

SESSION OF 2005

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2380**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2380 would enact the Child Rape Protection Act and would change certain duties of the Kansas Attorney General.

The bill would require any physician who performs an abortion on a minor who was less than 14 years of age at the time of the abortion to preserve fetal tissue extracted during the abortion. The physician shall submit the tissue to the Kansas Bureau of Investigation (KBI) or to a laboratory designated by the Director of the KBI.

The Attorney General shall adopt rules and regulations prescribing:

- ! The amount and type of fetal tissue to be preserved;
- ! Procedures for the proper preservation of the tissue for the purpose of DNA testing and examination;
- ! Procedures for documenting the chain of custody of the tissue for use as evidence;
- ! Procedures for proper disposal of fetal tissue preserved;
- ! A uniform reporting instrument mandated to be utilized by physicians when submitting fetal tissue 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
- ! Procedures for communication with law enforcement agencies regarding evidence and information obtained.

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\*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>

Failure to comply with any provision of the act shall constitute unprofessional conduct under the Board of Healing Arts law and a class A nonperson misdemeanor upon a first conviction and a severity level 10, nonperson felony upon a second or subsequent conviction.

The bill also would delete the requirement that the Attorney General must prepare an annual index of Attorney General opinions.

In addition, the bill would clarify the ability of the Attorney General to assign to Assistant Attorneys General any task the Attorney General is responsible for performing.

## **Background**

A Deputy Attorney General appeared in support of the bill.

The fiscal note indicates that the Office of the Attorney General estimates that HB 2380 would reduce expenditures for the publication of the annual index of Attorney General opinions. However, the agency indicates these savings would be negligible.