

Approved: 5/02/06

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 March 16, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused
Mike Peterson- absent
Jim Ward- excused
Kevin Yoder- excused

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

Conferees appearing before the committee:

Kevin Graham, Attorney Generals' Office
Sandy Barnett, KS Coalition Against Sexual & Domestic Violence
Senator Emler
Representative Goico
Kyle Smith, KBI

Others attending:

See attached list.

SB 82- Previous sexual conduct of complaining witness in sex offense prosecutions not admissible in any court proceeding

Chairman Loyd opened the hearing on **SB 82**.

Kevin Graham, Attorney Generals' Office, appeared before the committee in support of the bill. (Attachment 1) This bill is intended to strengthen the provisions of the "rape shield statute" found in KSA 21-3525, amends subsection (b) to prohibit evidence of the complaining witness (i.e. "victims") previous sexual conduct with any person including the defendant from being admitted in evidence or referred to in "any proceeding before the court". Another change is the addition of a new subsection (e) which would impose a new misdemeanor offense for an intentional and knowing violation of the provisions of the statute.

Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence, provided testimony in support of the bill. (Attachment 2) The bill closes the gap by simply eliminating the words "in the presence of the jury" (line 38) and inserting in its place "in any proceeding before the court".

Chairman Loyd closed the hearing on **SB 82**.

SB 25 – Terrorism and illegal use of weapons of mass destruction, penalties, procedures

Chairman Loyd opened the hearing on **SB 25**.

Senator Emler, appeared as a proponent of the bill. (Attachment 3) As past chairman of the Joint Committee on Kansas Security, the committee received testimony that there is no state crime that succinctly covers terrorism, there are multiple crimes that cover pieces of a terrorist act, but not one that can be charged for the act. The committee felt rather than having to litigate several charges, that to be able to charge and prove one crime made more sense.

Representative Goico, appeared in support of the bill and offered an amendment. (Attachment 4) The bill is needed in order to provide authority to State law enforcement to investigate possible terrorist activities and the amendment stipulates that civil disobedience, peaceful picketing, boycotts and other nonviolent actions will not be considered terrorism.

Kyle Smith, KBI, spoke in support of the bill. (Attachment 5) This legislation offers concrete and specific changes that bring our criminal code up-to-date to deal with the real threat of terrorism, and creates three new crimes:

- Sec. 1 New Crime of Terrorism
- Sec. 2 Creates new Crime of Illegal use of Weapons of Mass Destruction (WMD)
- Sec. 3 Creates new crime of money laundering for furthering violations of Terrorism or WMD

Sections 1 – 3 fills the gap in the Kansas criminal code which would allow the KBI to hold a suspect and Sections 4 – 9 merely amend existing investigative statutes to incorporate the new crimes.

Chairman Loyd closed the hearing on SB 25

SB 89 – Payment of certain medical expenses of prisoners injured by a state officer or employee

Chairman Loyd opened and continued the hearing on SB 89 to March 17, 2005.

The Chairman went over the schedule for upcoming meetings and discussion and appointing a subcommittee on the definition of terrorism and mass destruction on SB 25.

The subcommittee would include all attorneys' on the committee:

Rep. Jan Pauls – Chair

Rep Paul Davis

Rep Tim Owens

Rep Ward Loyd

Rep Marti Crow

Rep Mike Peterson

Rep Jim Ward

Rep Kevin Yoder

The meeting was adjourned. The next scheduled meeting is March 17, 2005.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST

DATE 8-16-05

NAME	REPRESENTING
Jim Clark	KBA
Sandy Barnett	KCSOV
Joyce Grouer	KCSOV
Richard Samson	Kinney Assoc.
Sarah Beylon	attending Washburn / work at BWT
Rustad Kwikie	Intern. REP. OWENS.
Fred Lucky	KHA
Janelle Nussen	Hein Law Firm
Jared Holroyd	SAS
Halcyon Harrison	Rep. Yoder's intern



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PHILL KLINE
ATTORNEY GENERAL

March 16, 2005

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

Testimony in Support of
Senate Bill No. 82
by
Kevin A. Graham
Office of the Attorney General

Dear Chairman Loyd and Members of the Committee:

Thank you for allowing me to appear before you on behalf of Attorney General Phill Kline and offer testimony in support of SB 82. This bill is intended to strengthen the provisions of the "rape shield statute" found at KSA 21-3525.

SB 82 amends subsection (b) of KSA 21-3525 to prohibit evidence of the complaining witness' (i.e. "victim's") previous sexual conduct with any person including the defendant from being admitted in evidence or referred to in "*any proceeding before the court.*" In most cases current Kansas law prohibits defendants and defense attorneys from attempting to attack the credibility or character of the victim of a sex crime by bringing up evidence of the victim's prior sexual conduct - but the protections provided by the law are limited to hearings that take place before a jury. SB 82 seeks to extend those protections to other court proceedings, such as preliminary hearings, motion hearings or status conferences - many of which are open to the public and are often reported on by the media.

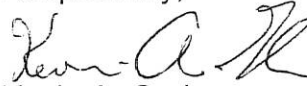
Presently KSA 21-3525 does provide for exceptions to the "rape shield" in situations where a motion and supporting evidence is filed with the court by the defense requesting the defense be permitted to admit certain evidence of the previous sexual conduct of a particular complaining witness. In such cases, the court reviews the motion and supporting documents/evidence and must make a determination that the evidence is relevant and is not otherwise inadmissible before the evidence may be admitted. When the court does allow for an exception to the "rape shield" the court also may make an order specifically spelling out what evidence may be introduced and the nature and extent of the questions that will be permitted. SB 82 only amends the

"exceptions" process by requiring that if a defendant is going to seek such an exception to the law then the defense must file the motion seeking the exception at least 7 days in advance of any court proceeding in which the defense wishes to utilize the otherwise prohibited evidence or testimony.

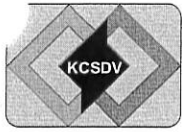
The final change in law sought under SB 82 is the addition of a new subsection (e) to KSA 21-3525 which would impose a new misdemeanor offense for an intentional and knowing violation of the provisions of the statute. As drafted the bill does not specify the class of the new misdemeanor, therefore, under prior case law, the new crime would be an "unclassified misdemeanor" and could thus only be punished at the lowest misdemeanor classification, which is a Class C misdemeanor, carrying penalties of up to 30 days incarceration in county jail and up to a \$500 fine.

On behalf of Attorney General Phill Kline, I encourage the Committee to support SB 82 and to recommend the bill favorably for passage.

Respectfully,



Kevin A. Graham
Assistant Attorney General
Director of Governmental Affairs



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

House Corrections & Juvenile Justice Committee Senate Bill 82 Proponent

Chairman Loyd and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 30 sexual assault and domestic violence programs serving victims across the state.

The latest Report on Rape and Domestic Violence in Kansas (KBI report, 2003) indicates that 1,133 rapes were reported to Kansas law enforcement agencies in 2003: an average of 22 per week. These statistics refer to rape only. We also know that rape is one of the most underreported crimes in the United States. Studies by the U.S. Justice Department and the Centers for Disease Control and Prevention indicate that only one in five rapes are reported to law enforcement agencies. If this underreporting statistic is accurate in Kansas, and there is no reason to believe differently, then it is estimated that 109 rapes occur every week, but only 22 are reported to law enforcement. If we included the myriad of other sex crimes not included in this annual report, which are also underreported, the numbers are staggering.

For years, Kansas public policy makers as well as law enforcement, prosecutors, advocates, and many others have tried to address sex crimes through public policy, awareness, sex offender accountability and treatment, and victim services, but still these crimes remain grossly underreported. Why? There are numerous reasons, some we can only guess about, but victims who talk with rape counselors/advocates share similar stories:

- The perpetrator is known to them or may be a family member
- Shame and embarrassment
- Fear of others finding out they were raped
- Fear of retribution for reporting
- Hostile law enforcement and court atmosphere
- Didn't recognize their experience as criminal

High profile cases, such as the Kobe Bryant case in Colorado may also impact reporting rates. Interestingly, when asked about reporting rape, women from all age groups during the past year or so have consistently said they are less likely to report rape than ever before. When asked why, reference to the plight of the alleged victim in the Kobe Bryant case is cited almost universally.

A major component of the Kobe Bryant case revolved around protections for the victim, or lack thereof, in the Colorado rape shield law.

Member Programs Serve All 105 Counties in the State of Kansas

House C & JJ
3-16-05
Attachment 2

In Kansas, the rape shield law, K.S.A. 21-3525, prohibits the presentation **before the jury** of evidence of the complaining witness' previous sexual conduct with any person, including the defendant, unless the court decides it is relevant and otherwise admissible. In order to have such evidence admitted, the defendant must file a written motion, stating the relevancy of the evidence and including an affidavit offering proof of this previous sexual conduct. After consideration of the motion and the affidavit, the court may allow the evidence to be introduced with strict guidance on what evidence is allowed and the nature of questions permitted. On the other hand, if the prosecutor or the witness puts the evidence before the jury, the defendant may cross-examine her about the prior sexual conduct.

Case law in Kansas shows that our rape shield law has certainly protected some victims from having irrelevant previous sexual history introduced at trial. But, there is a large hole in the shield. K.S.A. 21-3525 protects victims only during hearings in the presence of the jury. Victims need this protection during all phases of the criminal proceedings. If those protections are not available until the jury is seated and hearing the case, the damage is already done. As you certainly know, all criminal proceedings are open to the public and to the press. During the preliminary or other hearings, the victim may be subjected to many questions about her prior sexual conduct that are irrelevant and may be clearly disallowed during the trial. Recently a Kansas district court was asked to rule on just this point and found that the Kansas rape shield law applies **ONLY** to evidence in front of a jury. This means it is open season on victims in all other phases of the criminal proceedings.

Senate Bill 82 seeks to close that gap by simply eliminating the words "in the presence of the jury" (line 38) and inserting in its place "in any proceeding before the court." KCSDV believes that although this is a small change in Kansas law, it may go a long way toward helping victims have a little more faith in the criminal justice system.

Additionally, Senate Bill 82 provides criminal penalties for violation of K.S.A. 21-3525. While the court can currently hold the parties in contempt for violation of the rape shield law, this penalty is just not adequate. When a case is being tried in the media before the jury is even seated, as was the case in Colorado, contempt is a small price to pay to denigrate the victim and taint the jury pool before the trial even starts.

In Kansas, it is a crime to intimidate a witness or victim. Intimidation of a witness or victim is "knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade . . . any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding, or inquiry authorized by law." K.S.A. 21-3832(a)(1). Intimidation of a witness or victim is a class B person misdemeanor. I believe that intentionally and knowingly violating the rape shield law during any proceeding before the court, in effect, also dissuades a victim from attending or giving testimony at the trial. The penalties should reflect this similarity.

Thank you for considering this important amendment to the Kansas rape shield law.

Bryant case may have big impact despite settlement

Colorado Legislature considers changes to rape shield law

By Tom Kenworthy
USA TODAY

DENVER — Basketball star Kobe Bryant is done with the courts in Colorado, but his rape case may affect how future sexual-assault victims are treated by the judicial system both here and across the nation.

The Colorado Legislature is considering changes to the state's rape shield law so it better protects alleged victims from having their sexual histories publicized. Similar changes are being discussed in other states. California last June tightened its rape shield law to prevent the disclosure of a victim's sexual history during pretrial motions.

The Bryant case "has encouraged legislators in several states to reassess their own rape shield laws," Michelle Anderson, a rape-law specialist at Villanova University's School of Law, said Thursday. "A number of states are starting to look at it."

The Los Angeles Lakers guard was accused of raping a 19-year-old Colorado woman in July 2003 at a resort near Vail where she worked. He admitted having sex with the woman but said it was consensual. The criminal case was dismissed in September, when the woman decided not to participate. But she had filed a civil lawsuit against Bryant several weeks earlier, and that was settled out of court Wednesday.

As Bryant's criminal case unfolded last year, his attorneys were unusually successful in making public — through court filings and during pretrial hearings — inflammatory accusations about his accuser's sexual history. The state's rape shield law generally prohibits such testimony at trial unless it is directly relevant to the defendant's guilt or innocence. However, the law does not prevent such information from being



By Thomas Cooper, Getty Images

No trial: Kobe Bryant leaves the Eagle County (Colo.) Justice Center with lawyer Pamela Mackey and a guard in September before the collapse of the criminal case against him.

revealed during pretrial proceedings.

One of Bryant's lawyers, Pamela Mackey, suggested in court that the woman, now 20, had had multiple sex partners within a

short period around the time of the alleged rape. Before the criminal case was dropped, that accusation about the woman continued to make headlines.

"With a guy like Kobe Bryant who has endorsement contracts and everything else to think about, it wouldn't surprise me if he were willing to pay in excess of (Colorado's lawsuit limit) to put this thing behind him."

— Ross Buchanan,
a past president of the
Colorado Trial Lawyers Association

Legislation to close the loophole allowing such information to become public has been approved by the Colorado state Senate and is awaiting action in the House.

When Bryant, 27, and his accuser settled the civil case, a brief statement from their lawyers did not reveal the terms. But Denver's legal community is discussing how much he might have paid to make the case go away.

"This case is incredibly complex to figure, because the Colorado limit on damages she could obtain is very low," said Larry Pozner, a Denver lawyer and past president of the National Association of Criminal Defense Lawyers. "The worst case scenario is Kobe was not exposed to a great financial risk."

Colorado has a complicated system of caps on damages in civil cases like the one against Bryant. In cases that go to trial, there is no limit on reimbursement for direct economic losses — loss of income because of injury, for instance. But there are limits on non-economic losses from pain and suffering, and on punitive damages to punish wrongdoing and prevent a defendant from repeating it.

In general, not counting economic damages, it is difficult for a plaintiff in Colorado to win more than \$732,500 in cases other than medical malpractice, unless punitive damages are also assessed.

Legal observers said Bryant's lawyers, in

negotiating a settlement, likely would have used the limits to argue that he should not pay more than the maximum allowed. But they also say he easily could have agreed to pay more to close the case.

"With a guy like Kobe Bryant who has endorsement contracts and everything else to think about, it wouldn't surprise me if he were willing to pay in excess of the technical cap to put this thing behind him," said Ross Buchanan, a past president of the Colorado Trial Lawyers Association.

"I'd say anywhere between \$50,000 and \$5 million," suggested Craig Silverman, a former Denver prosecutor.

"It seems very unlikely she'll be able to retire to Aspen and buy Hunter Thompson's house," said Dave Diepenbrock, director of legislative services for the state trial lawyers association.

Equally uncertain is the impact the case will have on the willingness of sexual-assault victims to come forward and report crimes.

"There's no way we have hard numbers right now on whether this case has had an effect on other women," said Cynthia Stone of the Colorado Coalition Against Sexual Assault. "What we do know is that sexual-assault is one of the lowest reported crimes. ... The reasons victims give for not reporting is fear of loss of privacy, fear of not being believed, fear of being blamed. We saw those fears exponentially magnified for the young woman in this case."

In an era when criminal cases involving celebrity defendants receive enormous media and public attention, the Bryant case also revived questions about whether fame and fortune can tilt the scales of justice.

"The ways that fame and money play into these cases is complicated, mostly by the fact it brings extra public scrutiny," Villanova's Anderson said. "When you have a celebrity who's on trial, it is really going to up the stakes and potential trauma on all sides."

Contributing: Patrick O'Driscoll

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**House Corrections and Juvenile Justice Committee
March 16, 2005
Senate Bill 25**

**Testimony of Jay Scott Emler
Past Chairman
Joint Committee on Kansas Security**

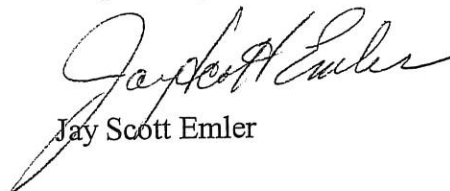
Mr. Chairman and members of the House Corrections and Juvenile Justice Committee, I appear in front of you today as the immediate past chairman of the Joint Committee on Kansas Security. It was the recommendation of that Committee that SB 25 be drafted and presented to the 2005 Legislature.

The Committee received testimony that there is currently no state crime that succinctly covers terrorism. There are multiple crimes that cover pieces of a terroristic act, but not one that can be charged for the act. Rather than having to litigate several charges, the Committee was convinced that charging and proving one crime made more sense.

There was discussion in the Committee that the Federal law could be used. This may be true, but the concern of the Committee was that Federal authorities may not have, or want, jurisdiction if all of the elements of the crime are within the state of Kansas. Accordingly, the Committee recommends SB 25 for your consideration and passage.

This has been a brief review of the Security Committee concerns, but I will be happy to stand for questions.

Respectfully submitted,


Jay Scott Emler



TOPEKA

HOUSE OF
REPRESENTATIVES

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March 16, 2005

Chairman Loyd and Members of the Committee.

Senate Bill 25 defines the Crime of Terrorism and Conspiracy to

Commit this Crime. It also defines the use of weapons of mass

destruction as a crime under the Kansas statues. This Bill is needed in

order to provide authority to State law enforcement to investigate

possible terrorist activities.

Senate Bill 25 amends the prosecutor inquisition law to allow

prosecuting attorneys to issue subpoenas without a court order for

investigations. This law places the crime of terrorism and use of

weapons of mass destruction and the same level of inquisition as

gambling, liquor, racketeering, bribery and drug related crimes.

I have an amendment that stipulates that civil disobedience, peaceful

picketing, boycotts and other nonviolent actions will not be considered

terrorism.

SENATE BILL No. 25

By Joint Committee on Kansas Security

1-10

10 AN ACT concerning crimes, criminal procedure and punishment; relat-
11 ing to terrorism and illegal use of weapons of mass destruction; amend-
12 ing K.S.A. 21-3301, 21-3302, 21-3303 and 22-2515 and K.S.A. 2004
13 Supp. 21-3106, 21-4706, 22-3101 and 60-4104 and repealing the ex-
14 isting sections.

15
16 Be it enacted by the Legislature of the State of Kansas:

17 New Section 1. (a) Terrorism is the commission of, the attempt to
18 commit or the conspiracy to commit any felony with the intent to intim-
19 idate or coerce the civilian population, influence government policy by
20 intimidation or coercion or to affect the operation of any unit of
21 government.

;(1) Intimidate
;(2)
;(3)

22 (b) Terrorism is an off-grid person felony and the sentence for ter-
23 rorism shall not be subject to statutory provisions for suspended sentence,
24 community work service or probation.

by disruption of public services, mass destruction, assassination or
kidnapping.
Civil disobedience, peaceful picketing, boycotts and other
nonviolent action shall not be considered terrorism

25 (c) The provisions of subsection (d) of K.S.A. 21-3301, and
26 amendments thereto, shall not apply to a violation of attempting to com-
27 mit the crime of terrorism pursuant to this section. *The provisions of*
28 *subsection (c) of K.S.A. 21-3302, and amendments thereto, shall not*
29 *apply to a violation of conspiracy to commit the crime of terrorism*
30 *pursuant to this section. The provisions of subsection (d) of K.S.A.*
31 *21-3303, and amendments thereto, shall not apply to a violation of*
32 *criminal solicitation to commit the crime of terrorism pursuant to*
33 *this section.*

34 New Sec. 2. (a) The illegal use of weapons of mass destruction is:

35 (1) Intentionally, knowingly and without lawful authority, developing,
36 producing, stockpiling, transferring, acquiring, retaining or possessing
37 any:

- 38 (A) Biological agent, toxin or delivery system for use as a weapon;
- 39 (B) chemical weapon; or
- 40 (C) nuclear materials or nuclear byproduct materials for use as a
41 weapon;

42 (2) knowingly assisting a foreign state or any organization to do any
43 such activities as specified in paragraph (1); or



Kansas Bureau of Investigation

Larry Welch
Director

Phill Kline
Attorney General

House Corrections and Juvenile Justice Committee

Testimony in Support of SB 25

Kyle G. Smith
Special Assistant Attorney General and Special Agent
Kansas Bureau of Investigation
March 3, 2005
16

Chairman Loyd and Members of the Committee,

I appear today on behalf of the KBI in support of SB 25, a bill that I hope is a complete waste of time. However, given the very real and dramatic threat that terrorism poses, it is incumbent upon us to prepare for horrific, if remote, dangers. This is not a bill on how we respond to unthinkable events. Rather, SB 25 sets in place the legal structure to assist Kansas law enforcement in investigating and thereby preventing, terrorism in Kansas.

This legislation offers concrete and specific changes that bring our criminal code up-to-date to deal with the real threat of terrorism. We realize that the FBI and other federal agencies will likely take the lead in anti-terrorism investigations and that any prosecution of a terrorist would likely be under federal law. However, what we do need is the lawful authority to investigate possible terrorist activity. Right now, Kansas has no crime of 'terrorism'. I like to illustrate the need for this legislation by asking prosecutors and cops, what would you do if you came upon someone with a vial of smallpox? Arrest them for what? Would you be interested in their phone tolls to see who their associates were? Would you want to wait until you could contact a federal officer and then wait while they got approval and a grand jury subpoena?

And, before any of you ask, these provisions are strictly Kansas law, not any part of the "Patriot Act". SB 25 is a Boy Scout response to the threat of terrorism: Be prepared. And by being prepared, maybe we will be able to prevent an act of terrorism instead of having to respond.

Explanation of the bill

Sec. 1. New Crime of Terrorism. For the first time this section would create a crime of "terrorism" under the Kansas code. Again, while prosecution is extremely unlikely, by having a crime on the books law enforcement will be able to utilize tools such as wiretaps and inquisitions. And there may be cases (Oklahoma bombing for example) where state prosecution is desirable.

Sec. 2. Creates new Crime of Illegal use of Weapons of Mass Destruction (WMD)

EXPLANATION: The language used here is a combination, for simplicity sake, of existing federal laws dealing with weapons of mass destruction: 18 USC sections 175 – 178, {biological weapons}; 229 – 229f, {chemical weapons} and 831 {nuclear weapons}. The language is nearly identical to the existing federal law, with only some modifications to combine provisions from separate federal laws and removal of inapplicable definitions as well as language dealing with federal jurisdiction and forfeiture provisions.

Sec. 3 Creates new crime of money laundering for furthering violations of Terrorism or WMD.

EXPLANATION: Money laundering currently only applies to controlled substances investigations. However, terrorist groups are also involved in the transfers of funds to carry out their crimes. Money-laundering investigations have proven themselves useful in not just locating the perpetrators, but their financial support networks as well. As such, a money laundering statute, nearly identical to the current Kansas law for furthering narcotics transactions, is included to assist agencies to “follow the money” and identify co-conspirators.

Sec. 4. Statute of Limitations.

EXPLANATION: Like murder, this section would establish that there is no statute of limitation for prosecuting the new crimes of terrorism or illegal use of weapons of mass destruction.

Sec. 5 Attempt statute.

EXPLANATION: Normally under Kansas law, an attempt to commit a felony is classified as the next or two step lower felony. As this legislation is aimed at preventing these acts and the acts involved are so serious, it was thought appropriate that the normal reduction in penalty not be applicable to persons convicted of terrorism or WMD.

Sec. 6. Conspiracy statute.

EXPLANATION: Like section 5 above, the current reduction in sentence for conspiracy would not be available for the new crimes of Terrorism or WMD.

Sec. 7. Solicitation:

EXPLANATION: Like section 5 and 6 above, the current reduction in sentence for solicitation of another to commit a crime would not be available for the new crimes of Terrorism or WMD.

Sec. 8 Sentencing classification.

EXPLANATION: This proposal would amend K.S.A. 21-4706 to add Terrorism and WMD to the list of off-grid felonies.

Sec. 9 Electronic surveillance – adding the new crimes as predicate offenses.

EXPLANATION: Electronic surveillance is tightly restricted by federal and state law. Only offenses set out in the controlling statute can be the subject of wiretaps and other electronic surveillance methods.

Sec. 8 Inquisition statute.

EXPLANATION: Current law K.S.A. 22-3101 et seq., allows the prosecuting attorney to subpoena witnesses and records for some crimes (e.g. drug trafficking) while for other crimes (e.g. burglary) the prosecutor has to go through a judge to issue the subpoena. The delay caused by involving the judicial process in what is essentially the investigative stage (the Kansas Supreme Court has referred to inquisitions as the equivalent of an officer just asking questions) is a problem, especially in cases such as terrorism where the risks of delay can be so devastating. This amendment would put terrorism and WMD in the expedited classification of felonies. Any evidence obtained would still be subject to review before admission in any court proceeding.

Sec. 9. Asset Forfeiture:

EXPLANATION: The language here would amend the list of crimes to which the Kansas Asset Seizure and Forfeiture Act applies to include Terrorism and WMD. Forfeiture serves several salutary purposes including removing assets that allow Criminals to perpetrate their crimes and returning such moneys to productive use.

I realize that this is a fairly long bill, but the changes are straightforward: the first three sections fill gaps in the Kansas criminal code which would allow us to hold a suspect and the remaining sections merely amend existing investigative statutes to incorporate these new crimes.

Thank you for your attention and I would be happy to answer any of your questions.