

Approved: 12-18-2010

Date

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 12:45 p.m. on February 16, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Stan Frownfelter- excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

HB 2449 - Eavesdropping; increase penalties; adding eavesdropping to crimes required to register pursuant to the Kansas offender registration act.

Chairperson Colloton called the meeting to order and announced to the Committee they would be working on bills today and at 1:30 p.m. they will be having a hearing on **HB 2449.**

HB 2505 - Release procedures and discharge of paroled inmates

Chairman Colloton recognized Representative Moxley and he made a motion to reconsider HB 2505. Representative Brown seconded. Motion carried.

A short discussion followed.

Representative Moxley made a motion to amend the language of HB 2505 to allow for a technical cleanup. Representative Brown seconded. Motion carried.

Representative Moxley made a motion to pass HB 2505 out favorably as amended. Representative Brown seconded. Motion carried.

HB 2581 - Criminal procedure; correctional supervision fees; funding the use of a statewide, mandatory standardized risk assessment.

Chairperson Colloton moved the Committee's attention to **HB 2581** and called on Jill Wolters, Office of the Revisor of Statutes, to explain the balloon on the bill. Ms. Wolters presented written copy of the balloon. (Attachment 1) She explained the changes to the Committee.

Representative Pauls made a motion to approve the balloon and pass the bill out favorably as amended.

Representative Spalding seconded.

A discussion followed.

Chairperson Colloton called for a vote on the motion on the floor. Motion carried.

HB 2637 - Requiring the court to charge a \$100 fee for collection of defendant's DNA information for storage in the KBI DNA database.

Chairperson Colloton moved the Committee's attention to **HB 2637** and called on Sean Ostrow, Office of the

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on February 16, 2010, in Room 144-S of the Capitol

Revisor of Statutes, to explain the balloon from yesterday. He stated on Line 22 they are clarifying that the \$100.00 is only per conviction or offense. The KBI presented a written copy of their responses to questions regarding **HB 2637** which were raised in a previous meeting. (Attachment 2)

A discussion followed.

Representative Spalding made a motion to pass the bill out favorably as amended. Representative Brookens seconded. Motion carried.

HB 2605 - Clarifying the investigation fees for services rendered the KBI and other regional forensic and scientific laboratories.

Chairperson Colloton moved the Committee's attention to **HB 2605** and explained the bill to the Committee.

A discussion followed.

Chairperson Colloton called on Sean Ostrow to explain the amendments to the Committee.

Representative Brookens made a motion to adopt amendment #1, Amendment on Page 2 with all 5 balloons on the right side and back and Page 2. Representative Kinzer seconded. Motion carried.

Representative Brookens made a motion to pass the bill out favorably as amended. Representative Brown seconded Motion carried.

HB 2449 - Eavesdropping; increase penalties; adding eavesdropping to crimes required to register pursuant to the Kansas offender registration act.

Chairperson Colloton opened the hearing on **HB 2449** and introduced Todd Thompson, County Attorney, Leavenworth County, to give his testimony as an opponent of the bill. Mr. Thompson did not present written copy of his testimony. He told a story of a family that was being taped by a family friend while in their bathroom without their permission. He stated he could not find anything to prosecute under and the family friend only got probation and does not have to register as a sexual offender.

Chairperson Colloton referred the Committee to the "written only" opponent testimony of the Kansas Association of Private Investigators. (Attachment 3)

A lengthy discussion followed. There were some concerns regarding the language of the bill.

Being no others to testify or speak to the bill, Chairperson Colloton closed the hearing on **HB 2449**.

The discussion continued regarding the language of the bill.

HB 2453 - Enhanced penalties for certain drug crimes on or within 1,000 feet of a child care facility

Chairperson Colloton moved the Committee's attention to **HB 2453** and called on Helen Pedigo, Executive Director, Kansas Sentencing Commission, to let the Committee know if the bill would have a negative bed impact. Ms. Pedigo stated they did not know. She added that they feel it brings the bill more in line with the original intent of the legislature. The discussion continued.

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to explain where where the Committee stands regarding **HB 2453** and the amendments previously approved. Mr. Thompson explained the amendments to the bill which were adopted in an earlier meeting.

Representative Kinzer made a motion to pass HB 2453 as a Substitute bill out favorably for passage. Representative Brookens seconded.

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on February 16, 2010, in Room 144-S of the Capitol

A lengthy discussion followed.

Chairperson Colloton called for a vote on the motion on the floor. Motion carried.

HB 2430 - Concerning veterans and sentencing guidelines.

Chairperson Colloton moved the Committee's attention to **HB 2430** and called on Sean Ostrow, Office of the Revisor of Statutes, to explain the **substitute bill for HB 2430**. Mr. Ostrow provided a written copy of the substitute bill. (Attachment 4) In his explanation of the bill he stated a defendant had to prove three things to be eligible for probation and a recommendation for treatment. The defendant must be a veteran, have proof he suffers from PTS and the cause of the PTS. He stated it was modeled after the California version.

A lengthy question and answer session followed.

Chairperson Colloton stated they would take this bill up again at a little later in the meeting if time permitted time and move the Committee's attention to **HB 2640** and opened the floor for consideration.

HB 2640 - Kansas offender registration act; changing penalties for aiding a person required to register and failure to register by a person required to register.

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to explain the bill to the Committee. Mr. Thompson presented written copy of a balloon. (Attachment 5) Mr. Thompson stated the bill changes the penalties for a person aiding a person who is required to register and for failure to register from a level 5 to a level 9, person felony unless the person is convicted of kidnaping, aggravated kidnaping, aggravated trafficking, any sex offender or any sexually violent predator, will be a level 5, person felony.

Representative Bethel made a motion to pass HB 2640 out favorably as amended. Representative Brookens seconded.

A lengthy discussion followed with Chairperson Colloton calling on Helen Pedigo, Executive Director, Kansas Sentencing Commission, to give her thoughts and to answer questions of the Committee.

Representative Bethel made a motion to move the bill out favorably as amended. Representative Brookens seconded. Motion carried with three "no" votes from: Representative Kinzer, Representative Moxley and Representative Patton.

Chairperson Colloton moved the Committee's attention back to the substitute for **HB 2430** and asked if anyone would like to entertain a motion.

Representative McCray-Miller made a motion to pass the Substitute for HB 2430 out favorably. Representative Pauls seconded.

A discussion followed in which it was noted the bill is completely changed and only applies to those who have served in combat.

Chairperson Colloton called for a vote on the motion on the floor. Motion carried.

Chairperson Colloton adjourned the meeting at 3:00 p.m. with the next scheduled meeting on March 1, 2010 at 1:30 p.m. in room 144S.

CORRECTIONS & JUVENILE JUSTICE GUEST LIST

DATE: 2-16-10

NAME	REPRESENTING
DAVID HUTCHINGS	KBI
ERIK WOOD	KBI
Ed Kump	KACP/KSA/KADP
David Rounes	Kearney → Assoc.
Leigh Keck	Hein Law Firm
Juni Rose	KCSC

HOUSE BILL No. 2581

By Committee on Corrections and Juvenile Justice

1-29

9 AN ACT concerning criminal procedure; relating to the correctional su-
10 pervision fee; amending K.S.A. 21-4610a and repealing the existing
11 section,

and KSA 2009 Supp.20-367

sections

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

14 Section 1. K.S.A. 21-4610a is hereby amended to read as follows: 21-
15 4610a. (a) Each person placed under the probation supervision of a court
16 services officer or other officer or employee of the judicial branch by a
17 judge of the district court under K.S.A. 21-4610, and amendments
18 thereto, and each person assigned to a community correctional services
19 program shall pay a ~~probation or community correctional services~~ *cor-*
20 *rectional supervision* fee. If the person was convicted of a misdemeanor,
21 the amount of the ~~probation services~~ *correctional supervision* fee is ~~\$25~~
22 \$60 and if the person was convicted of a felony, the amount of the ~~pro-~~
23 ~~bation or community correctional services~~ *correctional supervision* fee is
24 ~~\$50~~ \$120, except that in any case the amount of the ~~probation or com-~~
25 ~~munity correctional services~~ *correctional supervision* fee specified by this
26 section may be reduced or waived by the judge if the person is unable to
27 pay that amount.

Section 1. KSA 2009 Supp. 20-367, see
attached .
Renumber remaining sections accordingly.

28 (b) The ~~probation or community correctional services~~ *correctional*
29 *supervision* fee imposed by this section shall be charged and collected by
30 the district court. The clerk of the district court shall remit all revenues
31 received under this section from ~~probation or community correctional~~
32 ~~services~~ *correctional supervision* fees to the state treasurer in accordance
33 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
34 receipt of each such remittance, the state treasurer shall deposit the entire
35 amount in the state treasury to the credit of the state general fund, *a sum*
36 *equal to 41.67% of such remittance, and to the correctional supervision*
37 *fund, a sum equal to 58.33% of such remittance.*

38 (c) *There is hereby established in the state treasury the correctional*
39 *supervision fund. All moneys credited to the correctional supervision fund*
40 *shall be used for the implementation of and training for use of a statewide,*
41 *mandatory, standardized risk assessment tool or instrument as specified*
42 *by the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and*
43 *amendments thereto, and for evidence based offender supervision pro-*

Corrections and Juvenile Justice
Date: 2-16-10
Attachment # 1

1-2

1 *grams by judicial branch personnel. If all expenditures for the program*
 2 *have been paid and moneys remain in the correctional supervision fund*
 3 *for a fiscal year, remaining moneys may be expended from the correctional*
 4 *supervision fund to support offender supervision by court services offi-*
 5 *cers. All expenditures from the correctional supervision fund shall be*
 6 *made in accordance with appropriation acts upon warrants of the director*
 7 *of accounts and reports issued pursuant to vouchers approved by the chief*
 8 *justice of the Kansas supreme court or by a person or persons designated*
 9 *by the chief justice.*

10 ~~(e)~~ (d) *This section shall apply to persons placed on felony or mis-*
 11 *demeanor probation or released on misdemeanor parole to reside in Kan-*
 12 *sas and supervised by Kansas court services officers under the interstate*
 13 *compact for offender supervision.*

14 (e) *This section shall not apply to persons placed on probation or*
 15 *released on parole to reside in Kansas under the uniform act for out-of-*
 16 *state parolee supervision.*

17 Sec. 2. K.S.A. 21-4610a is hereby repealed.

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

and KSA 2009 Supp. 20-367 are

Sec. 1. K.S.A. 2009 Supp. 20-367 is hereby amended to read as follows: 20-367. (a) On and after July 1, 2009 through June 30, 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) ~~3.00%~~ 3.05% to the judicial performance fund;
- (2) ~~4.17%~~ 4.24% to the access to justice fund;
- (3) ~~2.31%~~ 2.35% to the juvenile detention facilities fund;
- (4) ~~1.78%~~ 1.81% to the judicial branch education fund;
- (5) ~~.47%~~ .48% to the crime victims assistance fund;
- (6) ~~2.27%~~ 2.31% to the protection from abuse fund;
- (7) ~~3.60%~~ 3.66% to the judiciary technology fund;
- (8) ~~.29%~~ to the dispute resolution fund;
- (9) ~~1.05%~~ 1.07% to the Kansas juvenile delinquency prevention trust fund;
- (10) ~~.18%~~ to the permanent families account in the family and children investment fund;
- (11) ~~1.25%~~ 1.27% to the trauma fund;
- (12) ~~.94%~~ .96% to the judicial council fund;
- (13) ~~.57%~~ .58% to the child exchange and visitation centers fund;
- (14) ~~15.29%~~ 15.54% to the judicial branch nonjudicial salary adjustment fund;
- (15) ~~15.12%~~ 15.37% to the judicial branch nonjudicial salary initiative fund; and
- (16) the balance to the state general fund.

(b) On and after July 1, 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) ~~4.30%~~ 4.37% to the access to justice fund;
- (2) ~~2.38%~~ 2.42% to the juvenile detention facilities fund;
- (3) ~~1.83%~~ 1.87% to the judicial branch education fund;
- (4) ~~.48%~~ .50% to the crime victims assistance fund;
- (5) ~~2.34%~~ 2.38% to the protection from abuse fund;
- (6) ~~3.71%~~ 3.78% to the judiciary technology fund;
- (7) ~~.30%~~ to the dispute resolution fund;
- (8) ~~1.08%~~ 1.10% to the Kansas juvenile delinquency prevention trust fund;
- (9) ~~.19%~~ to the permanent families account in the family and children investment fund;
- (10) ~~1.29%~~ 1.31% to the trauma fund;
- (11) ~~.97%~~ .99% to the judicial council fund;
- (12) ~~.59%~~ .60% to the child exchange and visitation centers fund;
- (13) ~~15.75%~~ 16.03% to the judicial branch nonjudicial salary adjustment fund;
- (14) ~~15.57%~~ 15.85% to the judicial branch nonjudicial salary incentive fund; and
- (15) the balance to the state general fund.



Kansas Bureau of Investigation

Robert E. Blecha
Director

Steve Six
Attorney General

Response to Questions
From the House Committee on Corrections and Juvenile Justice
Regarding HB 2637
David Hutchings, Special Agent in Charge
Kansas Bureau of Investigation
February 12, 2010

Chairperson Colloton and Members of the Committee,

During my testimony as a proponent of HB 2637, I received some questions from the committee to which I had no answer. Please accept this document as a formal response to those questions.

Question: What are the budget numbers for the laboratory?

Answer: I have attached a detail of the budgets for SFY 2009 and SFY 2010 broken out by section. The total forensic laboratory budget for SFY 2009 was \$6,441,107. The total forensic laboratory budget for SFY 2010 was \$6,324,628.

Question: What are the costs per forensic exam?

Answer: Costs per exam per section were as follows for SFY 2009.

<i>SECTION</i>	<i>NUMBER OF EXAMS</i>	<i>COSTS PER EXAM</i>
Biology (DNA) Forensic Casework	9010	\$223.48
Chemistry	14,495	\$87.67
DNA Databank	7749	\$151.33*
Documents	138	\$761.86
Firearms and Toolmarks	1626	\$265.60
Latent Fingerprints and Footwear Impressions	4440	\$177.94
Toxicology	3376	\$161.30
Overall Average	40,834	\$157.74

* This reflects larger than normal costs due to a required shutdown for approximately one half of the year to move into new space and bring equipment on line.

Note: These numbers reflect all costs including those associated with training, travel, and testimony.

Question: How many convicted persons have prior convictions (as it related to HB 2637)?

Answer: The number of applicable misdemeanors is minimal. Of 13,273 reported felony convictions in 2009, 5,051 had prior felony convictions.

Thank you for your time and consideration. Please feel free to let me know if you have any further questions.

KBI - LAB BUDGET FY 2009 & FY 2010

FY 2009	St Gen Fd	Fee Fund	Grants	Total	FY 2010	St Gen Fd	Fee Fund	Grants	Total
					Lab Salaries	2,844,325.00	1,035,524.00	298,838.00	4,178,687.00
						37.00			
Lab Admin	443,822.00	306,714.00	88,810.00	839,346.00	Lab Admin	-	271,721.00	55,910.00	327,631.00
Chemistry	619,014.00	302,795.00	202,163.00	1,123,972.00	Chemistry	-	283,904.00	-	283,904.00
Latents	543,330.00	155,676.00	-	699,006.00	Latents	-	57,993.00	-	57,993.00
Toxicology	57,073.00	424,696.00	-	481,769.00	Toxicology	-	270,145.00	-	270,145.00
Firearms	333,035.00	52,037.00	-	385,072.00	Firearms	-	48,216.00	-	48,216.00
Biology	483,439.00	784,289.00	199,054.00	1,466,782.00	Biology	-	433,410.00	207,211.00	640,621.00
Biology-DNA	982,144.00	-	370,000.00	1,352,144.00	Biology-DNA	511,208.00	-	-	511,208.00
Documents	86,751.00	6,265.00	-	93,016.00	Documents	-	6,223.00	-	6,223.00
	<u>3,548,608.00</u>	<u>2,032,472.00</u>	<u>860,027.00</u>	<u>6,441,107.00</u>		<u>3,355,570.00</u>	<u>2,407,136.00</u>	<u>561,959.00</u>	<u>6,324,628.00</u>

KANSAS ASSOCIATION OF PRIVATE INVESTIGATORS

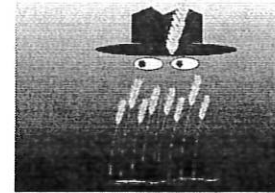
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John W. Ellis, President, 913-596-6445

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February 7, 2010



SERVICEMARK,
KAPI, S.M., KS 1996
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House Committee on Corrections and Juvenile Justice
State Capitol
Topeka, KS 66612

Re: House Bill 2449

The Kansas Association of Private Investigators is a non-profit professional association for private detectives that was formed to establish and perpetuate high ethical and professional standards and excellence of professional service in the private investigative industry. KAPI monitors legislation affecting the industry. KAPI has reviewed the provisions of House Bill 2449 which would amend parts of KSA 21-4001 and KSA 22-4902. Apparently, the proposed amendments to the Eavesdropping statute are intended to restrict use of various monitoring or spying techniques used by sex offenders. *KAPI generally concurs with this apparent intent, but KAPI does not support passage of this bill.* There are some potential problems with the amendments which may have unintended consequences. The specific potential problem areas, issues, and potential solutions are below:

- *Page 1 Lines (18 & 23) which amends KSA 21-4001(a)(2) & (3)* - The addition of the term 'inside' to a private place in paragraph (2) and 'wireless' communication in paragraph (3) creates a practical problem for both the security and communications industry generally. Wireless communication of the type used in electronic broadcasting or security monitoring is typically on frequencies accessible to the public, and a person who receives it is generally entitled to presume that it is intended to be 'readily accessible to the general public' as the term is defined in 18 USC 2510(16) and used in the Federal wiretapping laws. This language would make it illegal to use any equipment which receives wireless transmissions unless the person receiving the transmission has consent to receive it. How would the receiving person have the opportunity to know when there is no consent? There is no way to stop an illegal receipt of a transmission without advance knowledge that it would be illegal to receive it. There is a legitimate question of whether there is implied consent or a reasonable expectation of monitoring in a wireless communication that tends to nullify this amendment to the statute.
 - 18 USC 2510 (16) "readily accessible to the general public" means, with respect to a radio communication, that such communication is not -
 - (A) scrambled or encrypted;
 - (B) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;
 - (C) carried on a subcarrier or other signal subsidiary to a radio transmission;
 - (D) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or
 - (E) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;
- *Page 1 Line (36)* - The use of the term 'opening' needs some clarification; this could describe an open window, vent, or door. Only a covered or closed window, vent, or door would give a reasonable expectation of privacy in a private place. How would an 'intent

Corrections and Juvenile Justice

Date: 2-16-10

Attachment # 3-1

to invade privacy' be determined in such circumstances?

- *Page 2 Line (10)* - The amendment here raises questions about when an employer, parent or legal guardian could legally monitor employees, their own kids, etc. on their own property to ensure their security even after informing the employee or kids. Here are two examples of the potential problem:
 - A stockroom is a private place within the meaning of the statute, but it is also a place where an act of employee theft or sexual assault could occur.
 - A nursing home providing care to the elderly could experience attacks against a bed-ridden occupant, but would be unable to install security cameras in the rooms where attacks occur.

In both cases, the offender could potentially file charges against the employer or care provider and the employer or care provider would be prohibited from using its status as a defense against the felony charge, even, apparently, if notification of the possibility of monitoring had been given and the necessary consent from the room occupant been given.

- *Create an 'Aggravated Eavesdropping' felony statute.* The amendment changing this to a felony crime might actually make it easier to escape prosecution for minor incidents since it automatically requires proof of criminal intent which the current misdemeanor offense does not require. Part of the solution may be to create an 'Aggravated Eavesdropping' felony statute which is separate from the current statute and is drafted entirely toward prohibiting the conduct of sex offenders.

Our analysis of this bill is that the changes do not accomplish the apparent purpose without creating more problems than they may be solving. The Kansas Association of Private Investigators recommends against passage of this bill in its current form.

I can be contacted at 816-830-1177 or JohnEllis@pmokspd.com with any questions.



John W. Ellis, B.S., M.A.J.
Licensed Private Detective
Certified Firearms Instructor

President
Kansas Association of Private Investigators

Major, Military Police, US Army Reserve (Retired)

Proposed Substitute for HOUSE BILL NO. 2430

By

AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing of veterans suffering from posttraumatic stress disorder; amending K.S.A. 2009 Supp. 73-1209 and repealing the existing section.

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

New Section 1. (a) A defendant convicted of a criminal offense, upon motion of the defendant at the time of conviction or prior to sentencing, may assert that such defendant committed such offense as a result of mental illness, including posttraumatic stress disorder, stemming from service in a combat zone in the United States armed forces. The court shall hold a hearing to determine whether the defendant:

(1) Has been certified by the executive director of the Kansas commission on veterans affairs as having served in the armed forces of the United States of America in a combat zone, as defined in section 112 of the federal internal revenue code of 1986;

(2) suffers from mental illness; and

(3) such mental illness was caused or exacerbated by events occurring during such defendant's service in a combat zone.

(b) If the court determines that such defendant meets the criteria provided in subsection (a) and such defendant's current crime of conviction and criminal history fall within a presumptive nonprison category under the sentencing guidelines, the court may order such defendant to undergo treatment from any treatment facility as those terms are defined in K.S.A. 59-2946,

Corrections and Juvenile Justice

Date: 2-16-10

Attachment # 4-1

and amendments thereto, on an outpatient basis or an inpatient basis with the consent of the defendant.

(c) Nothing in this section shall be construed to limit the court's authority to order a mental examination pursuant to K.S.A. 22-3429, and amendments thereto, order commitment pursuant to K.S.A. 22-3430 et. seq., and amendments thereto, or determine that a person is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto.

(d) (1) As used in this section:

(1) "Mental illness" means a mental disorder manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment; and

(2) "posttraumatic stress disorder" means posttraumatic stress disorder as defined in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM IV TR, 2000) of the American psychiatric association.

Sec. 2. K.S.A. 2009 Supp. 73-1209 is hereby amended to read as follows: 73-1209. The executive director of the Kansas veterans' commission, in accordance with general policies established by the commission, shall:

{±} (a) Collect data and information as to the facilities,

benefits and services now or hereafter available to veterans and ~~their~~ relatives and dependents of veterans, and furnish such information to veterans and ~~their~~ relatives and dependents of veterans and local service officers of veterans' organizations.

(2) (b) Prepare plans for a comprehensive statewide veterans' service program.

(3) (c) Coordinate the program of state agencies which may properly be utilized in the administration of various aspects of the problems of veterans, and relatives and dependents of veterans, such as the department of social and rehabilitation services, the department of labor, the state board of education, the board of regents and any other state office, department, board or commission furnishing service to veterans or ~~their~~ relatives or dependents of veterans.

(4) (d) Provide a central contact between federal and state agencies dealing with the problems of veterans and ~~their~~ relatives and dependents of veterans.

(5) (e) Maintain records of cases handled by the executive director which shall show at least the following information: (a) (1) The name of the veteran; (b) (2) claim or case number of the veteran; and (c) (3) amount of monthly benefit received by the veteran, so as to facilitate the necessary interchange of case histories among state administrative agencies and provide a clearinghouse of information.

(6) (f) Provide such services to veterans and ~~their~~ relatives and dependents of veterans as are not otherwise offered

by federal agencies.

~~(7)~~ (g) Provide a central agency to which veterans and their relatives and dependents of veterans may turn for information and assistance.

~~(8)~~ (h) Provide and maintain such field services as shall be necessary to properly care for the needs of veterans and their relatives and dependents of veterans which shall not be operated in connection with the social and rehabilitation services.

(i) Provide certification of service of a veteran of the armed forces of the United States of America in a combat zone to any sentencing judge requesting such certification pursuant to section 1, and amendments thereto.

Sec. 3. K.S.A. 2009 Supp. 73-1209 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL No. 2640

By Committee on Corrections and Juvenile Justice

2-3

9 AN ACT concerning crimes, punishment and criminal procedure; relat-
10 ing to aiding a person required to register under the Kansas offender
11 registration act; failure to register by a person required to register
12 under the Kansas offender registration act; amending K.S.A. 21-3812
13 and 22-4903 and repealing the existing sections.
14

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

16 Section 1. K.S.A. 21-3812 is hereby amended to read as follows: 21-
17 3812. (a) Aiding a felon is knowingly harboring, concealing or aiding any
18 person who has committed a felony under the laws of this state, other
19 than a violation of K.S.A. 22-4903, and amendments thereto, or another
20 state or the United States with intent that such person shall avoid or
21 escape from arrest, trial, conviction or punishment for such felony.

22 Aiding a felon is a severity level 8, nonperson felony.

23 (b) Aiding a person charged with a felony is knowingly harboring,
24 concealing or aiding a person who has been charged with a felony under
25 the laws of this state, other than a violation of K.S.A. 22-4903, and amend-
26 ments thereto, or another state or the United States with intent that such
27 person shall avoid or escape from arrest, trial, conviction or punishment
28 for such felony.

29 Aiding a person charged with a felony is a severity level 8, nonperson
30 felony.

31 (c) Aiding a person who has been convicted of or who has been
32 charged with committing a misdemeanor under the laws of Kansas or
33 another state is knowingly concealing or aiding such person with intent
34 that such person shall avoid or escape from arrest, trial, conviction or
35 punishment for such misdemeanor.

36 Aiding a person convicted of or charged with committing a misde-
37 meanor is a class C misdemeanor.

38 (d) Aiding a person required to register under the Kansas offender
39 registration act, K.S.A. 22-4901 et seq., and amendments thereto, is
40 knowingly harboring, concealing or aiding any person who is required to
41 register under the act and who is not in compliance with the requirements
42 of the act with intent that such person shall avoid or escape from regis-
43 tration, arrest, trial, conviction, punishment or any criminal charges aris-

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RS - JThompson - 02/09/10

Corrections and Juvenile Justice

Date: 2-16-10

Attachment # 5-1

1 ing from the person's failure to comply with the requirements of the act.

2 Aiding a person required to register under the Kansas offender regis-
3 tration act is a severity level 9, person felony.

4 Sec. 2. K.S.A. 22-4903 is hereby amended to read as follows: 22-
5 4903. (a) *Except as provided further*, any person who is required to reg-
6 ister as provided in the Kansas offender registration act who violates any
7 of the provisions of such act, including all duties set out in K.S.A. 22-4904
8 through 22-4907, and amendments thereto, is guilty of a severity level 5
9 9, person felony. ~~Any sex offender, violent offender or sexually violent~~
10 ~~predator who is required to register as provided in the Kansas offender~~
11 ~~registration act who violates any of the provisions of such act, including~~
12 ~~all duties set out in K.S.A. 22-4904 through 22-4907, and amendments~~
13 ~~thereto, is guilty of a severity level 5, person felony.~~ Any violation of any
14 provision of such act, including a violation of the duties set forth in K.S.A.
15 22-4904 through K.S.A. 22-4907, and amendments thereto, which con-
16 tinues for more than 30 consecutive days shall, upon the 31st consecutive
17 day, constitute a new and separate offense and shall continue to constitute
18 a new and separate offense upon completion of every 30 days thereafter
19 for as long as the offense continues.

20 (b) Prosecution of violations under subsection (a), shall be held: (1)
21 In the county in which the offender resides; (2) if the offender is tem-
22 porarily domiciled in a county and is required to be registered, in such
23 county; or (3) in the county in which the offender is required to be reg-
24 istered under this act.

25 Sec. 3. K.S.A. 21-3812 and 22-4903 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.

person who is convicted of kidnapping as defined in K.S.A. 21-3420 and amendments thereto, aggravated kidnapping as defined in K.S.A. 21-3421, and amendments thereto, criminal restraint as defined in K.S.A. 21-3424, and amendments thereto, or aggravated trafficking as defined in K.S.A. 21-3447, any sex offender or any