



KPOA 2010 Legislative Report No. 8

March 5, 2010

Ed Klumpp, Legislative Liaison

Home: (785) 235-5619

Cell: (785) 640-1102

E-mail: eklumpp@cox.net

General Information:

Provided testimony on the following bills during week of March 1-5

- SB368, DUI, House Judiciary Committee. Opposed a part of the bill that would have removed the verification process for interlock devices. Supported other parts of the bill that delay a change in DUI sentencing. These are both issues the DUI Commission will make recommendation on for the 2011 session.
- SB497, in House Ag and Natural Resources Committee, amending weapons statute. We opposed this bill due to unnecessary changes and one change that would mean a folding knife fitting a new definition could never be determined to be a dangerous weapon regardless of the use or intended use. (Testimony by Kyle Smith) The prosecutors joined us in opposing this bill.
- SB367, in House Transportation Committee. We testified in support of this bill which will allow enforcement when an adult is transporting a child without a helmet on a motorcycle. (Testimony by Kyle Smith)
- SB 523, in Senate Judiciary Committee, state RICO act. We testified in support.
- HB2582, in Senate Judiciary Committee, adding conspiracy and attempts to the special rule for presumptive imprisonment for second and subsequent convictions. We testified in support.
- SB458, in House Corrections and Juvenile Justice Committee. We testified in support of this bill that authorizes video testimony on forensic evidence.
- SB435, in Senate Judiciary Committee, amending the statute on search incident to arrest. We recommended just repealing the statute and letting us operate on case law like we do for every other search exception. The same recommendation was made by the prosecutors and the AG's Office. (Testimony by Kyle Smith)
- SB436, in Senate Judiciary Committee. We opposed this bill which would require every runaway juvenile to go to juvenile lockup until a CINC determination could be made.

Legislative Schedule

The next legislative deadline is Wednesday, March 31st. This is the last day for non-exempt bills to pass the second chamber. This will then lead to the conference committees for the bills with differences in the House and Senate versions.

Action on priority issues

1. SB48 (911 Funding): The Senate Utilities Committee continued to work on this bill. They developed several amendments that they were working through on Wednesday, then things stopped for the rest of the week. We anticipate they will go back to work on it on Tuesday.
2. SB375 (Repeal of Capital Punishment): No other action on this bill which failed to pass the Senate earlier.

3. SB458 (Forensic testimony by video): Testimony was heard this week by the House Corrections and Juvenile Justice Committee but they have not taken final action on it yet.
4. HB2454 (Sentencing enhancement for felons wearing ballistic vest): No action this week on this bill. It is in the Senate Judiciary Committee. I expect it to have a hearing the week of March 15.
5. KBI Support for local law enforcement: We still don't have any funding for the CJIS lines. Subcommittees in both chambers have said they want to address this in the omnibus budget bill. Bills are progressing that should help with some funding for the labs.
6. Retirement bills: A couple of new retirement bills were introduced. A committee recommended a bill for KPERS (not KP&F) that will increase the employee contribution and, in return, increase the multiplier. The actual bill has not been introduced yet.

Hearings Scheduled for week of March 8-12:

Monday, March 8

House Select Committee on KPERS 8:00 a.m. Room 159-S

[SB 146](#) - Kansas public employees retirement system; computation of benefits when rate of computation is reduced or placed on furlough; removing sunset provision

Senate Judiciary Committee 9:30 AM Room 548-S

[SB 549](#) - Creating a private cause of action for victims of child pornography

[HB 2440](#) - Requiring the secretary of corrections to receive and give victim notification upon certain events while inmate is in the custody of the secretary of social and rehabilitation services

[HB 2668](#) - Recodification of the criminal code

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

[SB 346](#) Transfer of Offenders to DOC

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

[SB 455](#) - Civil commitment of sexually violent predators; expert testimony

[SB 369](#) - Open records; reconciling a conflict

Tuesday, March 9

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

[HB 2561](#)--Allowing transit buses to be operated on right shoulder of certain highways

[HB 2660](#)--Recreational off-highway vehicles, regulation thereof

Final action on:

[SB 536](#)--Recreational off-highway vehicles, regulation thereof

Senate Judiciary Committee 9:30 AM Room 548-S

Final action on:

[SB 435](#) - Criminal procedure; search incident to arrest

[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 who commit any crime requiring offender registration for life to register as an offender

[SB 549](#) - Creating a private cause of action for victims of child pornography

House Transportation Committee, 1:30, Room 783
[SB 518](#) VIN Inspection Fees

Wednesday, March 10

Senate Judiciary Committee 9:30 AM Room 548-S

[HB 2412](#) - Functional incapacitation release; procedures; notice; conditions; supervision upon release

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

[HB 2469](#) - Use of prior convictions in determining criminal history

[HB 2503](#) - Authorizing and requiring the secretary of corrections to supervise parole offices and other release mechanisms and entities

[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 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

House Federal and State Affairs Committee, 1:30, Room 342-S

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

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

[SB 533](#) - Electronic citations, complaints and notices to appear

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

Thursday, March 11

Senate Natural Resources Committee 8:00 AM, Room 144-S

[HB 2638](#) --Horse thief reservoir water district employees granted law enforcement powers; requiring trained at the law enforcement training center

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

[HB 2605](#) - Clarifying the investigation fees for services rendered by the KBI and other regional forensic and scientific laboratories

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

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

[Sub SB 353](#) Human Trafficking

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

[HB 2620](#) Kansas Firearm Freedom Act

Friday, March 12

Senate Judiciary Committee 9:30 AM Room 548-S; and 1:00 PM Room 152-S

Final action on:

[HB 2440](#) - Requiring the secretary of corrections to receive and give victim notification upon certain events while inmate is in the custody of the secretary of social and rehabilitation services

[HB 2668](#) - Recodification of the criminal code

[HB 2412](#) - Functional incapacitation release; procedures; notice; conditions; supervision upon release

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

[HB 2469](#) - Use of prior convictions in determining criminal history

[HB 2503](#) - Authorizing and requiring the secretary of corrections to supervise parole offices and other release mechanisms and entities

[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 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 2605](#) - Clarifying the investigation fees for services rendered by the KBI and other regional forensic and scientific laboratories

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

NEW BILLS INTRODUCED THIS WEEK:

[HB 2716](#), An act concerning the Kansas public employees retirement system; relating to computation of benefits for certain state officers and employees placed on furlough; amending K.S.A. 74-49,115 and repealing the existing section.

By: Select Committee on KPERS

Referred to: (Select Committee on KPERS)

[HB 2727](#), An act concerning the department of revenue; relating to certain drivers' licenses and identification cards; protection of privacy rights.

By: Committee on Federal and State Affairs

Referred to: (Transportation)

[HB 2730](#), An act concerning retirement and pensions; relating to the Kansas public employees retirement system; retirement of certain state officers and employees; health care benefit payments; reduction in F.T.E. position for certain state agencies.

By: Select Committee on KPERS

Referred to: (Select Committee on KPERS)

[SB 564](#), An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2009 Supp. 74-4914d, 74-4920, 74-49,205 and 74-49,210 and repealing the existing sections.

By: Joint Committee on Pensions, Investments and Benefits

Referred to: (Ways and Means)