

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2122**

As Agreed to March 31, 2006

**Brief\***

HB 2122 would amend the Kansas Law Enforcement Training Center (KLETC) Act and also would address the Kansas Commission on Police Officers Standards and Training (KCPOST) as follows:

- Separates the education function of law enforcement (KLETC) from the licensing function for law enforcement purposes (KCPOST);
- Increases the docket fee in municipal court for a crime, other than a nonmoving violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion from the current \$9 to \$19;
- Increases the amount credited to the KLETC Fund to \$11.50;
- Establishes \$2.50 to be credited for the newly created KCPOST Fund;
- Increases other various docket fees at the district court level;
- Provides the procedures for governing the operations of KLETC and KCPOST; and
- Affiliates the members of KCPOST with the Kansas Police and Firemen's Retirement System.

The bill also would provide, effective for tax year 2006, an income tax credit of up to 50 percent for business firms which contribute to the KLETC for the purpose of providing programs and courses of instruction for full time police officers and law enforcement

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officers designed to fulfill the continuing education and training requirements. The credit would not be refundable, though any unused portion could be carried forward and applied against liability in future tax years.

### **Conference Committee Action**

The Conference Committee agreed to delete the provisions of HB 2122 and insert the provisions of HB 2880, as amended by the House Committee of the Whole.

### **Background**

On HB 2880, Ed Pavey with the Kansas Law Enforcement Training Center testified in support of the measure. Others who expressed support for the bill included Kyle Smith, Kansas Bureau of Investigation and Special Assistant Attorney General; John Green, Kansas Peace Officers; Randy Rogers, the Kansas Sheriff's Association; Mike Watson, Kansas Association of Chiefs of Police and Jackie Williams, Kansas Commission on Peace Officer's Standards and Training. The House Committee amended the bill by adding the provisions relating to the KCPOST, many of which were taken from SB 567.

The fiscal note on the original bill, indicates the Office of Judicial Administration estimates that the increase in docket fees, based on recent collections, would generate an estimated \$1,115,467 in FY 2007.

The House Committee of the Whole added the provision relating to the income tax credit for business firms which contribute to the KLETC. The Department of Revenue was not immediately able to provide a fiscal note relative to the amendment.

The provisions of the original HB 2122 would raise the dollar threshold level from \$500 to \$1,000 for 20 different criminal offenses to distinguish a misdemeanor from a felony. In 2004, this same threshold level distinction was made for the crime of theft.

The bill also would amend the definition of "drug paraphernalia" in KSA 65-4510 to exclude "products" from this definition. The amendment would address a court ruling in *State v. Frazier* 30 KA 2d

398 (2002), which is a drug severity level 1 crime, which held that persons convicted of possession of ephedrine or pseudoephedrine, ingredients used in the manufacture of methamphetamine which is a drug severity level 1 crime, could not be sentenced under the crime of possession of drug paraphernalia which is a drug severity level 4 crime.

The Senate Committee amended the bill to restore the commercial value of wildlife provision.