

CHAPTER 149
HOUSE BILL No. 2380

AN ACT concerning the attorney general; relating to duties and assistants; child rape protection; authorizing certain rules and regulations; amending K.S.A. 75-704a and 75-710 and repealing the existing sections.

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

Section 1. K.S.A. 75-704a is hereby amended to read as follows: 75-704a. From and after the effective date of this act the attorney general shall file with the state librarian one (1) copy of each written opinion rendered after said effective date by or under the authority of the attorney general.

The librarian shall then cause each copy of such opinions to be properly stamped with the words "Kansas state library" and placed in the reference and readers' services division of the state library.

In like manner, one (1) copy of each such opinion rendered after the effective date of this act shall be filed in the supreme court law library and the law libraries of the university of Kansas school of law and Washburn university law school in the custody of the law librarian within thirty (30) days after such opinions are rendered.

All opinions required to be filed under the provisions of this section, and amendments thereto, shall be given legal headings by the attorney general following the heading and chapter arrangement of the Kansas Statutes Annotated, except that in the event the Kansas Statutes Annotated do not have legal headings for areas of the law for any particular opinion, such title shall be assigned correct legal headings so as to follow the major legal subdivisions utilized in the recognized legal encyclopedias. A brief synopsis of each opinion shall be written by the attorney general to follow each title and each opinion shall be assigned a number for reference and indexing. ~~The attorney general shall also prepare an annual index of such opinions referenced to the opinion number.~~

Sec. 2. K.S.A. 75-710 is hereby amended to read as follows: 75-710. The attorney general shall appoint such assistants, clerks, and stenographers as shall be authorized by law, and who shall hold their office at the will and pleasure of the attorney general. ~~Provided, That~~ All fees and allowances earned by said assistants or any of them, or allowed to them by any statute or order of court in any civil or criminal case whatsoever, shall be turned into the general revenue fund of the state treasury, and the vouchers for their monthly salaries shall not be honored by the director of accounts and reports until a verified account of the fees collected by them, or either of them, during the preceding month, has been filed in the director of accounts and reports' office. *Assistants appointed by the attorney general shall perform the duties and exercise the powers as prescribed by law and shall perform other duties as prescribed by the attorney general. Assistants shall act for and exercise the power of the attorney general to the extent the attorney general delegates them the authority to do so.*

New Sec. 3. (a) This section shall be known and may be cited as the child rape protection act.

(b) As used in this section:

(1) "Abortion" has the meaning provided in K.S.A. 65-6701, and amendments thereto.

(2) "Physician" means any person licensed to practice medicine and surgery.

(c) Any physician who performs an abortion on a minor who was less than 14 years of age at the time of the abortion procedure shall preserve, in accordance with rules and regulations adopted by the attorney general pursuant to this section, fetal tissue extracted during such abortion. The physician shall submit such tissue to the Kansas bureau of investigation or to a laboratory designated by the director of the Kansas bureau of investigation.

(d) The attorney general shall adopt rules and regulations prescribing:

(1) The amount and type of fetal tissue to be preserved and submitted by a physician pursuant to this section;

(2) procedures for the proper preservation of such tissue for the purpose of DNA testing and examination;

(3) procedures for documenting the chain of custody of such tissue

for use as evidence;

(4) procedures for proper disposal of fetal tissue preserved pursuant to this section;

(5) a uniform reporting instrument mandated to be utilized by physicians when submitting fetal tissue under this section which shall include the name of the physician submitting the fetal tissue and the name, complete address of residence and name of the parent or legal guardian of the minor upon whom the abortion was performed; and

(6) procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.

(e) Failure of a physician to comply with any provision of this section or any rule or regulation adopted hereunder:

(1) Shall constitute unprofessional conduct for the purposes of K.S.A. 65-2837, and amendments thereto; and

(2) is a class A, nonperson misdemeanor upon a first conviction and a severity level 10, nonperson felony upon a second or subsequent conviction.

Sec. 4. K.S.A. 75-704a and 75-710 are hereby repealed.

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

Approved April 15, 2005.
