**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2182**

<u>As Recommended by Senate Committee on
Judiciary</u>

Brief*

Senate Sub. for HB 2182 would amend statutes in the Kansas Racketeer Influenced and Corrupt Organization (RICO) Act to clarify the culpability requirement for a violation of the RICO Act is the culpability required for the underlying offense of racketeering activity or unlawful debt, with no additional culpability requirement. It would not be unlawful for a person covered by the RICO Act to violate the Act through the collection of an unlawful debt if the person did not participate in the illegal activity creating the debt.

The bill also would amend the RICO Act definitions statute to update the names of certain crimes listed under "racketeering activity" and to add the crime of commercial sexual exploitation of a child to this list.

Background

As passed by the House in 2013, HB 2182 would have amended grand jury provisions. These provisions were passed by the 2013 Legislature as part of the Conference Committee report on HB 2164.

The 2014 Senate Committee on Judiciary recommended a substitute bill for HB 2182 containing the provisions of SB 404 with added language to update the definition of

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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

"racketeering activity." The Committee also added the crime of commercial sexual exploitation of a child to this definition.

Background of SB 404

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Petersen. In the Senate Committee, Senator Petersen testified in support of the bill, explaining it was a follow-up bill to 2013 SB 16, which created the Kansas RICO Act. There was no opponent testimony.

The fiscal note prepared by the Division of the Budget on SB 404 indicates the bill would have no fiscal effect.