

SESSION OF 2005

**SUPPLEMENTAL NOTE ON
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2016**

As Amended by Senate Committee on
Judiciary

Brief*

Senate Sub. for HB 2016 would increase the severity levels of the crimes of indecent solicitation of a child from a level 7 to a level 6 person felony and the crime of aggravated indecent solicitation of a child from a level 6 to a level 5 person felony.

The bill also would amend the crime of sexual exploitation of a child to allow one count of sexual exploitation of a child to be filed for each individual image of child pornography an offender possesses and would make other language changes to update the language of the crime.

Background

The Senate Committee deleted provisions of HB 2016 dealing with arbitration and inserted instead provisions of SB 179 dealing with sex crimes involving children.

The sponsor of the original bill dealing with arbitration spoke in support of the bill. Others who testified in favor of the bill, as drafted, included representatives of the Kansas Medical Society, the Kansas Health Care Association, Inc., the Kansas Association of Insurance Agents, and the Kansas Chamber of Commerce. Written comments of support were received on behalf of the Kansas Association of Homes and Services for the Aging, the Kansas Cooperative Council, the Kansas Grain and Feed Association, as well as the Kansas Agribusiness Retailers Association.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Opposition to the original bill was voiced by delegates from the Kansas Bar Association, the Kansas Trial Lawyers Association, and the Kansas AFL-CIO.

HB 2016, as it passed the House, would have amended the Uniform Arbitration Act by removing the exemption from arbitration those contracts between an employer and employees or their representatives. Further, in contracts between an employer and employees or their representative which provides by written agreement that any existing controversy be submitted to arbitration, the employer shall pay any initial filing fee required to submit a controversy to arbitration. If the employer refuses or fails to timely pay the fee, that portion of the agreement requiring the controversy to be submitted to arbitration shall be unenforceable.

The Senate Committee passed a motion to request the Kansas Judicial Council to study the arbitration issues contained in the original HB 2016.

SB 179 was supported by the Kansas Attorney General as a way to enhance penalties for sex predators who actively prey on Kansas children.

The fiscal note for SB 179 states that the Kansas Sentencing Commission estimates that the passage of SB 179 would result in an additional 19 prison admissions in FY 2006, and ongoing annual admissions, up to 22 admissions by FY 2015. The bill would require 23 additional prison beds in FY 2006 and 123 additional beds by FY 2015. The Juvenile Justice Authority also stated that the bill would have a fiscal effect on its agency, although no specific dollar amount is listed in the fiscal note.