

## SENATE BILL No. 69

By Committee on Judiciary

1-22

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9 AN ACT concerning crime stoppers; establishing an advisory council;  
10 imposing certain fees; providing for certain grants; creating the Kansas  
11 crime stopper trust fund.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. As used in this act:

15 (a) "Association" means Kansas crime stoppers association, inc.

16 (b) "Council" means the crime stoppers advisory council.

17 (c) "Local crime stoppers program" means the acceptance and  
18 spending of donations by a private, nonprofit organization for the award-  
19 ing of rewards to persons who report information concerning criminal  
20 activity to the organization if the organization:

21 (1) Operates less than statewide;

22 (2) forwards reported information to the appropriate law enforce-  
23 ment agency; and

24 (3) meets and maintains certification standards as set forth by the  
25 Kansas crime stoppers association, inc.

26 Sec. 2. (a) There is hereby created within the attorney general's of-  
27 fice the crime stoppers advisory council. The council shall be composed  
28 of two persons appointed by the attorney general and the executive board  
29 of directors of the association, as set forth in the by-laws of the association.

30 (b) At the first meeting of the council, which shall be called by the  
31 attorney general, and at the first meeting after the beginning of each new  
32 state fiscal year, the council shall elect from among its members a chair-  
33 person and such other officers as the council deems necessary.

34 (c) Members of the council attending meetings of the council, or  
35 attending a subcommittee meeting thereof, or performing other official  
36 duties of the council, as authorized by the council, shall be paid amounts  
37 provided for in subsection (e) of K.S.A. 75-3223, and amendments  
38 thereto. The attorney general and the chairperson of the council shall be  
39 responsible for approving all expense vouchers of members.

40 (d) The council shall meet at least once each year and may hold spe-  
41 cial meetings whenever they are called by the chairperson.

42 (e) The council, in accordance with K.S.A. 75-4319, and amendments  
43 thereto, may recess for a closed or executive session.

1     Sec. 3. (a) The council may contract with a person to serve as its  
2 director with the counsel of the attorney general. The council shall es-  
3 tablish the authority and responsibilities of the director. The director shall  
4 not hold an elected position in the association.

5     (b) The council, to the extent resources are available, shall:

6         (1) Advise and assist in the creation of local crime stoppers programs;

7         (2) foster the detection of crime and encourage persons to report  
8 information about criminal acts;

9         (3) encourage news and other media to promote local crime stoppers  
10 programs and to inform the public of the functions of the council;

11         (4) assist local crime stoppers programs in forwarding information  
12 about criminal acts to the appropriate law enforcement agencies;

13         (5) help law enforcement agencies detect and combat crime by in-  
14 creasing the flow of information to and between law enforcement  
15 agencies;

16         (6) assess training needs for local crime stoppers programs and pro-  
17 vide support and training to crime stoppers programs within the state;

18         (7) assist local crime stoppers programs in the acquisition of resources  
19 needed to keep and report statistical data and to communicate between  
20 local programs, law enforcement agencies and other crime stoppers pro-  
21 grams and agencies; and

22         (8) provide other assistance as deemed appropriate to enhance public  
23 safety in Kansas.

24     (c) The council may adopt rules and regulations to carry out its duties  
25 under this act.

26     Sec. 4. (a) In addition to the fees provided by K.S.A. 21-4610a and  
27 22-2909, and amendments thereto, each person who is placed on pro-  
28 bation, is assigned to a community correctional services program or enters  
29 into a diversion agreement in lieu of further criminal proceedings shall  
30 pay a fee of \$20. Such fee shall be charged and collected by the clerk of  
31 the district court. The clerk of the district court shall remit to the state  
32 treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
33 amendments thereto, the balance of all moneys received by such clerk  
34 from such fees. Upon receipt of the remittance, the state treasurer shall  
35 deposit the entire amount in the state treasury and credit it to the Kansas  
36 crime stopper trust fund created pursuant to subsection (d).

37     (b) The clerk of each county shall maintain an accounting of the num-  
38 ber of fees received pursuant to this section from persons who were  
39 placed on probation, were assigned to a community correctional services  
40 program or entered into a diversion agreement in lieu of further criminal  
41 proceedings in such county and shall report that number to the council.  
42 The local crime stoppers program from each county that meets the re-  
43 quired certification set forth by the association may make application to

1 the council for a grant for reimbursement of moneys credited to the  
2 Kansas crime stopper trust fund which were collected from fees received  
3 pursuant to this section from persons who were placed on probation, were  
4 assigned to a community correctional services program or entered into a  
5 diversion agreement in lieu of further criminal proceedings in such  
6 county. The council shall establish the qualifications required to receive  
7 such grants. All such reimbursements shall require the approval of the  
8 attorney general. The amount of any such grant shall not exceed 50% of  
9 the total amount of fees received pursuant to this section from persons  
10 who were placed on probation, were assigned to a community correctional  
11 services program or entered into a diversion agreement in lieu of further  
12 criminal proceedings in the county.

13 (c) The attorney general shall have the authority to accept, budget  
14 and expend for any proper expenses of the crime stoppers advisory coun-  
15 cil any special source funds made available for the purposes of the crime  
16 stoppers program. Any such funds shall be deposited in the state treasury  
17 and credited to the Kansas crime stopper trust fund.

18 (d) (1) There is hereby created in the state treasury the Kansas crime  
19 stopper trust fund.

20 (2) Moneys in the Kansas crime stopper trust fund shall be expended  
21 only for the authorized purposes set forth in this act.

22 (3) All expenditures from the Kansas crime stopper trust fund shall  
23 be made in accordance with appropriation acts upon warrants of the di-  
24 rector of accounts and reports issued pursuant to vouchers approved by  
25 the attorney general for the purposes set forth in this act.

26 Sec. 5. (a) Council records relating to reports of criminal acts are  
27 confidential.

28 (b) Evidence of a communication between a person submitting a re-  
29 port of a criminal act to the council or a local crime stoppers program  
30 and the person who accepted the report on behalf of the council or local  
31 crime stoppers program is not admissible in a court or an administrative  
32 proceeding whether the evidence is held by the council or a local crime  
33 stoppers program or is held by a telecommunications service provider.

34 (c) Records of the council or a local crime stoppers program con-  
35 cerning a report of a criminal activity and records of a telecommunications  
36 service provider relating to a report made to the council or to a local  
37 crime stoppers program may not be compelled to be produced before a  
38 court or other tribunal except on the motion of a criminal defendant to  
39 the court in which the offense is being tried that the records or report  
40 contain evidence that is exculpatory to the defendant in the trial of that  
41 offense. On motion of a defendant under this subsection, the court may  
42 subpoena the record or report. The court shall conduct an in-camera  
43 inspection of materials produced under subpoena to determine whether

1 the materials contain evidence that is exculpatory to the defendant. If the  
2 court determines that the materials produced contain evidence that is  
3 exculpatory to the defendant, the court shall present the evidence to the  
4 defendant in a form that does not disclose the identity of the person who  
5 was the source of the evidence, unless the court makes a finding that the  
6 state or federal constitution requires the disclosure of that person's iden-  
7 tity. The court shall return to the council or to the local crime stoppers  
8 program materials that are produced under the section but not disclosed  
9 to the defendant. The council or local crime stoppers program shall store  
10 the materials until the conclusion of the criminal trial and the expiration  
11 of the time for all direct appeals in the case.

12 Sec. 6. (a) A person who is a member or employee of the council or  
13 who accepts a report of a criminal activity on behalf of a local crime  
14 stoppers program is guilty of a class A nonperson misdemeanor if the  
15 person intentionally or knowingly divulges to a person not employed by  
16 the law enforcement agency the content of a report of a criminal act or  
17 the identity of the person who made the report without the consent of  
18 the person who made the report.

19 (b) A person convicted of an offense under this section shall not be  
20 eligible for state employment during the five-year period following the  
21 date that the conviction becomes final.

22 Sec. 7. (a) A county commission or governing body of a city is au-  
23 thorized to contribute funds to a local crime stoppers program from the  
24 general fund of the county or city or any other available source if the local  
25 crime stoppers program is established to operate, in whole or in part,  
26 within the boundaries of such county or city.

27 (b) This act shall not be construed to repeal any local ordinance or  
28 resolution establishing a crime stoppers program, or affect any crime stop-  
29 pers program established by a city, county or private entity, or the op-  
30 eration or funding of such program.

31 Sec. 8. This act shall take effect and be in force from and after its  
32 publication in the statute book.