

Before the Senate Committee on Judiciary

Testimony in support of HB 2234

Presented on March 16, 2017

By: Bradley R. Burke,
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Mr. Chairman and Honorable Members of the Committee:

Thank you for the opportunity to appear before you today on behalf of the Kansas Governor's Grants Program to testify in support of HB 2234, as amended by the House Committee on Judiciary.

The Kansas Governor's Grants Program (KGGP) has been informed by the federal administrators of the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (known as the federal "Arrest Program"), which is administered by the United States Department of Justice, Office on Violence Against Women, that Kansas law, specifically K.S.A. 65-6009, does not sufficiently conform with federal law (42 U.S.C. § 3796hh), meaning that Kansas is not entitled to utilize 5 percent of total funds allocated to the State under the "Arrest Program" grant, unless the State amends its law to come into conformity with 42 U.S.C. § 3796hh. According the Kansas Grant Administrator, the total amount of funding that Kansas has already been awarded, but is not yet entitled to keep is \$45,000, which is 5% of the \$900,000 federal grant.

42 U.S.C. § 3796hh requires the following:

(d) Speedy notice to victims

A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or unit of local government--

(1) certifies that it has a law or regulation that requires--

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of-

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years.

42 U.S.C. § 3796hh

Kansas law, K.S.A. 65-6009, does conform to many of the requirements of 42 U.S.C. § 3796hh, but changes are necessary to bring our law into full compliance with the grant requirements.

The amendments to K.S.A. 65-6009, as proposed in HB 2234 as amended by the House Committee on Judiciary, will bring our law into conformity with the federal requirements and will help strengthen victim rights, all while permitting the State to utilize \$45,000 in federal grant money that has already been awarded to Kansas, but will otherwise be returned to the federal government if our law is not changed.

Please do not hesitate to reach out to me or the grants program administrator if you have any questions regarding this testimony or HB 2234.

Respectfully submitted,



Brad Burke

Kansas Governor's Grants Program
General Counsel