Affairs

Referred to Transportation

Proposes raising fee from \$10 to \$20 with \$18 going to agency doing inspection. This will increase the funds going to several police departments and sheriffs offices authorized to do these inspections and the increase will fund the KHP inspection program.

**SB 520**, An act concerning criminal procedure; relating to employment of county and city prisoners; amending K.S.A. 22-4603 and repealing the existing section.

Committee on Judiciary

Referred to Judiciary

Proposes prisoners to earn \$5 per hour toward their fines for working while incarcerated.

**SB 523**, An act concerning crimes, punishment and criminal procedure; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2009 Supp. 60-4104 and repealing the existing section.

Senators Petersen and Schodorf

Referred to Judiciary

Creates a state RICO act.

**SB 524**, An act concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; sentencing; offender registration; traffic in contraband in a correctional institution; amending K.S.A. 21-3520 and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902 and repealing the existing sections.

Legislative Post Audit Committee

Referred to Judiciary

Increases penalties for unlawful sexual relations and trafficking contraband in a correctional facility.

**SB 527**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and certain systems thereunder; federal nontaxable distributions to certain retirants.

Committee on Ways and Means

Referred to Ways and Means

This is a bill we requested since the House is not working it in their chamber. NOTE: I have talked to the chair of the House subcommittee on KPERS and she told me she will hold hearings on the similar House bill. Passing this bill will save public safety retirees an estimated \$450 per year.

**SB 533**, An act concerning crimes and criminal procedure; providing for electronic citations, complaints and notices to appear; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section.

Committee on Judiciary

Referred to Judiciary

This is a bill we requested on behalf of KCJIS and TRCC to reduce paperwork for agencies using e-citations. It will provide for officers to use e-signatures on citations, to obtain verbal promises to appear when necessary, and eliminate other contradictions with the statutes governing paper citations.

**SB 535**, An act concerning crimes, punishment and criminal procedure; relating to parole and postrelease supervision for violent offenders and sex offenders; conditions; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section.

Committee on Judiciary

Referred to Judiciary

**SB 536**, An act relating to motor vehicles; concerning recreational off-highway vehicles; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections.

Committee on Transportation

Referred to Transportation

This bill was requested by ATV manufacturers for a new class of ATV. It creates the same use restrictions as currently in place for ATVs.

**SB 537**, An act concerning liens and claims against real or personal property; amending K.S.A. 58-4301 and repealing the existing section.

Committee on Judiciary

Referred to Judiciary

This bill will strengthen the laws to protect against illegal and unwarranted liens.

**HB 2599**, An act concerning the liquor control act; amending K.S.A. 2009 Supp. 41-311 and repealing the existing section.

Representative Trimmer

Referred to Federal and State Affairs

This bill proposes to allow a law enforcement officer to have part ownership of a liquor store provided it is less than 50% ownership.

**HB 2603.** An act concerning juvenile records; relating to expungement; amending K.S.A. 2009 Supp. 38-2312 and repealing the existing section.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

This bill proposes that juvenile records will be automatically expunged upon the defendant reaching age 18 and other milestones. No direct impact on LE. The courts will be responsible for determining when the expungement should occur and for notifying the record holders.

**HB 2604.** An act concerning crimes, criminal procedure and punishment; relating to sentencing upon the conviction of a crime; relating to work release programs; amending K.S.A. 2009 Supp. 21-4603d and repealing the existing section.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

This bill proposes providing statutory authority for courts to sentence certain offenders to work release programs. This bill was requested by KSA.

**HB 2605.** An act concerning court fees; relating to fees for investigations conducted by the Kansas bureau of investigation and other forensic and scientific laboratories; amending K.S.A. 2009 Supp. 28-176 and repealing the existing section.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

Clarifies fee assessment and collection for forensic testing. Also adds the Wichita-Sedgwick County Computer Forensic Laboratory as an agency qualifying for reimbursement. Requested by KBI.

**HB 2610.** An act enacting the medical marijuana act; providing for the legal use of marijuana for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; providing for administration of the act by the department of health and environment.

Committee on Health and Human Services

Referred to Health and Human Services

Here we go again. What else can be said.

**HB 2612.** An act concerning drivers' licenses and restrictions; relating to judgments of restitution; amending K.S.A. 2009 Supp. 8-255 and repealing the existing section.

Committee on Judiciary

Referred to Judiciary

Proposes suspending the driver's license of persons who are 6 months or more behind in their restitution payments.

**HB 2615.** An act relating to motor vehicles; providing for a Boy Scouts of America license plate.

Numerous representatives

Referred to Transportation

**HB 2620.** An act enacting the Kansas firearms freedom act.

Representatives Merrick, Carlson, DeGraaf, Gordon, Hayzlett, Huebert, Jack, Morrison, O'Brien, Olson, Otto, Powell, Rhoades and Siegfried

Referred to Federal and State Affairs

Proposes making firearms made in Kansas exempt from federal firearms laws.

**HB 2623.** An act regulating traffic; concerning license plates; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section.

Committee on Economic Development and Tourism

Referred to Transportation

Proposes making it illegal to place any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity over a license plate

**HB 2633.** An act establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 and repealing the existing section.

Committee on Federal and State Affairs

Referred to Judiciary

Would regulate sexually oriented stores.

**HB 2637.** An act concerning court fees; relating to fees for the Kansas bureau of investigations DNA database; amending K.S.A. 2009 Supp. 75-724 and repealing the existing section.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

Clarifies the assessment and collection of the \$100 fee for charged to defendants for DNA processing.

**HB 2638**, An act concerning law enforcement; relating to employees of the horsethief reservoir benefit district; amending K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 and repealing the existing sections.

Representatives Whitham and George

Referred to Agriculture and Natural Resources

A bill to authorize the Horsethief Reservoir Benefit District to have a police department.

**HB 2640**, An act concerning crimes, punishment and criminal procedure; relating to aiding a person required to register under the Kansas offender registration act; failure to register by a person required to register under the Kansas offender registration act; amending K.S.A. 21-3812 and 22-4903 and repealing the existing sections.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

Amends the penalties for failing to register for offenders of crimes other than sex offenders, violent offenders, or sexual predators from a SL5 to a SL9.

**HB 2641**, An act concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; sentencing; offender registration; traffic in contraband in a correctional institution; amending K.S.A. 21-3520 and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902 and repealing the existing sections.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

Increases the penalties for unlawful sexual relations and trafficking contraband.

**HB 2652**, An act concerning the Kelsey Smith act; amending K.S.A. 2009 Supp. 22-4615 and repealing the existing section.

Committee on Federal and State Affairs

Referred to Energy and Utilities

Makes changes in administrative procedures of the Kelsey Smith Act. Requested by KBI.

**HB 2653**, An act regulating traffic; concerning United States postal service vehicles; amending K.S.A. 2009 Supp. 8-1520a and 8-2118 and repealing the existing sections.

Committee on Federal and State Affairs

Referred to Transportation

Proposes new laws concerning right of way to postal vehicles and passing stopped postal vehicles.

**HB 2655**, An act concerning crimes, criminal procedure and punishment; relating to good time credits in community correctional services; amending K.S.A. 21-4703 and 21-4706 and repealing the existing sections.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

Proposes statutory authority for local jails to utilize good time credits for misdemeanors and other crimes when sentenced to local jails. Requested by KSA.

**HB 2660**, An act relating to motor vehicles; concerning recreational off-highway vehicles; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections.

Committee on Transportation

Referred to Transportation

This bill was requested by ATV manufacturers for a new class of ATV. It creates the same use restrictions as currently in place for ATVs.

**HB 2661**, An act concerning crimes, criminal procedure and punishments; concerning drug crimes; amending K.S.A. 2009 Supp. 12-4104, 21-36a05, 21-36a06, 21-36a08, 21-36a10, 21-4203, 21-4204, 21-4226, 21-4704, 22-3901, 22-4902, 59-2132, 65-516, 72-1397, 72-5445, 75-7c04 and 76-11a13 and repealing the existing sections.

Committee on Corrections and Juvenile Justice

Referred to Corrections and Juvenile Justice

This is a cleanup for last year's drug Recodification bill.

**HB 2668**, An act concerning crimes, punishment and criminal procedure; recodification;

Committee on Judiciary

Referred to Judiciary

This is the major Recodification bill. It is not supposed to contain any substantive change in the law.

