



# KCJIS RELATED LEGISLATIVE BILL UPDATE PASSED TOPICS ONLY

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Criminal Procedure: Warrants: Disclosure Notice Status **Signed**

Final Bill [HB2092](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

The law regarding public disclosure of affidavits or sworn testimony used for an arrest warrant is amended to clarify the notice to a defendant of a disclosure request must be provided to the defendant upon the defendant's attorney's entry of appearance or upon entry of the defendant declaring they will represent themselves.

Amends

Bill Section  EffDate  DelayedEffDate

DUI: Expungement Status **Signed**

Final Bill [HB2085](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Expungements of DUI or test refusal convictions in municipal and district courts will apply to all violations committed on or after July 1, 2006, except that the district court expungement provision for a second or subsequent violation does not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

Amends

Bill Section  EffDate  DelayedEffDate

Expungement: Human Trafficking Status **Signed**

Final Bill [SB40](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

A court is required to order expungement of juvenile records and files if it finds the juvenile is a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child; the adjudication concerned acts committed by the juvenile as a result of such victimization, including but not limited to acts which, if committed by an adult, would constitute a violation of disorderly conduct or selling sexual relations; and the hearing on expungement occurred on or after the date of final discharge. The crimes of internet trading of child pornography and aggravated internet trading of child pornography are added to the list of crimes for which the expungement of an adult or juvenile record is not allowed. Several other amendments appear in the bill which are technical and do not make substantive changes.

Amends

Bill Section  EffDate  DelayedEffDate

Expungement: Mistaken identity			Status	Signed	
Final Bill	<a href="#">SB112</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>The arrest record of a person arrested due to mistaken identity may be expunged by a district court once the case is dismissed or a no prosecution decision is made. However, the provision does not apply if the defendant intentionally provided false information to law enforcement in an attempt to conceal a crime or their identity. The prosecutor who makes the decision to not prosecute, or court dismissing a charge, are required to initiate the expungement action when the above conditions are met.</p>					
Amends	22-2410				
Bill Section	8	EffDate	5/18/2017	DelayedEffDate	7/1/2017

Fingerprinting: Access to Federal Tax Information			Status	Signed	
Final Bill	<a href="#">SB96</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>Employees of Kansas Department of Revenue with access to federal tax information to be fingerprinted for records checks. This is a federal requirement for those accessing federal tax returns.</p>					
Amends	New				
Bill Section	1	EffDate	7/1/2017	DelayedEffDate	

Fingerprinting: Insurance Agents			Status	Signed	
Final Bill	<a href="#">SB14</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>The Insurance commissioner is authorized to require a fingerprint based records check of applicants for a resident insurance agent license.</p>					
Amends	40-4905				
Bill Section	3	EffDate	7/1/2017	DelayedEffDate	

KPERS: Working After Retirement Status Signed

Final Bill [SB21](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

**Working after retirement restrictions generally do not apply when retiring from KP&F and returning to work in a local/state/school KPERS position, or visa versa. However, the requirements for no pre-arrangement apply across all plans, including KP&F. The waiting period amendments apply to regular KPERS but not to KP&F. For KP&F retirees returning to work, the waiting period remains at 30-days. The earnings cap remains in place for KP&F retirees but only applies if the retiree returns to work for the same employer (agency) they retired from.**

In a nut shell, after 1/1/18 new regular KPERS retirees under age 62 at time of retirement will have 180-day waiting period before returning to a covered position.\* If they are 62 or older at the time of retirement the waiting period is 60-days to return to a covered position\*, as in current law.

Effective 1/1/18, state, school, or local KPERS positions are not subject to an earnings limitation. Employers of a person in a covered position\* must pay the statutory contribution rate on the first \$25,000 of compensation and a rate of 30% for any of compensation greater than \$25,000 for retirees employed in covered positions.\* The employer does not make contributions for non-covered positions. This provision applies to all school, local and state KPERS positions regardless of whether they employee retired on, after or before 1/1/18.

\*Covered positions are those that are non-school and not seasonal or temporary and whose employment requires at least 1,000 hours of work per year.

Effective July 1, 2017, there are also new rules excluding retirees who are independent contractors or are employed by third parties from the working-after-retirement provisions if certain conditions are met.

For further details, see the KPERS summary of this at this link:  
<https://www.kpers.org/pdf/2017WARLawsEnacted.pdf>

**NOTE: This summary is not intended to be a guide for retirement planning, but to serve as an overview of the changes created in this bill. Contact KPERS directly for retirement planning.**

Amends 74-4914; 74-4937; 74-49,204; 74-49,313

Bill Section All EffDate 7/1/2017 DelayedEffDate 1/1/2018

Line Operations: Autism Alert Status Signed

Final Bill [SB74](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

DMV is authorized to issue placards, a decal to be affixed to a license plate in addition to a placard and placement of an indicator the person needs assistance with cognition on a driver's license or nondriver identification card upon application with a physician confirmation of the condition. The law is fashioned after the handicap placard law including creating a C Misdemeanor for misrepresentation to obtain the placard, license, ID card, or decal and an unclassified misdemeanor with a \$100-\$300 fine for misuse of the devices. DMV is tasked with developing applicable regulations and the design of the placard and decal. The intent is to offer a method for officers to recognize when they may be approaching a person with a relevant cognition condition.

Amends 19-206

Bill Section All EffDate 7/1/2017 DelayedEffDate

Open Meetings: Executive Session			Status	Signed	
Final Bill	<a href="#">HB2301</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>Executive sessions in meetings subject to the Kansas Open Meetings Act (KOMA) now require the justification to close the meeting be included in the motion specifically using one of the reasons listed in subsection (b) of the bill and the complete motion be recorded in the minutes of the meeting. This is a more specific requirement on the justification than current law. The requirement to state the subject of the executive session is changed to require not only the subject but also a "statement describing" the subject. The requirement of a statement of when and where the open meeting will resume remains unchanged. The list of topics that may be discussed in executive session are amended mostly with clarifications and rewording, however the topic of case reviews by the Governor's Domestic Violence Fatality Review Board are added.</p>					
Amends	75-4319				
Bill Section	4	EffDate	7/1/2017	DelayedEffDate	

Open Records: Annual Review			Status	Signed	
Final Bill	<a href="#">HB2301</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>The following exceptions to the Kansas Open Records Act (KORA) of interest to law enforcement are extended: 1) KSA 74-2012, concerning motor vehicle records; 2) KSA 22-4909, concerning criminal offender registration; 3) KSA 45-221(a)(51) and (52), concerning home addresses of law enforcement officers and judges; 4)KSA 65-1505, concerning criminal history records checks; 5) KSA 74-5607, concerning peace officers standards and training; 5)KSA 79-3234, concerning social security numbers; 6) KSA 75-7d08, concerning the batterer intervention program; 7) KSA 21-2511, concerning biological samples for the Kansas Bureau of Investigation; 8) KSA 38-2313, concerning fingerprints and photographs of juvenile offenders.</p> <p>The July 1, 2021, sunset date is removed from the following KORA exceptions of interest to law enforcement: 1) KSA 45-221(a)(10)(F), concerning victims of sexual offenses; 2) KSA 45-221(a)(50), concerning information provided to the 911 Coordinating Council; 3) KSA 65-445(g), concerning child sexual abuse reports; 4) KSA 22-4906 and 22-4909, concerning criminal offender registration; 5) KSA 38-2310, concerning records concerning certain juveniles; 6) KSA 38-2311, concerning juvenile treatment records; 7) KSA 38-2326, concerning juvenile offender information systems; 8) KSA 75-712c, concerning reports of missing persons; 9) KSA 75-723, concerning the Abuse, Neglect, and Exploitation of Persons Unit in the Office of the Attorney General; and 10) KSA 75-7c06, concerning concealed firearm records.</p>					
Amends	45-229; 75-7d08				
Bill Section	2, 3	EffDate	7/1/2017	DelayedEffDate	

Protection Order: Sexual Assault			Status	Signed	
Final Bill	<a href="#">SB101</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>The Protection from Abuse Act (PFAA) and Protection from Stalking Act (PFSA) now apply to victims of sexual assault. The definition of "abuse" was amended to include "engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent." The Protection from Stalking Act (PFSA) is also renamed the Protection from Stalking and Sexual Assault Act (PFSSAA). Sexual assault is defined in the act as: 1) A nonconsensual sexual act; or 2) An attempted sexual act against another by force, threat of force, or duress, or when the person is incapable of giving consent. It allows the court to issue an order restraining the defendant from committing or attempting to commit a sexual assault upon the victim and may be combined with other orders to also include restraining a defendant from harassing, or abusing victim. The statute on violating a protective order is amended to include these orders.</p>					
Amends	60-3102; 60-31a01; 60-31a02; 60-31a03, 60-31a04; 60-31a05; 60-31a06; 60-31a07; 60-31a08; 60-31a09				
Bill Section	1-11	EffDate	7/1/2017	DelayedEffDate	

Sentencing Commission: Data Sharing			Status	Signed	
Final Bill	<a href="#">HB2054</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
<p>The Kansas Sentencing Commission is required to gather data and information from state agencies to carry out its duties and functions and requires state agencies to provide data or information requested by the Commission for that purpose, unless otherwise prohibited by law.</p>					
Amends	74-9101				
Bill Section	4	EffDate	7/1/2017	DelayedEffDate	

Traffic: Registration Plates: 4-H			Status	Signed	
Final Bill	<a href="#">HB2174</a>	Final Brief	<a href="#">Supp Note</a>	Final Summary	<a href="#">Summary</a>
<p>A 4-H Foundation license plate is approved on and after January 1, 2018, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less.</p>					
Amends	New				
Bill Section	2	EffDate	7/1/2017	DelayedEffDate	1/1/2018

Traffic: Registration Plates: Armed Services Occupation Medals			Status	Signed	
Final Bill	<a href="#">HB2174</a>	Final Brief	<a href="#">Supp Note</a>	Final Summary	<a href="#">Summary</a>
<p>Eligibility is expanded for the purchase of license plate decals from the Division of Vehicles indicating certain military honors to persons issued a distinctive military license plate who have received an Army of Occupation Medal or Navy Occupation Service Medal. "Distinctive military license plate" means a license plate which the person is required to show proof of military service.</p>					
Amends	8-1,156				
Bill Section	5	EffDate	7/1/2017	DelayedEffDate	

Traffic: Registration Plates: Autism Awareness			Status	Signed	
Final Bill	<a href="#">HB2174</a>	Final Brief	<a href="#">Supp Note</a>	Final Summary	<a href="#">Summary</a>
An autism awareness license plate is authorized on and after January 1, 2018, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. (NOTE: This is strictly a specialty plate supporting autism awareness and does not indicate the occupant has autism.)					
Amends	New				
Bill Section	1	EffDate	7/1/2017	DelayedEffDate	1/1/2018

Traffic: Registration Plates: Disabilities Decal			Status	Signed	
Final Bill	<a href="#">HB2174</a>	Final Brief	<a href="#">Supp Note</a>	Final Summary	<a href="#">Summary</a>
On and after January 1, 2018, a wheelchair emblem decal is authorized to be affixed to a distinctive license plate and a permanent placard as an alternative to indicate the vehicle transports a person with a permanent disability. Under current law, the options are a permanent placard or a permanent placard and a special license plate. As with current law, an individual identification card will also be issued to accompany the wheelchair emblem decal.					
Amends	8-1,125; 8-1,126				
Bill Section	3, 4	EffDate	7/1/2017	DelayedEffDate	1/1/2018

Traffic: Seat Belt Safety Fund and SAFE Training			Status	Signed	
Final Bill	<a href="#">SB89</a>	Final Brief	<a href="#">CCR Brief</a>	Final Summary	<a href="#">Summary</a>
Increases the seatbelt fine from \$10 to \$30 for adults. The additional \$20 municipal fines go into the state Seat Belt Safety Fund along with 2.20 percent of all fines, penalties, and forfeitures received from clerks of the district court. The Seat Belt Safety Fund will be used for the promotion of and education on occupant protection among children, including, but not limited to, the SAFE program in Kansas High Schools. The elements of violations are not changed.					
Amends	New, 8-2504; 12-4120, 74-7336				
Bill Section	4, 6, 7, 8	EffDate	7/1/2017	DelayedEffDate	

NOTE: The listed bills all are either signed, passed and awaiting action by the Governor, or still active in the legislature as of the date in the header of this report. This report is updated at:

<http://www.kslawenforcementinfo.com/kcjis.html>

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