

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2391**

As Agreed to March 31, 2004

Brief *

Senate Sub. for HB 2391 would give the Capitol Area Security Patrol officers statewide enforcement authority. Under current law, the Patrol's enforcement authority is limited to Shawnee County. The bill provides that all persons arrested shall be turned over to the chief law enforcement officer of the county in which the arrest occurs.

The Senate Committee deleted provisions of HB 2391 and inserted provisions of SB 388.

Conference Committee Action

The House Conference Committee agreed to the Senate amendments.

Background

HB 2391, as it passed the House, dealt with the crimes of aggravated battery against a law enforcement officer, rape, promoting prostitution, and endangering a child as follows:

Aggravated Battery Against a Law Enforcement Officer. This crime is expanded to include battery against a state, county, or city law enforcement officer with a motor vehicle and the offender has actual knowledge that the person is a law enforcement officer and intended to commit such injury because the person is a law enforcement officer.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Rape. The penalty for a second or subsequent conviction of rape is punishable as an off-grid person felony.

Promoting Prostitution. The penalty for promoting prostitution would be raised from a level 6 to a level 5 person felony when the prostitute is under 16 years of age.

Endangering a Child. This definition of the crime is expanded to include knowingly and intentionally causing or permitting a child, under 18, to be present where (1) the methamphetamine drug is being sold, delivered, distributed, prescribed, administered, dispensed, or manufactured or attempted to be manufactured; or (2) where drug paraphernalia or volatile toxic or chemicals are stored for manufacturing methamphetamine.

A person would not be guilty of endangering a child when such person is acting:

1. under the imminent threat or pattern of threats of great bodily harm or death or when such person reasonably believes that great bodily harm would be inflicted on that person or such person's spouse, intimate partner, or family member; or
2. pursuant to a court order and the court has been informed of the specific circumstances creating the danger.

SB 388 was supported by North and Associates and by Senator Jay Emler. Proponents said a cabinet-level secretary was threatened by a disgruntled employee several years ago and the Capitol Police were instructed to follow the person to her Lawrence home. The Capitol Police, however, did not have any power to arrest a person outside of Shawnee County.