

New LE Related Bills Week of February 8-12, 2016

- [SB418 - Amendments related to human trafficking, children in need of care and juvenile offenders.](#)
This is a bill put together by a group at OJA which addresses requirements imposed on states by federal legislation passed in 2014.
- [SB421 - Carrying a concealed handgun in a public building; restricted access entrance.](#)
This is a bill attempting to address an issue with employees bringing friends into secure buildings through the restricted access entrance.
- [SB424 - Amending consumer protection laws related to identity theft and security of personal identifying information.](#)
Would authorize the attorney general to assist victims of identity theft, identity fraud and related crimes and violations in obtaining refunds in relation to fraudulent or unauthorized charges or debits, canceling fraudulent accounts, correcting false information in consumer reports caused by identity theft or identity fraud, correcting false information in personnel files and court records, obtaining security freezes, completing identity theft affidavits, filing complaints and related matters.
- [SB426 - Creating the crime of violation of a consumer protection related to door-to-door sales.](#)
Creates a SL9 person felony for violating a consumer protection order and adds the violation to the list of offenses leading to potential civil forfeiture action.
- [SB427 - Enacting the police and citizen protection act; use of body cameras by law enforcement officers.](#)
Senator Haley's reincarnation of his original version of SB18 from last year. Not likely to get a hearing this late in the first half of the session, but we will need to keep an eye on it.
- [SB428 - Relating to eyewitness identifications.](#)
Senator Haley's version of mandates and statutory policy setting of procedures for eyewitness identification. Not likely to get a hearing this late in the first half of the session, but we will need to keep an eye on it.
- [SB429 - Requiring certain felony interrogations to be videotaped.](#)
Senator Haley's version of the statutory mandate to videotape interrogations. Leads to all off grid, SL1-5, and DSL1 felony interrogations to be videotaped. Not likely to get a hearing this late in the first half of the session, but we will need to keep an eye on it.
- [SB434 - Increasing the penalty for certain violations of criminal discharge of a firearm.](#)
Relating to discharge of a firearm at a vehicle. Eliminates this charge if a vehicle is shot at with no person "present." Adds presumptive imprisonment for certain violations if there is a person "present."
- [SB435 - Creating a system of alternative incarceration.](#)
Creates a new class of "get out of jail card" for "alternative incarceration credits" with the rules to be established by DOC. Appears to be in addition to good time credit and program credits. The credit earned for "alternative incarceration credits" can be up to 30% of sentence. Earned time under this program is served outside the prison setting and

requires GPS monitoring. So let's see, up to 20% for good time, up to 30% for alternative incarceration credits, and up to 90-days program credit. So the end result can be serving less than half of their sentence. Pretty soon they will have so many credits we will have to apply it to their next offense. (Same as HB2684)

- [SB439 - Grounds for impeachment of justices of the supreme court and certain judges of the district court.](#)
Provides a list of conduct that can lead to impeachment of certain judges. Some are very subjective, such as, discourteous conduct, failure to perform adequately, introduce arbitrary power, usurp the power of the legislative or administrative branch.
- [SB440 - Supreme court general administrative authority over judicial branch.](#)
Looks pretty mundane for the most part.
- [SB446 - State psychiatric hospital catchment area definitions.](#)
Removes Rainbow Mental Health from the catchment area definitions. Removes all of the lists of counties in the Osawatomie and Larned catchment areas from statute and places them in KDADS regulations. I assume they want to be able to adjust these more easily to distribute load between the two hospitals.
- [SB450 - Prohibiting the adoption of sanctuary ordinances and resolutions by municipalities.](#)
A very short and direct bill all related to law enforcement. Prohibits local governments from prohibiting collection by law enforcement or directing law enforcement not collect, or not to communicate to the federal government information regarding the citizenship or immigration status, lawful or unlawful, of any individual. Does not require law enforcement to collect or communicate that data, although if this gets a hearing we need to watch for that to be added.
- [SB452 - Approval of budgets by taxing subdivisions; resolution and election requirements.](#)
- **This bill provides a modified method which may be a compromise position on the issue of the property tax lid. I will have to check with the KAC and LKM to know for sure.**
- [SB453 - Creating a program for early release from incarceration for parents in certain cases.](#)
- Creating a program for early release from incarceration for parents in certain cases. An offender on a SL4-10 or any drug crime with 12 months or less to serve and who has custody of a minor child may be released on home release if they meet the statutory conditions.
- [SB454 - Amending court docket fees and charges.](#)
- Extensive amendments to district court docket fees. It doesn't appear to make any changes affecting KLETC or other law enforcement entity.
- [SB455 - Amending the Kansas cigarette and tobacco products act.](#)
Large bill with many amendments. Doesn't appear to have a major impact on law enforcement but could have some minor aspects regarding law enforcement actions on certain tobacco violations.
- [HB2634 - Enacting the alternative crop research act.](#)
This is the agricultural hemp bill. Don't let the title fool you, this is not a research act. It actually authorizes the growing of hemp.

- [HB2635 - Workers compensation and employment security boards nominating committee; selection of chairperson.](#)
There doesn't appear to be anything harmful in this bill.
- [HB2636 - Workers compensation and employment security boards nominating committee; certain exceptions to the Kansas open records and open meetings acts not applicable.](#)
This is probably a good thing. It opens up the meetings and records of selecting a replacement for a vacancy on the committee to KORA and KOMA rules.
- [HB2637 - Use of American medical association guides to the evaluation of permanent impairment for determining workers compensation benefits.](#)
This is probably good for employees. It rolls back the standard from the sixth edition of the guide to the fifth edition to the guide. The sixth edition makes it more difficult for an employee to be ruled permanently disabled.
- [HB2638 - Amendments to asset seizure and forfeiture process.](#)
This is the worst of the two forfeiture bills, the one from Rep. Bradford and Rep. Winn. It eliminates civil forfeiture and requires a criminal conviction and it puts all assets forfeited into the state general fund. The other bill has not been read in yet.
- [HB2639 - Enacting the emergency observation and treatment act; using licensed crisis recovery centers for emergency observation and treatment of persons with mental illness, substance use disorders and co-occurring conditions.](#)
This is the "72-hour hold" bill relating to emergency mental health and substance abuse treatment commitments. Which is now the 3-day hold bill.
- [HB2643 - Allowing the secretary of transportation to increase the maximum speed limit by five miles per hour on certain highways.](#)
Allows the speed limit on any non-urban highway to be set at 70 mph on highway where the statute otherwise establishes a 65 mph speed limit.
- [HB2644 - Overweight exception for haulers of grain and certain other agricultural goods.](#)
Provides trucks hauling grain and other harvest goods to exceed the normal weight limits on axles and bridge weights.
- [HB2661 - Prohibiting the relocation of refugees from certain countries to the state of Kansas.](#)
Prohibits local government cooperation with any federal program to relocate a refugee from countries substantially controlled by Muslim terrorist organizations.
- [HB2665 - City and county inspections of rental properties; limitations.](#)
Prohibits cities or counties to require inspection of rental property without a search warrant.
- [HB2666 - Amendments concerning good time credit for certain inmates.](#)
Increases good time credits to 25% of sentence for SL7-10 crimes.
- [HB2667 - Certain sex crimes where offender is over 18 and victim is under 14, which currently have a mandatory minimum sentence of 25 years, could be increased to 35 years if aggravating circumstances found.](#)
Creates a closed list of aggravating factors that may be used in determining if the sentence can be increased to 35 years.

- [HB2678 - Requiring the attorney general to investigate and prosecute cases relating to the death of a person caused by a law enforcement officer.](#)
Just what it says. Provides the AG with prosecutorial authority and requires certain reports for non-indictments to the governor. Also requires data collection of incidents where a person is “injured” or killed by a law enforcement officer.
- [HB2681 - Requiring an opportunity for diversion in certain circumstances.](#)
Allows any offender not currently eligible for diversion to apply for a diversion, and if denied, requires the DA to respond to such application with reasons it was not granted.
- [HB2683 - Increasing the minimum motor vehicle insurance liability limit for property and bodily injury.](#)
Increases minimum motor vehicle liability insurance for death or bodily injury to \$50k for one person and \$100k for 2 or more persons, and \$25k for property damage.
- [HB2684 - Creating a system of alternative incarceration.](#)
- Creates a new class of “get out of jail card” for “alternative incarceration credits” with the rules to be established by DOC. Appears to be in addition to good time credit and program credits. The credit earned for “alternative incarceration credits” can be up to 30% of sentence. Earned time under this program is served outside the prison setting and requires GPS monitoring. (Same as SB435)
- [HB2688 - Applying battery and assault of a law enforcement officer to correctional officers employed by private prisons.](#)
Adds private correctional officers to those covered by the battery and assault of LEO statute. I didn’t know we had private correctional operations in Kansas.
- [HB2691 - Enacting the Kansas safe access act; relating to cannabis.](#)
- **Another medical marijuana bill.**
- [HB2694 - Requiring presumptive prison for a seventh DUI conviction.](#)
- Just what it says. Hmmm. 7 DUI’s then maybe prison.
- [HB2696 - Amending jurisdiction of university of Kansas medical center police officers.](#)
- Amending jurisdiction of university of Kansas medical center police officers. Deals with property used by, but not owned by, KU and other changes.
- [HB2698 - Requiring school districts to adopt certain policies against bullying, harassment and cyberbullying.](#)
- Just what it says.
- [HB2699 - Amending the asset forfeiture process.](#)
- **Rep. Rubin’s bill. Remains civil forfeiture, but removes the provision where a private attorney can handle the forfeiture. Thus making the DA generally the only avenue for forfeiture filing. 50% of the forfeited assets goes into the local accounts and 50% goes into a special fund under the Attorney General who is required to adopt rules and regulations on how it may be distributed back for local law enforcement use.**
- [HB2700 - Requiring certification by retirants that they have not entered into a prearranged agreement of employment prior to retirement and providing penalties for violations thereof.](#)

- **When a KPERS employee applies for retirement, they must make certification they do not have a prearranged agreement for employment by a participating employer. Likewise, a participating employer who hires a retiree must certify the employee has not been hired within 60 days of retirement and there was no prearranged agreement. If KPERS determines a certification is false, the employee's benefits will stop, the employee must reimburse KPERS for any benefits paid during the term of employment, and benefits will not be restored for six months after such employment ends.**