

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 92

As Recommended by Senate Committee on
Judiciary

Brief*

SB 92 would create a new section requiring law enforcement, when an adult is arrested or charged with commission or attempted commission of a sexually violent crime on and after January 1, 2014, to report on the Kansas Standard Offense Report the presence of pornographic materials found at the scene of the crime, on the person arrested, at the arrested person's residence, and in the arrested person's vehicle. The report would be used solely for statistical purposes. Further, the Kansas Bureau of Investigation would be required to make the necessary changes to the Kansas Standard Offense Report and the Kansas Incident Based Reporting System (KBIRS) Handbook and to promulgate rules and regulations concerning training of law enforcement to implement these provisions. The bill would provide that it cannot be construed to expand the scope of an officer's search. The bill also would define "pornographic materials" and "sexually violent crime."

Background

The bill was introduced by Senator Greg Smith. In the Senate Judiciary Committee, Senator Smith and a representative of the American Family Association of Kansas and Missouri testified in support of the bill. Written proponent testimony was submitted by a psychiatry professor and by a criminology professor. There was no opponent testimony.

*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>

The fiscal note on the bill indicates the KBI would have to construct a new KBIRS repository to comply with the bill, requiring \$325,000 from the State General Fund in FY 2014 for designs, development, and printing. The agency would require \$415,000 from the State General Fund in FY 2015 for the new repository for continued development, testing and training, and data migration.

The League of Kansas Municipalities indicates the bill would require additional law enforcement time and additional legal and staff time to make additional searches and obtain warrants, but the League is unable to quantify the actual fiscal effect of the bill. The bill would have no fiscal effect on the Judicial Branch or on Kansas counties. Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor's Budget Report*.