

Approved: 11-23-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 21, 2005 in Room 241-N of the Capitol.

All members were present except:

Mike Peterson- absent
Dale Swenson- absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Others attending:

See attached list.

HB 2051 - Offender release notification.

The Chairman asked the committee to consider the balloon dated 2-2-05 with the changes to the two statutes 22-4704 and 22-4705 offered by KDOC.

Representative Owens made the motion to move HB 2051 out favorably. Representative Crow seconded the motion.

Representative Pauls made a motion for a substitute bill to include the balloon from KDOC and the language in section (D). Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to move the substitute bill HB 2051 out favorably. Representative Owens seconded the motion. The motion carried.

HB 2387 - Death of inmate, prisoner or juvenile in custody; investigation by KBI unless natural cause of death.

The Chairman asked that the committee consider the proposed amendment. (Attachment 1)

Representative Owens made the motion to move HB 2387 out favorably. Representative Kelsey seconded the motion.

Representative Pauls made the motion to adopt the language in the balloon. Representative Owens seconded the motion. The motion carried.

Representative Owens made the motion to move HB 2387 out favorably as amended. Representative Crow seconded the motion. The motion carried.

HB 2386 - Unlawful sexual relations includes court services officers and community correctional officers.

Representative Owens made the motion to move HB 2386 out favorably. Representative Crow seconded the motion.

Representative Crow moved to amend the language as proposed in the testimony of KDOC. Representative Owens seconded the motion. The motion carried.

Representative Owens made the motion to move HB 2386 out favorably as amended. Representative Crow seconded the motion. The motion carried.

HB 2129 – Compensation for attorneys representing indigent defendants, \$80 per hour

Representative Davis made the motion to move HB 2129 out favorably. Representative Sharp seconded the motion. The motion carried.

HB 2262 – Legal holidays include holidays observed by the supreme court by order

Representative Sharp made the motion to move HB 2262 out favorably. Representative Knox seconded the motion. The motion carried.

HB 2380 – Duties of the attorney general and assistants

Representative Huntington made the motion to move HB 2380 out favorably. Representative Kelsey seconded the motion. The motion carried.

HB 2418 – Magistrate may order person to pay for any costs of the supervision of the conditions of release of the appearance bond in an amount not to exceed \$10 per week; increased from \$5

The revisor provided a balloon that includes both identity fraud and vital record fraud. (Attachment 2)

Representative Yoder made the motion to move HB 2418 out favorably. Representative Owens seconded the motion. The motion carried.

HB 2087 – Identity theft, defrauding for any benefit, not just economic and HB 2179 – Penalties relating to vital records

Representative Owens made the motion to move HB 2087 out favorably. Representative Davis seconded the motion.

Representative Davis moved to adopt the balloon provided by the revisor as a substitute bill. Representative Roth seconded the motion. The motion carried.

Representative Owens moved to include the chairman's modification to the substitute bill. Representative Huntington seconded the motion. The motion carried.

Representative Owens made the motion to move substitute bill HB 2087 out favorably. Representative Davis seconded the motion. The motion carried.

HB 2038 – Create multi-disciplinary groups for adult abuse parallel to those for children

Representative Horst provided the subcommittee report with the recommendation for a substitute bill to the committee. (Attachment 3)

Representative Owens made the motion to move to adopt the subcommittee report. Representative Faust-Goudeau seconded the motion. The motion carried.

Representative Owens made the motion to move House Substitute for HB 2038 out favorably. Representative Horst seconded the motion.

Representative Davis moved to insert "or a judge designee by the chief judge". Representative Pauls seconded the motion. The motion carried.

Representative Horst made the motion to move House Substitute for HB 2038 out favorably. Representative Faust-Goudeau seconded the motion. The motion carried.

HB 2180 – Inherently dangerous felonies

Representative Owens made the motion to move **HB 2180** out favorably. Representative Davis seconded the motion. The motion carried.

HB 2304 – Criminal act to ingest or inject certain controlled substances

Representative Decker made the motion to move **HB 2304** out favorably. Representative Kelsey seconded the motion. The motion carried.

The meeting was adjourned at 3:12 pm. The next meeting is February 22, 2005.

HOUSE BILL No. 2387

By Committee on Corrections and Juvenile Justice

2-9

Proposed amendment
Representative Loyd
February 18, 2005

House C&JJ
2-21-05
Attachment 1

9 AN ACT concerning deaths of inmates, prisoners or juvenile offenders;
10 amending K.S.A. 2004 Supp. 19-1935 and 75-52,147 and repealing the
11 existing sections.
12

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

14 Section 1. K.S.A. 2004 Supp. 19-1935 is hereby amended to read as
15 follows: 19-1935. On and after July 1, 2004, whenever the death of a
16 prisoner in the custody of a city or county and residing in jail or in a
17 facility contracted through the city or county, or both, occurs, an inves-
18 tigation regarding the circumstances of the death shall be initiated by the
19 Kansas bureau of investigation. A report of the findings of the investiga-
20 tion shall be made available to the chairperson of the senate judiciary
21 committee and the house corrections and juvenile justice committee of
22 the Kansas legislature and shall be subject to the open records act, K.S.A.
23 45-215, and amendments thereto. *No such investigation by the Kansas*
24 *bureau of investigation shall be required if the cause of death is deter-*
25 *mined to be natural, by a qualified autopsy.*

, preliminary autopsy report or death certificate or the prisoner was regularly
attended by a licensed physician

26 Sec. 2. K.S.A. 2004 Supp. 75-52,147 is hereby amended to read as
27 follows: 75-52,147. On and after July 1, 2004, whenever death occurs of
28 an inmate, who is in the custody of the secretary of corrections and who
29 resides in a correctional facility or boot camp operated by or contracted
30 through the secretary or of a juvenile, who is in the custody of the com-
31 missioner of juvenile justice and who resides in an institution operated
32 by or contracted through the commissioner, an investigation regarding
33 the circumstances of the death shall be initiated by the Kansas bureau of
34 investigation. A report of the findings of the investigation shall be made
35 available to the chairperson of the senate judiciary committee and the
36 house corrections and juvenile justice committee of the Kansas legislature
37 and shall be subject to the open records act, K.S.A. 45-215, and amend-
38 ments thereto. *No such investigation by the Kansas bureau of investiga-*
39 *tion shall be required if the cause of death is determined to be natural,*
40 *by a qualified autopsy.*

, preliminary autopsy report or death certificate or the inmate or juvenile was
regularly attended by a licensed physician

41 Sec. 3. K.S.A. 2004 Supp. 19-1935 and 75-52,147 are hereby
repealed.

February 15, 2005

Session of 2005

HOUSE BILL No. 2087

By Representative Mast

1-20

, identity fraud and vital record fraud

K.S.A. 21-3830 and 65-2434 and

9 AN ACT concerning crimes and punishment; relating to identity theft,
10 amending K.S.A. 2004 Supp. 21-4018 and repealing the existing
11 section.

Section 1 and Sec. 2 → attached

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

14 ~~Section 1~~ K.S.A. 2004 Supp. 21-4018 is hereby amended to read as
15 follows: 21-4018. (a) Identity theft is knowingly and with intent to defraud
16 for ~~economic~~ any benefit, obtaining, possessing, transferring, using or
17 attempting to obtain, possess, transfer or use, one or more identification
18 documents or personal identification number of another person other
19 than that issued lawfully for the use of the possessor.

Sec. 3

has the meaning

20 (b) "Identification documents" ~~means the definition as~~ provided in
21 K.S.A. 21-3830, and amendments thereto. 9 non

22 (c) Identity theft ~~for economic benefit~~ is a severity level 9 person
23 felony. ~~Identity theft for non economic benefit is a class A, nonperson~~
24 ~~misdemeanor.~~

Identity fraud is:
(1) Willfully and knowingly supplying false information intending that the information be used to obtain an identification document;
(2) making, counterfeiting, altering, amending or mutilating any identification document;
(3) willfully and knowingly obtaining, possessing, using, selling or furnishing or attempting to obtain, possess or furnish to another for any purpose of deception an identification document.
(e) Identity fraud is a severity level 9, nonperson felony.
(f)

25 (d) ~~This section shall be part of and supplemental to the Kansas crim-~~
26 ~~inal code.~~ K.S.A 21-3830 and 65-2434 and are

27 4 Sec. ~~2~~ K.S.A. 2004 Supp. 21-4018 is hereby repealed.

28 Sec. ~~3~~ This act shall take effect and be in force from and after its
29 publication in the statute book. 5

2-15-05

Section 1. K.S.A. 21-3830 is hereby amended to read as follows: 21-3830.

(a) Dealing in false identification documents is reproducing, manufacturing, selling or offering for sale any identification document which:

- (1) Simulates, purports to be or is designed so as to cause others reasonably to believe it to be an identification document; and
- (2) bears a fictitious name or other false information.

(b) As used in this section, "identification document" means any card, certificate or document which identifies or purports to identify the bearer of such document, whether or not intended for use as identification, and includes, but is not limited to, documents purporting to be drivers' licenses, nondrivers' identification cards, certified copies of birth, death, marriage and divorce certificates, social security cards and employee identification cards.

(c) Dealing in false identification documents is a severity level 10 nonperson felony. 9

(d) This section shall be part of and supplemental to the Kansas criminal code.

or banking instrument including, but not limited to, credit or debit card,

Vital records identity fraud related to birth, death, marriage and divorce certificates is:

(1) Willfully and knowingly supplying false information intending that the information be used to obtain a certified copy of a vital record;

(2) making, counterfeiting, altering, amending or mutilating any certified copy of a vital record:

- (A) Without lawful authority; and
- (B) with the intent to deceive; or

(3) willfully and knowingly obtaining, possessing, using, selling or furnishing or attempting to obtain, possess or furnish to another for any purpose of deception a certified copy of a vital record.

(e) Vital records identity fraud is a severity level 9, nonperson felony.

(f) The prohibitions in subsection (a) and (b) do not apply to:

(1) A person less than 21 years of age who uses the identification document of another person to acquire an alcoholic beverage, as defined in K.S.A. 9-1599, and amendments thereto;

(2) a person less than 18 years of age who uses the identification documents of another person to acquire:

(A) Cigarettes or tobacco products, as defined in K.S.A. 79-3301, and amendments thereto;

(B) a periodical, a videotape or other communication medium that contains or depicts nudity;

(C) admittance to a performance, live or film, that prohibits the attendance of the person based on age; or

(D) an item that is prohibited by law for use or consumption by such person.

(g)

Sec. 2. K.S.A. 65-2434 is hereby amended to read as follows: 65-2434.

~~[(1) Any person who willfully makes or alters any certificate, certified copy thereof or abstract provided for in this act, except in accordance with the provisions of this act, shall be guilty of a class B misdemeanor.]~~

delete

(a) Vital records identity fraud related to birth, death, marriage and divorce certificates shall be prosecuted pursuant to K.S.A. 21-3830, and amendments thereto.

~~[(2) Any person who knowingly transports or accepts for transportation, a dead body located in this state to a location outside the boundaries of this state without an accompanying permit issued in accordance with the provisions of K.S.A. 65-2428a, shall be guilty of a class C misdemeanor.]~~

(b)

a

~~[(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon such person by this act, shall be fined not more than \$200.]~~

(c)

b

PROPOSED SUBSTITUTE BILL FOR HB 2038

AN ACT concerning multidisciplinary teams for adults.

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

Section 1. (a) A multidisciplinary team for adults in need of support or services is a group of professionals in medicine, public health, protective services, mental health, social work, legal, law enforcement, advocacy or community services who have been appointed to serve under subsection (b). Team members shall include professionals who possess knowledge and skills related to the diagnosis, assessment and disposition of an adult in need of support or services or who are knowledgeable of the support and services that are available to adults in the community. The team's role is to serve as an advisor to the referring individual and provide recommendations that empower the adult to be provided support and services in the community in the least restrictive setting. The team shall have no authority to impose services or recommendations.

(b) (1) The chief judge of a judicial district may appoint a multidisciplinary team for adults in need of support or services.

(2) Upon appointment, the members of the multidisciplinary team shall establish a procedure by which referrals regarding adults in need of support or services may be made to the multidisciplinary team.

(c) The multidisciplinary team may receive a referral from any responsible adult. The multidisciplinary team must obtain informed, written consent to the free and open exchange of information about the adult and the adult's needs from the adult personally or the adult's legal representative before engaging in any multidisciplinary team work related to that adult.

(d) (1) The multidisciplinary team must keep all information, records and documents disclosed about an adult who has been referred to the multidisciplinary team limited to the team members or the appointing authority.

(2) The multidisciplinary team shall establish procedures for maintaining the privacy of the adult in need of support or services.

(3) Disclosure of information, records or documents regarding an adult who has been referred to the multidisciplinary team in violation of this subsection shall be grounds for dismissal from the team.

(4) Nothing in this subsection prohibits a multidisciplinary team member from complying with an obligation as a mandatory reporter arising under K.S.A 39-1431, and amendments thereto.

(e) As used in this section, "adult" shall have the definition provided in K.S.A. 39-1430, and amendments thereto.

or a judge designated by the chief judge

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.