

REVISED
SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2041

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2041 would amend provisions concerning a municipal judge's duty to ensure certain conviction information for city ordinance violations is forwarded to the Kansas Bureau of Investigation (KBI) central repository. The duty would be expanded to include all violations comparable to convictions for statutory criminal offenses, not only convictions for class A and B misdemeanors. The bill also would require reporting of filing and disposition of cases alleging operation of a vessel while under the influence of alcohol or drugs (boating under the influence) to the central repository. Reporting of filing and disposition of cases involving driving under the influence (DUI) and commercial DUI already is required, and, along with reports concerning boating under the influence, the bill would extend from July 1, 2013, to July 1, 2014, the date by which those reports must be made electronically.

Further, the bill would require the Director of the KBI to adopt rules and regulations by July 1, 2013, requiring district courts to report the filing and disposition of all cases alleging DUI or refusal to submit to a test to determine the presence of alcohol or drugs (criminal refusal). The current requirement is adoption of rules and regulations by July 1, 2012, concerning just the filing of cases alleging DUI. Similarly, the bill would require the Director to adopt rules and regulations by July 1, 2014, requiring district courts to electronically report all case

*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>

filings and dispositions for DUI or criminal refusal. The current requirement is adoption of rules and regulations by July 1, 2013, concerning just the filing of cases alleging DUI.

Finally, the bill would amend the definition of “criminal history record information” to exclude information regarding the release of defendants from confinement by the Department of Corrections or a jail, which is intended to clarify that the Department or a jail may provide notice of release.

The bill would be in effect upon publication in the *Kansas Register*.

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the KBI, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association offered testimony in support of the bill. No opponents offered testimony.

The fiscal note provided by the Division of the Budget for the bill indicates its passage would have no fiscal effect on the Judicial Branch or the KBI, but the League of Kansas Municipalities states cities with municipal courts would require additional staff time, which may require additional staff in some cities.