

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:39 a.m. on February 5, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Sheila Walker, Director, Department of Vehicles

Others attending: see attached list

The minutes of the February 4th meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

Bill introductions:

Senator Adkins requested introduction of a bill which would protect the identity of callers who provide information to any of the 40 Crime Stoppers Programs in Kansas.(attachment 1) Senator Adkins moved to introduce the bill, Senator Goodwin seconded. Carried. He further requested introduction of a bill which would provide for the use of prior drug offenses for sentence enhancement in drug possession cases.(no attachment) Senator Adkins moved to introduce the bill, Senator Schmidt seconded. Carried.

Senator Pugh, on behalf of the American Bail Coalition, requested introduction of a bill which would amend current law by requiring a bail bondsman to register with the Chief Judge in the circuit to which he is making application.(attachment 2) Senator Pugh moved to introduce the bill, Senator Oleen seconded. Carried.

The Chair reviewed the following Senate Judiciary Committee bills: SB 76, 88, 103, 104, 117, 131, 180, 206, 207, 215, 225, 228 241, 272, 303, 341,354, SCR 1604, HB 2075, 2079, 2080, 2230, 2549. Several of the bills had been resolved or merged into other bills. There was general consensus to take no action on those bills which hadn't been acted upon.

SB 391–failure to comply with traffic citation

Conferee Walker testified in support of SB 391, a bill which she stated amends current law to clear up ambiguity in the law regarding the reinstatement of driving privileges.(attachment 3) Following discussion, Senator Schmidt moved to amend the balloon amendment to correct a technical error, Senator Donovan seconded. Carried. Senator O'Connor moved to amend current law as stated in the balloon amendment, Senator Schmidt seconded. Carried. Senator Donovan moved to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

SB 392–drivers license; habitual violators

Conferee Walker testified in support of SB 392, a bill which she stated amends current law to correct an oversight in the Habitual Violator Act.(attachment 4) Following discussion Senator Donovan moved to pass the bill out favorably effective upon publication in the Kansas Register, Senator Goodwin seconded. Carried with Senator Pugh requesting his nay vote be recorded.

Final Action

SB 116–concerning firearms, ammunition and firearms dealers; re: limitation on certain civil action relating thereto.

Senator Schmidt discussed a substitute amendment for SB 116.(attachment 5) Following discussion Senator Schmidt moved to amend the bill with the substitute amendment, Senator O'Connor seconded. Carried. Senator Umbarger moved to recommend Substitute for SB 116 favorable for passage, Senator O'Connor seconded. Carried with Senator Goodwin requesting her nay vote be recorded.

The meeting adjourned at 10:17 a.m. The next scheduled meeting is February 6, 2002.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 5, 2002

NAME	REPRESENTING
Christine Confield	Safe State Kansas
Shirley Allen	Safe State KS
Jandy Jacquet	LKM
DAWSON HUBBS	NRA
Tom Burgess	NRA
George Peterson	2 nd Amendment Soc
Mike Burgess	Kansas Sportmen's Alliance
GARY DAVENPORT	KS MOTOR CARRIERS ASSN
Harry Tiffany	KDOR - Vehicles
Sheila Walker	KDOR - Vehicles
Draine Albert	KDOR - Vehicles
Paul James	KSC
Joe Herold	KSC
Brenda Harmon	KSC
Heleen Pedigo	Governor's Office
Lynnaa South	JJA
Kate Heup	Intern
Edd Johnson	Kansas Livestock Association
Jean Barber	Defense Counsel



The Kansas City Metropolitan Crime Commission
A Citizens Crime Commission
Since 1949

3100 Main Street, Suite 201
Kansas City, MO 64111
Phone: 816-960-6800 Fax: 816-960-6808
www.kc-crime.org

O F F I C E R S

Chairman of the Board
ED CONNOLLY

President
KENT SUNDERLAND

Vice Presidents
LARRY D. ARMEL
JAMES STOWERS, III
BAILUS TATE

Secretary
CHARLES CURTIS

Treasurer
MARK C. THOMPSON

D I R E C T O R

RICHARD COOK

BOARD OF DIRECTORS

- J. FRED BALL
- MARILYN BARTH
- PHILIP BIXBY
- STEVEN CATTRON
- CARL DiCAPO
- MARK DUNMIRE
- MICHAEL R. HAVERTY
- W. TERRENCE KILROY
- JOHN LATSHAW
- MEL LAVERY
- ROBERT LONG
- LOWELL J. MAYONE
- ROBERT McCALL
- JAMES NUNN
- JOHN PAYNE
- KAREN PHILLIPS
- JAY REARDON
- THOMAS RIEGER
- DAVE G. RUF JR.
- HANK SALISBURY
- DRUE SANDER
- CLIFF SARGEON
- DWIGHT SUTHERLAND
- PERRY SUTHERLAND
- FRANK WARE
- RAY ZAKOVICH

HONORARY BOARD DIRECTORS

- CHARLES W. BATTEY
- WALTER BECK JR.
- JOSEPH R. BIXBY
- ARTHUR J. DOYLE
- CHARLES GARNEY
- WILLIAM D. GRANT
- JAMES HUGHES
- HARRY McCRAY
- ROBERT REINTJES, SR.
- WARREN W. WEAVER
- VAN D. WILLIAMS

SPECIAL HONORARY DIRECTOR

ALVIN BROOKS

Senator David Adkins
8021 Belinder Road
Leawood, KS 66206

July 5, 2001

Dear Senator Adkins,

I am writing to follow up on the conversation you had with Crime Stoppers board member Randy Downing regarding a Quincy, Illinois case where the identity of a caller to the Crime Stoppers tip hotline in Quincy was divulged to a public defender by the local telephone company. We have deep concerns that this incident could be a precedent that will impact our local ability to offer anonymity to our callers in return for their information.

The Kansas City Metropolitan Crime Commission is the sponsor of the Kansas City TIPS Hotline Program (816 474-TIPS). Since the inception of Kansas City's TIPS program in 1982, we have never divulged the identity of a caller, and anonymity has been the cornerstone of all Crime Stoppers programs for 26 years. Kansas City Crime Stoppers alone receives thousands of calls each year, and we average almost four felonies solved each day through calls to the TIPS Hotline, including dozens of homicides solved each year. The time and resource savings to our law enforcement agencies are enormous, and the public is certainly made safer by Crime Stoppers helping to solve these crimes and removing these criminals from the community.

We are asking that you assist us with drafting and sponsoring legislation that will protect the identity of callers who provide information to any of the 40 Crime Stoppers Programs in Kansas. Since the Greater Kansas City Crime Stoppers Program also handles calls from several counties in Missouri, we are also working with Senator Harry Wiggins to have similar legislation introduced there. I have enclosed for your information a letter from Crime Stoppers International Executive Director Judge Richard W. Carter (Ret.), and the background information for the Quincy, Illinois case which caused our initial concern. In his letter Judge Carter points out that Kansas has some existing legislation creating a Crime Stoppers statutory privilege:

*Sm. Jud
2-5-02
att 1*

American Bail Coalition proposed legislation

KSA 22-2806. Justification and approval of sureties. (a) Every surety, except an insurance company authorized to transact business pursuant to subsection (d) of K.S.A. 40-1102, and amendments thereto shall justify by affidavit to Chief Judge in the circuit to which he is making application all of the following:

1. That he is a person who has reached the age of twenty-one years;
2. Is of good character and reputation;
3. Has not been previously convicted of, or plead guilty or nolo contendere to, a felony or misdemeanor involving moral turpitude;
4. Is a citizen of the United States;
5. Has been a bona fide resident of the state for at last one (1) year;
6. Will actively engage in the bail bond business; and
7. Has knowledge or experience, or has received instruction in the bail bond business.

(b) The applicant shall apply in writing on forms prepared and supplied by the circuit court, and the judge may propound any reasonable interrogatories to the applicant relating to qualifications, residence, prospective place of business, and any other matters which in the opinion of the judge are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The judge may also conduct any reasonable inquiry or investigation of the applicant's fitness to be approved as a surety.

(c) An applicant shall furnish to the court a license fee of Two Hundred Fifty Dollars (\$250.00) with the application, a complete set of the applicant's fingerprints and two recent credential-size photographs of the applicant. An authorized law enforcement officer shall certify the applicant's fingerprints. The applicant shall provide an investigative fee of One Hundred Dollars (\$100.00) with which the court will conduct an investigation of the applicant. All fees shall be nonrefundable.

(d) Failure of the applicant to secure approval of the court shall not preclude an applicant from reapplying a second time, but the court shall not consider the second application within three (3) months subsequent to the date upon which the court denied the last application.

(e) The applicant shall also submit to the court financial statements prepared by an accounting firm or individual holding a permit to practice public accounting in this state in accordance with generally accepted principles of accounting procedures setting forth the total assets of the applicant bondsman less liabilities and debts and which shall show a net worth of at least Fifty Thousand Dollars (\$50,000), said statements to be current as of the date not earlier than ninety (90) days prior to submission of the application and the statement shall be attested to by an

*Incl
2-5-02
Att 2*

unqualified opinion of the accountant.

(f) Applicants under this section shall make a deposit with the court, which shall not be less than Twenty Thousand Dollars (\$20,000). Such deposits shall be subject to all laws, rules and regulations as deposits by domestic insurance companies but in no instance shall the applicant bondsman write bonds which exceed ten times the amount of deposit which such bondsman has submitted to the court. If a bondsman exceeds the above limitation, the bondsman shall be notified by the court clerk by mail with return receipt requested that the excess shall be reduced or the deposit increased within ten (10) days of notification, or the license of the bondsman shall be suspended immediately after the ten day period, pending a hearing on the matter. The deposit herein provided shall constitute a reserve available to meet sums due on forfeiture of any bonds or recognizance executed by such bondsman. Any deposit made by the applicant professional bondsman pursuant to this section shall be released and returned by the court only upon extinguishment of all liability on outstanding bonds. No release of deposits to the professional bondsman shall be made by the court except on written application and the written order of the presiding judge of the circuit, The judge shall have no liability for any such release to a professional bondsman provided the release was made in good faith.

(g) The deposit provided in this section shall be held in safekeeping by the treasurer of the county were application has been made and shall be used only if a bondsman fails to pay an order and judgement forfeiture after being properly notified or shall be used if the authority of the bondsman has been revoked by the court. The deposit shall be held in the name of the county treasurer and the bondsman. The bondsman shall execute an assignment of the deposit to the treasure for payment of unpaid bond forfeitures.

(h) Accompanying the application will be a statement advising the court as to the premium that will be charged to the public. If approved by the court the bondsman shall not exceed this rate without being guilty of a misdemeanor.

(i) Applicant is to supply to the court proof of insurance, showing that he is covered for liability and errors and omissions insurance in the minimum amount of Five Hundred Thousand Dollars (\$500,000). Lapse of coverage would call for an immediate suspension of his ability to execute bail bonds, and shall remain suspended until such coverage has been a reinstated and a hearing before the court has been held.

(j) All licenses of professional bondsmen must be renewed every two years within 60 days of the anniversary receiving his last approval to write. Failure to do so will cause immediate suspension of his ability to perform,

Prepared by:

Ronald R. Hein
Legislative Counsel
American Bail Coalition

22

[Home](#)[Bill Search](#)
Index[Current Happenings](#)[Listen In Live!](#)[Helpful Hints](#)[Site](#)[Home](#) > [Kansas Statutes](#) > Kansas Statute No. 22-2806

22-2806

Chapter 22.—CRIMINAL PROCEDURE KANSAS CODE OF CRIMINAL PROCEDURE Article 28.—CONDITIONS OF RELEASE

22-2806. Justification and approval of sureties. Every surety, except an insurance company authorized to transact business pursuant to subsection (d) of K.S.A. 40-1102, and amendments thereto, shall justify by affidavit and may be required to describe in the affidavit the property by which such surety proposes to justify and the encumbrances thereon, the number and amount of other bonds and undertakings for bail entered into by such surety and remaining undischarged and all such surety's other liabilities. No bond shall be approved unless the surety appears to be qualified. The appearance bond and the sureties may be approved and accepted by a judge of the court where the action is pending or by the sheriff of the county.

History: L. 1970, ch. 129, § 22-2806; L. 1992, ch. 314, § 3; July 1.

Copyright © 2002, Information Network of Kansas, Inc.
Security Statement | Privacy Statement | Accessibility Policy | Survey
Page Last Modified Wednesday, January 23, 2002 3:53 PM



Sheila J. Walker, Director
Division of Vehicles
915 SW Harrison St.
Topeka, KS 66626-0001

(785) 296-3601
FAX (785) 291-3755
Hearing Impaired TTY (785) 296-3909
Internet Address: www.ksrevenue.org/dmv

Division of Vehicles

MEMORANDUM

TO: Chairman John Vratil
Members of the Senate Judiciary Committee

FROM: Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

DATE: February 5, 2002

SUBJECT: Senate Bill 391 – Reinstatement of Driver’s License

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. Thank you for allowing me to appear today in support of Senate Bill 391.

Current law states that upon receipt of a report of a failure to comply with a traffic citation, the Division of Vehicles shall notify the violator and suspend his or her driver’s license. This bill simply clarifies that once the violator complies with the court’s requirements and the court informs the division, the violator’s driving privileges will be reinstated.

Current law is ambiguous. Licensees or their attorneys often assume or are told by the courts that their driving privileges are immediately restored upon compliance with the court. But the division cannot reinstate the driving privileges until we become aware of it – until we receive notification from the court.

Our proposed language states: “*Upon receipt* of notification of such compliance the division of vehicles shall terminate the suspension or suspension action.”

Our legal bureau recommends clarifying the language even further by ensuring the notification is, in fact, *from the informing court* [see attached balloon].

We would appreciate your favorable consideration of this amendment and bill.

*5 Jul
2-5-02
att3*

SENATE BILL No. 391

By Committee on Transportation

1-16

9 AN ACT regulating traffic; concerning failure to comply with traffic ci-
10 tation; amending K.S.A. 8-2110 and repealing the existing section.

11

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

13 Section 1. K.S.A. 8-2110 is hereby amended to read as follows: 8-
14 2110. (a) Failure to comply with a traffic citation means failure either to
15 (1) appear before any district or municipal court in response to a traffic
16 citation and pay in full any fine and court costs imposed or (2) otherwise
17 comply with a traffic citation as provided in K.S.A. 8-2118, and amend-
18 ments thereto. Failure to comply with a traffic citation is a misdemeanor,
19 regardless of the disposition of the charge for which such citation was
20 originally issued.

21 (b) In addition to penalties of law applicable under subsection (a),
22 when a person fails to comply with a traffic citation, except for illegal
23 parking, standing or stopping, the district or municipal court in which the
24 person should have complied with the citation shall mail notice to the
25 person that if the person does not appear in district or municipal court
26 or pay all fines, court costs and any penalties within 30 days from the date
27 of mailing, the division of vehicles will be notified to suspend the person's
28 driving privileges. Upon the person's failure to comply within such 30
29 days, the district or municipal court shall notify the division of vehicles.
30 Upon receipt of a report of a failure to comply with a traffic citation under
31 this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the
32 division of vehicles shall notify the violator and suspend the license of the
33 violator until satisfactory evidence of compliance with the terms of the
34 traffic citation has been furnished to the informing court. Upon receipt of
35 notification of such compliance ~~the informing court shall notify~~, the di-
36 vision of vehicles ~~and shall terminate~~ the suspension or suspension action
37 ~~shall be terminated~~.

[from the informing court]

38 (c) Except as provided in subsection (d), when the district or munic-
39 ipal court notifies the division of vehicles of a failure to comply with a
40 traffic citation pursuant to subsection (b), the court shall assess a rein-
41 statement fee of \$50 for each charge on which the person failed to make
42 satisfaction regardless of the disposition of the charge for which such
43 citation was originally issued. Such reinstatement fee shall be in addition

Sheila J. Walker, Director
Division of Vehicles
915 SW Harrison St.
Topeka, KS 66626-0001



(785) 296-3601
FAX (785) 291-3755
Hearing Impaired TTY (785) 296-3909
Internet Address: www.ksrevenue.org/dmv

Division of Vehicles

MEMORANDUM

TO: Chairman John Vratil
Members of the Senate Judiciary Committee

FROM: Sheila J. Walker, Director of Vehicles

DATE: February 5, 2002

SUBJECT: Senate Bill 392 – Habitual Violator

Sheila J. Walker

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. Thank you for allowing me to appear today in support of Senate Bill 392, correcting an oversight in the Habitual Violator Act.

Habitual violators are drivers whose driving privileges are revoked for three years because they have been convicted of three or more violations outlined in K.S.A. 8-285 within a five year period. Those violations include, but are not limited to:

- Vehicular homicide;
- Driving under the influence (DUI); and
- Driving while suspended or revoked;

Adding "...or 8-287..." to Line 30 of this bill, simply allows driving while revoked under 8-287 to be used as an offense countable toward another habitual violator determination.

Driving while revoked as a habitual violator is currently an offense as set out in K.S.A. 8-287. However, when a habitual violator is convicted of a violation of 8-287, present law does not allow that violation to be used as a basis for a subsequent habitual violator action.

In other words, if a driver has been convicted of three or more violations in 8-285, his or her license is revoked for three years. If this driver is caught driving while revoked as a habitual violator under 8-287, the conviction does not count toward a subsequent habitual violator determination. Theoretically, a person whose driver's license is revoked under 8-287 could continue to get ticketed for driving on a revoked license, and none of those convictions would count toward another habitual violator status.

We respectfully suggest that this bill be effective upon publication in the Kansas Register.

Your favorable consideration of this amendment and bill would be appreciated.

*S. J. Walker
2-5-02
att 4*

S. 116 substitute amendment

Section 1. (a) The authority to bring civil suit and right to recover against any firearms or ammunition manufacturer or federally licensed firearms or ammunition dealer, by or on behalf of the state or any political subdivision of the state, for damages, abatement of nuisance, or injunctive relief arising from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public shall be reserved exclusively to the state.

(b) Nothing in this section shall prohibit a political subdivision from bringing an action against a firearms or ammunition manufacturer or federally licensed firearms or ammunition dealer for breach of contract, for breach of implied or express warranty, or for damages caused to the employees or agents of such political subdivision by defects in firearms or ammunition purchased or used by such political subdivision.

Section 2. The provisions of this act shall apply to any action brought on or after January 24, 2001.

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

*STud
2-5-02
att 5*