

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 18**

As Agreed to April 3, 2019

**Brief\***

SB 18 would amend statutes regarding the crime of counterfeiting currency; access to presentence investigation reports; authority to enter into diversion agreements; out-of-state criminal history; appeals related to criminal cases; correction of illegal sentences; drug abuse treatment programs; probation violation sanctions; the penalties for the crimes of involuntary manslaughter and abuse of a child; a mitigating factor for sentencing when a victim is an aggressor or participant in the criminal conduct associated with a crime of conviction; and law enforcement notifications to domestic violence victims, as follows.

[*Note:* Although the bill itself would be effective upon publication in the *Kansas Register*, numerous individual provisions, as noted throughout, would be effective July 1, 2019.]

***Counterfeiting Currency***

The bill would amend the crime of counterfeiting currency to:

- Add the term “currency” to the first (making, forging, or altering) and second (distributing or

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possessing with the intent to distribute) means of committing the crime;

- Add the term “note” to the second means;
- Add the term “computer” and replace the phrase “produce any counterfeit” with “make, forge, or alter any” in the third means (possessing certain items with the intent to counterfeit);
- Remove the “intent to defraud” element currently applicable to all three means of committing the crime, add this intent to the first means, and add knowledge of this intent to the second means; and
- Remove the term “seized” and add the terms “notes” and “currency” to the penalty provisions.

These provisions would be effective July 1, 2019.

### ***Access to Presentence Investigation Reports***

The bill would amend the statute governing the presentence investigation report prepared in criminal cases to allow access to the report by community correctional services and any entity required to receive the information under the Interstate Compact for Adult Offender Supervision.

These provisions would be effective July 1, 2019.

### ***Attorney General's Authority to Enter Into Diversion Agreements***

The bill would amend statutes relating to diversion in criminal cases to include the Attorney General within the definition of “district attorney,” thereby specifically authorizing the Attorney General to enter into diversion agreements pursuant to these statutes; to add a provision specifying that

any diversion costs or fees collected under a diversion agreement entered into by the Attorney General would be deposited in the Fraud and Abuse Criminal Prosecution Fund; and to add a provision allowing the Attorney General to enter into agreements with the appropriate county or district attorney, or other appropriate parties, regarding the supervision of conditions of the diversion agreement.

These provisions would be effective July 1, 2019.

### ***Out-of-State Criminal History***

The bill would amend a statute in the Kansas Criminal Code governing criminal history classification to make current provisions for classification of an out-of-state crime as person or nonperson applicable only to misdemeanors. The bill would then add the following provisions applicable to out-of-state felony crimes.

### ***Out-of-State Felony Crimes***

The bill would require an out-of-state conviction or adjudication for the commission of a felony offense or an attempt, conspiracy, or criminal solicitation to commit a felony offense (out-of-state felony) be classified as a person felony if one or more of the following circumstances is present, as defined by the convicting jurisdiction in the elements of the out-of-state offense:

- Death or killing of any human being;
- Threatening or causing fear of bodily or physical harm or violence, causing terror, physically intimidating, or harassing any person;
- Bodily harm or injury, physical neglect or abuse, restraint, confinement, or touching of any person, without regard to degree;

- The presence of a person, other than the defendant, a charged accomplice, or another person with whom the defendant is engaged in the sale, distribution, or transfer of a controlled substance or non-controlled substance;
- Possessing, viewing, depicting, distributing, recording, or transmitting an image of any person;
- Lewd fondling or touching, sexual intercourse, or sodomy with or by any person, or an unlawful sexual act involving a child under the age of consent;
- Being armed with, using, displaying, or brandishing a firearm or other weapon, excluding crimes of mere unlawful possession; or
- Entering or remaining within any residence, dwelling, or habitation.

Additionally, the bill would require an out-of-state felony be classified as a person felony if the elements of the out-of-state felony necessarily prove a person was present during the commission of the offense, if the person present was someone other than the defendant, a charged accomplice, or another person with whom the defendant is engaged in the sale, distribution, or transfer of a controlled substance or non-controlled substance. "Presence of a person" would include physical presence and presence by electronic or telephonic communication.

An out-of-state felony would be classified as nonperson if the elements of the offense do not require proof of any of the above circumstances.

### ***Claims in Appeals Related to Criminal Cases***

The bill would amend a provision listing certain claims arising from criminal cases that may be reviewed in “any appeal” to specify that these claims may be reviewed in “any appeal from a judgment of conviction.” The claims, which would not be amended by the bill, are:

- A departure sentence resulted from partiality, prejudice, oppression, or corrupt motive;
- The sentencing court erred in including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or
- The sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

The bill would state these amendments are procedural and are to be construed and applied retroactively.

### ***Correction of Illegal Sentence***

The bill would amend the statute governing correction of an illegal sentence to specify an illegal sentence may be corrected only while the defendant is serving such sentence and to define “change in the law” as a statutory change or an opinion by a Kansas appellate court, unless the opinion is issued while the sentence is pending an appeal from the judgment of conviction.

The bill would state these amendments are procedural and are to be construed and applied retroactively.

### ***Drug Abuse Treatment Programs***

The bill would expand eligibility for the nonprison sanction of placement in a certified drug abuse treatment program to include offenders convicted of a controlled substance cultivation or distribution offense that falls within existing severity level and criminal history categories eligible for such treatment for controlled substance possession offenses. These categories include drug severity level 5 offenses without certain previous convictions and drug severity level 4 offenses with a criminal history score of E or lower without certain previous convictions. [Note: Under continuing law, Kansas' sentencing guidelines for drug crimes utilize a grid containing the crime severity level (1 to 5, 1 being the highest severity level) and the offender's criminal history score (A to I, A being the highest criminal history score) to determine the presumptive sentence for an offense. There is no current cultivation or distribution offense with drug severity level 5. An offender is classified as criminal history level E if the offender has at least three nonperson felonies but no person felonies.]

These provisions would be effective July 1, 2019.

### ***Probation Violation Sanctions***

The bill would amend the authorized dispositions statute in the Kansas Criminal Code to remove the ability of the sentencing court to specifically withhold authority from supervising court services or community corrections officers to impose certain probation violation sanctions of confinement in a county jail for a two-day or three-day period. The bill also would require the sentencing court to authorize an additional 18 days of confinement in a county jail for the purpose of these and similar sanctions.

The bill would amend the statute governing probation violations to remove violation sanctions allowing the court to remand the defendant to the custody of the Secretary of

Corrections for periods of 120 days or 180 days. The bill would remove procedural provisions related to or dependent on these sanctions, remove statutory references to the sanctions (including those in the statute governing postrelease supervision), and move provisions allowing revocation without first imposing remaining sanctions in certain situations. The bill would require a court that continues or modifies the probation, assignment to a community correctional services program, suspension of sentence, or nonprison sanction to authorize an additional 18 days of sanction time in a county jail for use in imposing the two-day and three-day sanctions.

These provisions would be effective July 1, 2019.

***Penalties for Involuntary Manslaughter and Abuse of a Child***

The bill would amend the penalty for the crime of involuntary manslaughter to raise it from a severity level 5 to a severity level 3 person felony if the victim is under six years of age.

The bill would amend the penalty for the crime of abuse of a child to raise it from a severity level 5 to a severity level 4 person felony if the victim is under six years of age.

The bill would state these provisions would be known as “Mireya’s Law.”

These provisions would be effective July 1, 2019.

***Mitigating Factor when Victim is an Aggressor or Participant in Criminal Conduct***

The bill would amend the statute setting forth a nonexclusive list of mitigating factors that may be considered by a sentencing court in determining whether substantial and

compelling reasons for a departure sentence exist. Specifically, the bill would amend a mitigating factor that may be applied when the victim was an aggressor or participant in the criminal conduct associated with the crime of conviction, to prohibit the application of this factor to a sexually violent crime or to electronic solicitation, when:

- The victim is less than 14 years of age and the offender is at least 18 years of age; or
- The offender hires any person by giving, or offering to or agreeing to give, anything of value to the person to engage in an unlawful sex act.

Continuing law defines “sexually violent crime” to include the following offenses:

- Rape;
- Indecent liberties with a child and aggravated indecent liberties with a child;
- Criminal sodomy and aggravated criminal sodomy;
- Indecent solicitation of a child and aggravated indecent solicitation of a child;
- Sexual exploitation of a child;
- Aggravated sexual battery;
- Aggravated incest;
- Aggravated human trafficking, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;
- Internet trading in child pornography or aggravated internet trading in child pornography;
- Commercial sexual exploitation of a child; or



- An attempt, conspiracy, or criminal solicitation of the above offenses.

These provisions would be effective July 1, 2019.

***Domestic Violence Calls; Law Enforcement Agency Notification Policies***

Continuing law requires law enforcement agencies in the state to adopt written policies regarding domestic violence calls and make such policies available to all officers of the agency. The bill would require all law enforcement agencies in the state provide training to law enforcement officers regarding the agency's adopted policy.

The bill would add requirements that such written policies provide, when an arrest is made for a domestic violence offense, including an arrest for violation of a protection order, the officer shall provide the victim information regarding:

- The fact that in some cases the person arrested can be released from custody in a short amount of time;
- The fact that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately; and
- Any available services within the jurisdiction to monitor custody changes of the person being arrested, including, but not limited to, the Kansas Victim Information and Notification Everyday (VINE) service, if available in the jurisdiction.

These provisions would be effective July 1, 2019.

### ***Technical Amendments***

The bill also would make technical changes to provide consistency in references and statutory phrasing.

The bill would make additional amendments by adding statutory references; however, these amendments would be made to reconcile conflicting versions of the statute and are non-substantive. The bill would accordingly also repeal a conflicting version of a criminal history statute.

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*, except for individual provisions otherwise noted as effective July 1, 2019.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of SB 18, as amended by the House Committee on Judiciary, regarding the crime of counterfeiting currency, access to presentence investigation reports, and authority to enter into diversion agreements. The Conference Committee also agreed to add the contents of the following bills:

- HB 2048, as amended by the Senate Committee on Judiciary, regarding out-of-state criminal history, appeals, and correction of illegal sentences;
- HB 2396, as amended by the House Committee of the Whole, regarding drug abuse treatment programs and probation violation sanctions;
- SB 108, as amended by the Senate Committee of the Whole, regarding the penalties for the crimes of involuntary manslaughter and abuse of a child and a mitigating factor; and

- HB 2279, as amended by the House Committee on Corrections and Juvenile Justice, regarding domestic violence victim notifications. [*Note*: The Conference Committee agreed to add provisions based on Senate Committee on Judiciary amendments to HB 2279, regarding housing protections for domestic violence victims, to the Conference Committee report on SB 78.]

## **Background**

### **SB 18**

As it entered conference, SB 18, as amended by the House Committee on Judiciary, included provisions of SB 18, as passed by the Senate, regarding the Attorney General's authority to enter into diversion agreements; SB 19, as passed by the Senate, regarding access to the presentence investigation report; and SB 134, as amended by the Senate Committee and passed by the Senate, regarding the crime of counterfeiting currency.

SB 18 was introduced by the Senate Judiciary Committee at the request of the Office of the Attorney General. In the Senate Committee hearing, the Attorney General testified in support of the bill, stating the bill would allow the Attorney General to consider and grant diversions in warranted circumstances in topic areas that have been added to the Attorney General's scope in recent years.

A representative of American Family Action of Kansas and Missouri testified as a neutral conferee, requesting an amendment prohibiting diversion agreements where there is a true bill of indictment by a citizen-initiated grand jury and requiring referral of an indictment by such grand jury to the Attorney General if the local prosecutor does not proceed with prosecution. No opponent testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

In the House Committee on Judiciary hearing, a representative of the Office of the Attorney General testified in support of the bill. No other testimony was provided.

The House Committee amended the bill to add the contents of SB 19, as passed by the Senate, regarding access to the presentence investigation report; and SB 134, as amended by the Senate Committee and passed by the Senate, regarding the crime of counterfeiting currency. [Note: The Conference Committee retained these amendments.]

According to the fiscal note prepared by the Division of the Budget on SB 18, as introduced, the Attorney General estimated there could be additional negligible revenue to the Fraud and Abuse Criminal Prosecution Fund. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

*SB 19 (Access to Presentence Investigation Reports)*

SB 19 was introduced by the Senate Committee at the request of the Judicial Branch. In the Senate Committee Hearing, a representative of the Office of Judicial Administration (OJA) testified in support of the bill. Representatives of the Kansas Community Corrections Association, Kansas District Judges Association (KDJA), and Kansas Sentencing Commission (KSC) submitted written-only proponent testimony. No other testimony was provided.

In the House Committee hearing, a representative of OJA testified in support of the bill. Representatives of KDJA and KSC submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 19, OJA and KSC indicate enactment of the bill would have no fiscal effect.

***SB 134 (Crime of Counterfeiting Currency)***

SB 134 was introduced by the Senate Committee at the request of Senator Wilborn on behalf of Senator Berger. In the Senate Committee hearing, Senator Berger testified in support of the bill. The Reno County deputy district attorney and a representative of the League of Kansas Municipalities (LKM) submitted written-only proponent testimony. The proponents stated the bill would clarify the crime of counterfeiting, which was created by 2018 legislation.

The Senate Committee adopted an amendment to further clarify terms and the required intent and provide consistency.

In the House Committee hearing, a representative of the Reno County District Attorney testified in support of the bill. A representative of LKM submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 134, as introduced, OJA indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. KSC indicates enactment of the bill could affect prison admissions, but the Commission cannot estimate an effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

***HB 2048 (Out-Of-State Convictions; Appeals; Correction of Illegal Sentences)***

HB 2048 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the KSC.

As introduced, the bill would have added provisions requiring consideration of the name and elements of the out-of-state offense and whether it prohibits similar conduct to that prohibited by the closest approximate Kansas offense. The bill also would have added a statement of legislative intent.

In the House Committee hearing, the KSC executive director testified in support of the bill, stating it was intended to respond to the Kansas Supreme Court decision in *State v. Wetrich*, 307 Kan. 552 (2018). Representatives of the Kansas County and District Attorneys Association (KCDA) and Johnson County and Sedgwick County District Attorneys' Offices offered neutral testimony supporting the intent of the bill but offering alternative language to address the *Wetrich* decision. A representative of the Office of the Attorney General provided written-only neutral testimony supporting consideration of alternative approaches. A representative of the Kansas Association of Criminal Defense Lawyers (KACDL) testified in opposition to the bill, stating it is unnecessary and unconstitutional.

The House Committee amended the bill with language based upon the neutral conferees' suggestions and added a retroactivity provision. [Note: These amendments were further modified by the Senate Committee on Judiciary amendments, described below.]

In the Senate Committee on Judiciary hearing, representatives of the Johnson County and Sedgwick County District Attorneys' Offices and the Office of the Attorney General testified in support of the bill. A representative of the KCDA testified as a neutral conferee. The proponent and neutral conferees testified generally they supported the bill with the adoption of a proposed amendment that had been distributed at the hearing that would further adjust the language of the House Committee amendment, remove the retroactivity provision from the criminal history portion, and add provisions related to appeals and correction of illegal sentences. A representative of the KACDL testified in

opposition to the bill, expanding on the concerns expressed before the House Committee.

The Senate Committee adopted the amendment supported by the proponents and neutral conferee. [*Note:* The Conference Committee retained this amendment.]

According to the KSC's prison bed impact assessment on HB 2048, as introduced, in FY 2018 536 out-of-state felony convictions were recorded in offenders' five most recent and severe felony convictions.

According to the fiscal note prepared by the Division of the Budget on HB 2048, as introduced, the KSC indicates enactment of the bill may affect prison admissions, bed space, and the KSC's workload, but the KSC cannot determine what the effects would be. OJA indicates enactment of the bill would have no fiscal effect on the Judicial Branch.

***HB 2396 (Drug Abuse Treatment Programs; Probation Violation Sanctions)***

[*Note:* As introduced, HB 2396 contained nearly identical provisions to HB 2045, as recommended by the House Committee on Corrections and Juvenile Justice, except HB 2045 would have been effective upon publication in the *Kansas Register*. HB 2045 was removed from the calendar on February 28, 2019.]

SB 123 (2003) created a nonprison sanction of certified substance abuse treatment for certain drug offenders. Commonly referred to as the "Senate Bill 123 Program," this program is administered by the KSC.

HB 2396 was introduced by the House Committee on Appropriations at the request of Representative Jennings. As introduced, the bill contained provisions regarding drug abuse treatment programs. In the House Committee hearing, a

representative of the KSC testified in support of the bill, stating it was intended to complete the policy decision made by the 2018 Kansas Legislature through its passage of HB 2458, which, among other provisions, expanded SB 123 treatment eligibility from severity level 5 possession offenders to include some severity level 4 possession offenders. The proponent stated the inclusion of some severity level 4 cultivation or distribution offenders was inadvertently omitted from the 2018 legislation.

No other testimony was provided.

The House Committee of the Whole amended the bill to add the contents of HB 2050, as amended by the House Committee on Corrections and Juvenile Justice, regarding probation violation sanctions. [Note: The Conference Committee retained this amendment.]

According to the KSC's prison bed impact assessment, enactment of HB 2396, as introduced, would reduce prison beds by 23 to 62 beds by FY 2020 and by 36 to 99 beds in FY 2029. Enactment of the bill would increase SB 123 program costs by \$1,055,408 to \$1,356,953 in FY 2020, based on an average offender cost of \$3,713.61 per SB 123 treatment offender in FY 2018.

According to the fiscal note prepared by the Division of the Budget on HB 2396, the increased treatment costs estimated by the KSC would be expenditures from the State General Fund. The Department of Corrections estimates a reduction of 23 prison beds would save approximately \$41,676 and a reduction of 62 prison beds would save approximately \$112,344 in FY 2020. By FY 2029, prison bed savings would be \$65,232 to \$179,388.

OJA indicates enactment of the bill would increase expenditures from additional court time needed to make the required determinations and findings to place an offender in the SB 123 program, but a precise fiscal effect cannot be estimated. Because the KSC has clarified this bill makes



technical corrections to legislation enacted during the 2018 Legislative Session and does not further expand the SB 123 program, the fiscal effect associated with enactment of HB 2396, as introduced, is currently reflected in *The FY 2020 Governor's Budget Report*.

*HB 2050 (Probation Violation Sanctions)*

HB 2170 (2013), representing the recommendations of the Justice Reinvestment Working Group, made numerous changes to sentencing, probation, and postrelease supervision statutes, including the creation of two-day and three-day jail sanctions (known as "quick dips") and 120-day and 180-day prison sanctions for probation violations.

HB 2050 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the KSC. As introduced, the bill also would have added a 60-day county jail sanction in lieu of the 120-day and 180-day prison sanctions.

In the House Committee hearing, a representative of the KSC testified in support of the bill. Opponent testimony was presented by representatives of the Johnson County Sheriff's Department, KCDAA, Kansas Sheriffs' Association, and Sedgwick County Division of Corrections. Written-only opponent testimony was provided by representatives of KAC and KDJA.

The House Committee amended the bill to remove the provisions that would have added the new 60-day county jail sanction.

According to the bed impact assessment prepared by the KSC, HB 2050, as introduced, would reduce prison admissions by 1,215 through FY 2020 and 1,389 through FY 2029. The bill would also reduce prison bed needs by 148 through FY 2020 and 158 through FY 2029 without having an impact on the workload of KSC.

According to the fiscal note prepared by the Division of the Budget on HB 2050, as introduced, the Department of Corrections states a 148-bed reduction in FY 2020 would avoid costs of \$268,176 from the State General Fund in FY 2020. Any fiscal effect associated with enactment of HB 2050 is not reflected in *The FY 2020 Governor's Budget Report*.

***SB 108 (Penalties for Involuntary Manslaughter and Child Abuse; Mitigating Factor)***

SB 108 was introduced by the Senate Committee on Judiciary at the request of Senator Rucker. As introduced, the bill would have raised the penalty for the crimes of involuntary manslaughter and child abuse to a severity level 3 person felony and would have added a presumption of parental unfitness to the Revised Code for Care of Children (CINC Code) upon the first conviction of either crime if the victim was under six years of age.

In the Senate Committee hearing, a private citizen testified in support of the bill. A representative of the Department for Children and Families provided neutral testimony regarding the CINC Code amendment. No opponent testimony was provided.

The Senate Committee amended the bill to raise the child abuse penalty to severity level 4 instead of severity level 3, remove the CINC Code provision, and name the bill "Mireya's Law." [Note: The Conference Committee retained these amendments.]

The Senate Committee of the Whole amended the bill to add language taken from HB 2283, regarding a mitigating factor. [Note: The Conference Committee retained this amendment.]

According to the fiscal note prepared by the Division of the Budget on SB 108, as introduced, the KSC indicates enactment of the bill would increase prison bed needs by

between 2 and 10 beds by the end of FY 2020 and by between 6 and 35 beds by the end of FY 2029. Based upon the KSC's most recent 10-year projections, it is estimated the year-end population for available male capacity will be exceeded by 264 inmates in FY 2019 and 581 inmates in FY 2020. The Department of Corrections indicates an additional two beds in FY 2020 would require State General Fund expenditures of \$3,624, an additional five beds would require \$9,060, and an additional ten beds would require \$18,120. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

*HB 2283 (Mitigating Factor when Victim is an Aggressor or Participant)*

HB 2283 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Office of the Attorney General.

The House Committee held a joint hearing on HB 2283 and HB 2299, which would have made similar changes to the same mitigating factor. Representative Holscher and representatives of the Metropolitan Organization to Counter Sexual Assault and the Office of the Attorney General testified as proponents. A social worker and a citizen submitted written-only proponent testimony. A representative of the KACDL testified as an opponent.

At the time of Senate Committee of the Whole action on SB 108, HB 2283 had been tabled by the House Committee, and the House Committee had not taken further action on HB 2299.

According to the fiscal note prepared by the Division of the Budget on HB 2283, KSC indicates enactment of the bill would result in additional prison beds and admissions, but an effect cannot be estimated. OJA indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. Any fiscal effect associated with enactment of HB

2283 is not reflected in *The FY 2020 Governor's Budget Report*.

***HB 2279 (Domestic Violence Calls; Law Enforcement Agency Notification Policies)***

HB 2279 was introduced by Representatives Victors and Curtis.

In the House Committee on Corrections and Juvenile Justice hearing, proponent testimony was presented by Representative Curtis and representatives of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and the Wichita Family Crisis Center. Written-only proponent testimony was provided by Representative Victors and a private citizen. Proponents testified the intent of the legislation was to provide domestic violence victims notice of a potential amount of time that would expire before the arrested person may be released from jail.

A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association presented opponent testimony. The opponent testified the organizations were concerned with specific bond schedule and no-contact order notice requirements contained in the bill, as introduced.

The House Committee amended the bill to specify notice is to be provided when an arrest is made for a domestic violence offense. The House Committee also adjusted the notice provision related to release from custody and no-contact orders and replaced the notice based upon a bond schedule with notice that an arrested person can be released from custody in a short amount of time. [*Note: The Conference Committee retained these amendments.*]

In the Senate Committee on Judiciary hearing, Representatives Victors and Curtis, a representative of KCSDV, and a private citizen testified in support of the bill. A

representative of the Wichita Family Crisis Center and two private citizens provided written-only testimony supporting the bill. No other testimony was provided.

The Senate Committee amended the bill to add the contents of SB 150, as amended by the Senate Committee, regarding housing protections for victims of domestic violence. [Note: The Conference Committee agreed to add language based on the SB 150 provisions to the Conference Committee report on SB 78.]

According to the fiscal note prepared by the Division of the Budget on HB 2279, as introduced, the Kansas Bureau of Investigation and the Kansas Highway Patrol indicate enactment of the bill would have a negligible fiscal effect on agency operations and would be absorbed within existing resources.

KAC and LKM indicate enactment of the bill would result in staff time and attorney costs in drafting written policies with the requirements listed in the bill and additional time for local law enforcement agencies to provide the training required by the bill.

counterfeiting; presentence investigation reports; Attorney General; diversion agreements; criminal history; out-of-state offenses; comparable offenses; criminal appeals; correction of illegal sentence; certified drug abuse treatment programs; SB 123 sentencing and treatment; probation violation sanctions; abuse of a child; involuntary manslaughter; mitigating factors; victim as aggressor or participant; domestic violence victim notifications

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