

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 28, 2002 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Barbara Tombs, Executive Director, Kansas Sentencing Commission
Bruce Roberts, Director of Division of Information Systems and Communications, Department of Administration

Hearings on **HB 2623 - sentencing regarding forgery**, were opened.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, explained that the proposed bill was technical in nature and intended to correct an error in K.S.A. Supp. 21-4704(i) by changing the reference from subsection (b)(2) and (b)(3) of K.S.A. 2001 Supp. 21-3710 to subsection (b)(3) and (b)(4). These latter two subsection reference the mandatory jail time sentences for a second, third or subsequent conviction for forgery, not being served in a Kansas Department of Corrections facility. (Attachment 1)

Hearings on **HB 2623** were closed.

Hearings on **HB 2629 - Department of Administration computer & telecommunication security, fingerprinting of certain employees**, were opened.

Bruce Roberts, Director of DISC, appeared as a proponent of the bill. He commented that as a condition of employment those employees who would have unescorted access to a computer and a telecommunications infrastructure would be fingerprinted. The fingerprints would then be submitted to the Kansas Bureau of Investigations (KBI) and the Federal Bureau of Investigations for verification of their identity and for the purpose of obtaining records criminal in nature.

Until recently, DISC has had a Memorandum Agreement with KBI that they would establish clearances for employees but since the implementation of the Criminal Justice Information System network the KBI has taken on more responsibility for managing technologies.

He believes that statutory authority would insure the security of the telecommunications system. The KBI has agreed to continue to obtain & provide records criminal in nature and those who have cleared the checks to DISC. They would, however, have to pay the KBI for the checks which they estimate would be \$750 in fiscal year 2002 and \$4,500 in fiscal year 2003. (Attachment 2)

Hearings on **HB 2629** were closed.

HB 2630 - County general fund reimbursement for medical expenses of indigent prisoner

Representative Long made the motion to report HB 2630 favorably for passage. Representative DiVita seconded the motion.

Representative Long made the substitute motion to amend in the proposed balloon (Attachment 3) which corrects revisors errors. Representative Loyd seconded the motion. The motion carried.

Representative Long made the motion to report HB 2630 favorably, as amended, for passage. Representative DiVita seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on January 28, 2002 in Room 313-S of the Capitol.

HB 2623 - sentencing regarding forgery

Representative Pauls made the motion to report HB 2623 favorably for passage and be placed on the Consent Calendar. Representative Howell seconded the motion. The motion carried.

HB 2629 - Department of Administration computer & telecommunication security, fingerprinting of certain employees

Representative Long made the motion to report HB 2629 favorably for passage. Representative Loyd seconded the motion.

Concerns were express as to whether or not KBI would send the reports back to DISC without it being in the statute. Mr. Roberts commented that he was comfortable with the bill as proposed.

Representative DiVita made the substitute motion to add "security sensitive" on line 20 after the word "other". Representative Klein seconded the motion. The motion carried.

Representative DiVita made the motion to report HB 2629 favorably, as amended, for passage. Representative Long seconded the motion. The motion carried.

The committee meeting adjourned at 4:15 p.m. The next meeting was scheduled for January 29, 2002.



State of Kansas

KANSAS SENTENCING COMMISSION

Honorable Paul E. Miller, Chairman
District Attorney Paul Morrison, Vice Chairman
Barbara S. Tombs, Executive Director

MEMORANDUM

TO: House Judiciary Committee

FROM: Barbara Tombs, Executive Director

SUBJECT: Testimony on HB 2623

DATE: January 28, 2002

During the 2001 Legislative session, HB 2296 was introduced and passed into law. HB 2296 amended the forgery statute, K.S.A. 21-3710, to include 30 days mandatory jail time for a second conviction of forgery and 45 days mandatory jail time for a third and subsequent conviction. The mandatory jail time was designated to be served in county jails and not in a state correctional facility.

Section 1 of HB 2623 proposes to correct an error in K.S.A. 2001 Supp. 21-4704(i) by changing the reference from subsections (b)(2) and (b)(3) of K.S.A. 2001 Supp. 21-3710, to subsection (b)(3) and (b)(4) instead. These latter two subsection references are that part of K.S.A. 2001 Supp. 21-3710 that refers to the mandatory jail time sentences for a second, or a third or subsequent conviction for forgery, not being served in a Kansas Department of Corrections facility.

The proposed bill is technical in nature and intended to correct the subsections referenced in the previous year's bill. The proposed bill would have no impact on prison admissions or prison population levels.

The Sentencing Commission respectfully request your consideration and passage of this bill.

House Bill 2629
Testimony
Bruce Roberts, DISC Director
Before House Judiciary Committee
January 28, 2002

Mr. Chairman, members of the committee. My name is Bruce Roberts. I am the Director for the Division of Information Systems and Communications, Department of Administration. I appreciate the opportunity to testify on HB 2629 today.

The proposed legislation would require, as a condition of employment, the fingerprinting of individuals who have unescorted access to computer and telecommunications infrastructure space. The fingerprints of such individuals would be submitted to the KBI and the FBI for verification of identity and for obtaining records of criminal arrests and convictions.

From the late 1970s, the Division of Information Systems and Communications operated the telecommunications switch for the law enforcement network. Under a Memorandum of Agreement with the KBI, DISC established security clearances for employees that had unescorted access to the KBI switching facilities. As part of the agreement, the KBI performed background checks for employees, including checks for records of arrests and convictions in state and federal criminal history databases. The purpose of establishing and sustaining the clearances of these employees was to insure the security of law enforcement messages, databases, and operations of data and telecommunications systems.

With the implementation of the Criminal Justice Information System (CJIS) network, the KBI took on more direct responsibilities for the management of law enforcement switching technologies, and in April 2001 ended its memorandum of agreement with the Department of Administration. DISC continues to provide the wide area network for CJIS and closely coordinates network security issues with the KBI. Under an interim agreement with the KBI, DISC has continued obtaining records of arrests and convictions.

Because the security of the computer and telecommunications infrastructure is critical to both law enforcement and other state agencies, the Department of Administration needs to establish appropriate statutory authority to obtain records of arrests and convictions from both the KBI and the FBI. Because the FBI requires statutory authority for an entity to have access to federal criminal history records, the Department supports the passage of this bill.

The Department installs and maintains computers and telecommunication equipment throughout state government. Over the last five years, information technology has become increasingly open and subject to a much higher level of security threats. With the advent of the Internet and such broad implementation of personal computers, and data communications, there are greater exposures. And with the active development of E-government and open access through information technology, we see greater complexity and risks in assuring secure systems and communications. For these reasons, it is critical that security clearances be established and maintained for Department employees with unescorted access to this physical infrastructure. With such security clearances, the Department can address its responsibilities for assuring the security of state-managed networks and information technologies.

HOUSE BILL No. 2630

By Representative Boston

1-11

AN ACT concerning counties; relating to medical expenses of prisoners amending K.S.A. 19-4444 and repealing the existing ~~section~~ 19-1910 and sections

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

Section 1. K.S.A. 19-4444 is hereby amended to read as follows: 19-4444. The agency shall approve all expenditures to be made by and claims to be paid on behalf of such agency and the law enforcement department and shall certify the same to the board of county commissioners of the county to be allowed from the funds provided for the operation of such agency and department, except that all costs incurred by the agency or department for medical care and treatment of prisoners held within the county shall be paid from the county general fund when a determination has been made that the prisoner has no other resources. *When medical expenses have been paid out of the county general fund of any county in this state for a prisoner held within such county, the county may seek reimbursement of such expenses from the prisoner.*

Sec. 2. K.S.A. 19-4444 ~~is~~ hereby repealed. 19-1910 and

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book. are

Sec. 2. K.S.A. 19-1910 is hereby amended to read as follows: 19-1910. (a) When a prisoner is committed to a county jail in a criminal action, the board of county commissioners shall allow the sheriff reasonable charges for maintaining such prisoner. All costs incurred by the county jail for medical care and treatment of prisoners held within the county shall be paid from the county general fund when a determination has been made that the prisoner has no other resources. When medical expenses have been paid out of the county general fund of any county in this state for a prisoner held within such county, the county may seek reimbursement of such expenses from the prisoner.

(b) When a prisoner is delivered to a county jail pursuant to K.S.A. 75-5217 and amendments thereto, the costs of holding such prisoner shall be paid as provided in K.S.A. 19-1930 and amendments thereto.