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Legislative Attorneys transforming ideas into legislation.

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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice
From: Office of Revisor of Statutes
Date: March 6, 2024
Subject: Bill Brief on SB 318

SB 318 requires city attorneys to review certain audio and video evidence and removes the requirement that municipal courts collect fingerprints from persons convicted of violating certain municipal ordinance provisions related to driving without a valid driver's license or motor vehicle liability insurance coverage.

Section 1 amends K.S.A. 12-4410, the statute related to discovery and depositions in municipal courts and was added by the Senate Committee of the Whole. Current law provides that the accused person shall be permitted to inspect all matters relevant to the case. This bill would add that the accused person shall be permitted to present or provide to the city attorney matters that are relevant to the case. It also adds that the city attorney shall inspect and review every audio and video recording relevant to the cause that is presented or provided to the city attorney by the accused person or the accused person's counsel, including, but not limited to, a recording made and retained by law enforcement using a body camera or vehicle camera.

Section 2 amends K.S.A. 12-4517, the statute in the Kansas code of procedure for municipal courts that requires fingerprinting for any person who violates certain municipal ordinances. Under current law, the municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in a Kansas criminal statute are fingerprinted and processed. The bill provides that this law shall not apply to persons convicted of violating municipal ordinance provisions that prohibit the acts prohibited by K.S.A. 8-235 or 40-3104. K.S.A. 8-235 concerns violations related to driving without a valid driver's license. K.S.A. 40-3104 concerns violations related to motor vehicle liability insurance coverage. As introduced, the bill would have provided that the law shall not apply to persons convicted of municipal ordinance provisions that prohibit

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the acts prohibited by K.S.A. 8-142, concerning violations related to registration of vehicles, but that provision was removed by the Senate Committee of the Whole.