



2022 Sentencing Legislative Updates

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Q&A



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Follow-Up
Survey

DUI Law Update HB2377

- ▶ DUI Advisory Committee
- ▶ 2018 – 2022
- ▶ Clean up / Substantive

Aircraft DUI

- ▶ Language, procedure, testing, sentencing updated to mirror current DUI law.
- ▶ Federal Aviation Regulations .04 instead of .10

DUI < 21

- ▶ IID language changed for .02-.0799 BAC to 180 days instead of 330 days.
- ▶ .08 and above already 180 days and remained same.

DUI and IID

- ▶ 5 year IID delinquent now eligible for reinstatement under certain circumstances.
- ▶ IID cost reduction program
 - ▶ Eligible up to 150% poverty level, or
 - ▶ Eligible for food assistance, child care subsidy, or cash assistance programs, or
 - ▶ Eligible for LIEAP through DCF
 - ▶ 50% reduction in costs from installer/manufacture

DUI and IID, cont...

- ▶ IID waiting period removed
 - ▶ No longer have to wait 90 days
 - ▶ Retroactive
 - ▶ Apply through KDOR
 - ▶ No route restriction
- ▶ IID completion
 - ▶ 90 consecutive days ending compliance period
 - ▶ No more than 2 standard violations and no serious violations
 - ▶ Apply for removal at expiration of applicable IID period

DUI and IID, cont...

▶ Standard violation:

- (i) *The driver has blown a BrAC fail when attempting an initial engine start-up breath test;*
- (ii) *the driver has blown a BrAC fail when attempting a required rolling retest;*
- (iii) *the driver fails to execute a valid rolling retest;*
- (iv) *the driver fails to submit to a requested rolling retest by turning the vehicle off to avoid submitting to the rolling retest; or*
- (v) *the driver has blown a high BrAC during an initial engine start-up breath test;*

▶ Serious Violation:

- (i) *Tampering with the ignition interlock device;*
- (ii) *circumventing the ignition interlock device; or*
- (iii) *the driver has blown a high BrAC during a rolling retest;*

DUI and IID cont...

- ▶ Manufacturer oversight and customer compliance.
 - ▶ Moved from KDOR to KHP

CDL Updates

- ▶ Clarifies masking rules
 - ▶ Exceptions: Parking, vehicle weight, vehicle defect
- ▶ Clarifies ability of prosecutor to dismiss charges if the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt.
- ▶ Lifetime Disqualification
 - ▶ Lookback 2003
 - ▶ If DQ'd under this provision and at least one offense is before 2003, limited ability to reinstate after 10 years
 - ▶ Added severe forms of trafficking in persons as lifetime DQ

Motorized Bicycle

12

- ▶ 29 licenses out of 2.3 million in state
- ▶ Removed provision allowing for such license

DUI Charges and Penalties

13

- ▶ Clarifies prohibition of plea bargaining and diversion
 - ▶ Only on diversion (defines “other alcohol related offense”)
 - ▶ No for CDL (whether licensed before or after, whether in POV or CMV)
 - ▶ Diversion and plea ok in case whether on injury in crash is to the defendant.

▶ Penalty

- ▶ Removes minimum hours for 1st time offender (Court Discretion)
- ▶ 2nd offense – 48 hours does not have to happen prior to starting probation.
 - ▶ Hour to hour credit for work release up to 120 hours, then day by day
- ▶ 3rd offense misdemeanor – 30 days custody, 48 consecutive mandatory then hour for hour to 240 and day for day thereafter.
- ▶ 3rd and subsequent felony – severity level 6 non person grid offense. DOC. Same minimums

KANSAS OFFENDER REGISTRATION ACT SB 366

- ▶ Creates a mechanism to seek relief from the Kansas Offender Registration Act (KORA) for certain drug offenders.
- ▶ Requires KORA registration for certain convictions of breach of privacy and for convictions of internet trading in child pornography.

Relief from KORA Registration

- ▶ Applies to certain drug offenders
- ▶ Ability to file a verified petition for relief from registration requirements if the offender has registered for a period of at least five years after parole, discharge, release, conviction, or adjudication. Time spent in incarceration, or time during which the offender does not substantially comply with KORA requirements, does not count toward the five-year duration of the registration period.
- ▶ An offender who must register due to an out-of-state conviction or adjudication is not eligible to apply for relief under the bill unless that jurisdiction no longer requires the offender to file.
- ▶ The bill requires the court to order relief from registration requirements if the offender shows by clear and convincing evidence that:
 - ▶ The offender has not been convicted or adjudicated of a felony, other than a violation of KORA, within the five years immediately preceding the filing of the petition, and no proceedings involving any such felony are presently pending or being instituted against the offender; the offender's circumstances, behavior, and treatment history demonstrate that the offender is sufficiently rehabilitated to warrant relief; and registration of the offender is no longer necessary to promote public safety.
- ▶ If the court denies a petition, the bill prohibits the offender from filing another petition until three years have elapsed, unless the court orders a shorter time period. The bill requires successful petitioners to be removed from the offender registry and the Kansas Bureau of Investigation website, and relieves such petitioners from compliance with registration requirements. The bill creates an exception to allow offenders who have successfully been removed from the offender registry to petition for expungement of that offense and allows an offender to combine a petition for relief from registration requirements with a petition for expungement, if the offense is otherwise eligible for expungement.

Registration Requirements Added

17

- ▶ A person convicted of Breach of Privacy (by the means listed below) or Internet Trading In Child Pornography must register as a sex offender.
 - ▶ Installing or using a concealed camcorder, motion picture camera, or photographic camera of any type to secretly videotape, film, photograph, or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy; • Disseminating or permitting the dissemination of any videotape, photograph, film, or image obtained in violation of the above provision; or • Disseminating any videotape, photograph, film, or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten, or intimidate such identifiable person, and such identifiable person did not consent to such dissemination.
- ▶ The bill specifies the definition of “offender” in KORA (to require registration) would not include a person adjudicated as a juvenile offender for the above acts. The bill adds convictions of breach of privacy under the above provisions to those crimes for which an offender must register under KORA for 15 years. The bill amends the definition of “sexually violent crime” in KORA to include the crimes of internet trading in child pornography and aggravated internet trading in child pornography. The bill requires an offender to register under KORA for a period of 25 years if convicted of internet trading in child pornography or aggravated internet trading in child pornography if the victim is more than 14 years of age but less than 18 years of age. The bill requires an offender to register under KORA for such offender’s lifetime if convicted of aggravated internet trading in child pornography if the victim is less than 14 years of age.

Specialty Court Programs; Douglas County Law Library Board of Trustees HB 2361

- ▶ Senate Sub. for HB 2361 creates law requiring the Kansas Supreme Court (Court) to adopt rules for establishment and operation of specialty court programs within the state. The bill allows the chief judge of a judicial district to establish a specialty court program in accordance with the rules adopted by the Court.
- ▶ The bill defines “specialty court” to mean a district court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a person’s involvement in the judicial system, including, but not limited to, mental illness or drug, alcohol, or other addictions. Procedures may include treatment, mandatory periodic testing for prohibited drugs or other substances, community supervision, and appropriate sanctions and incentives.
- ▶ Funding information/instructions in the bill

Completion of Specialty Court Programs HB 2361

- ▶ The bill provides that a sentence may be reduced or modified for a person sentenced to participate in a specialty courts program who successfully completes the program. The bill further clarifies that the bill shall not be construed to authorize a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.
- ▶ The bill makes a corresponding change to a sentencing statute to allow a judge to order a person who has been found guilty of a crime to participate in the specialty court program, as provided for in the bill.
- ▶ Changes reflected in 2022 sentencing forms



Expungement After Specialty Court Programs HB 2361

The bill provides that, subject to certain exceptions in continuing law, any person who has completed the requirements of a specialty court program established pursuant to the bill may petition the district court for expungement of the conviction and related arrest records. The bill allows the court to waive all or part of the docket fee imposed for filing such a petition. The bill amends law that directs a court to order a petitioner's arrest record, conviction, or diversion expunged and to expunge such records if no felony proceeding is presently pending or being instituted against the petitioner. Continuing law also requires that the circumstances and behavior of the petitioner warrant expungement and the expungement is consistent with the public welfare. The bill makes a technical amendment to specify certain restitution provisions of continuing law are procedural in nature and are to be applied retroactively.

Sports Wagering SB 84

House Sub. for Sub. for SB 84 amends the Kansas Expanded Lottery Act (KELA) concerning the conducting of sports wagering operations by lottery gaming facilities. The bill adds new sections to KELA that are a part of and supplemental to the Kansas Lottery Act (KLA). The bill also amends the Kansas Parimutuel Racing Act and authorizes operation of historical horse race machines.

Creates the crime of Misuse of Nonpublic Sports Information: The bill defines the crime of misuse of nonpublic sports information as placing, or causing to be placed, a bet or wager on a sports contest based on material nonpublic sports information relating to such bet or wager and establishes the crime as a severity level 5 nonperson felony.

The bill adds match fixing as a sports bribery offense and classifies it as a severity level 5 nonperson felony. The bill amends law concerning the crime of tampering with a sports contest to raise the classification of the crime to a severity level 8 nonperson felony from a severity level 9 nonperson felony.

SB 408 amends the definition of the crime of theft, amends the definition of the crime of burglary, provides guidance for the consolidation of supervision into one supervision entity or agency for an offender under the supervision of two or more supervision entities or agencies, amends law concerning criminal history calculation and correction of an illegal sentence or clerical error, and transfers provider certification duties for certified drug abuse treatment programs (SB 123 programs) for drug offenders or divertees from the Kansas Department of Corrections to the Kansas Sentencing Commission.

Theft of Mail

- ▶ The bill amends the definition of the crime of theft to make theft of property that is mail of value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction, or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct, a severity level 9 nonperson felony. [Note: Under continuing law, theft of property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, unless an exception, such as the one created by the bill, applies.]
- ▶ The bill defines “mail” as a letter, postal card, package, or bag sent through the U.S. Postal Service or other delivery service, or any other article or thing contained therein, or a sealed article or thing addressed to a person.

Burglary

The bill amends the definition of the crime of burglary by expanding the locations in which a person may not, without authority, enter or remain within to include any locked or secured portion of any dwelling or building, manufactured home, mobile home, tent, or other structure, which is not a dwelling, with intent to commit a felony, theft, or sexually motivated crime therein. The bill also amends the definition of the crime of aggravated burglary to prohibit the same conduct when there is a human being present in the locations specified by the bill.

Consolidation of Supervision

- ▶ The bill provides guidance for the consolidation of supervision into one supervision entity or agency for an offender under the supervision of two or more supervision entities or agencies.
- ▶ The bill amends the statute governing transfer of supervision of persons on parole, on probation, assigned to a community correctional services program, or under suspended sentence to allow the district court where the defendant is currently being supervised to use the guidelines to determine whether it is appropriate to transfer jurisdiction of the defendant to a different district court or retain the jurisdiction.

District Court Transferring Supervised Offenders to Another District Court

If the defendant is being sentenced and is already being supervised on parole, on probation, assigned to a community corrections program, or under suspended sentence, then the district court where the defendant is currently being supervised is authorized to use the guidelines to determine whether it is appropriate to transfer jurisdiction of the defendant to a different district court.

If a new sentence would place the defendant under the supervision of two supervision entities or agencies, the bill authorizes the court to consider:

Granting jurisdiction to the court with jurisdiction over the offense that has the longest underlying sentence of imprisonment; and

Whether the severity of the new offense requires a higher level of supervision.

If a higher level of supervision is not required, the bill states there may be a preference for maintaining supervision of the defendant by the current supervising entity or agency for the duration of supervision.

If a higher level of supervision is required, the bill states there may be a preference for transferring supervision responsibility of the defendant to the appropriate supervision entity or agency for the duration of the supervision.

Two or more supervision entities or agencies and equal sentences

28

If two or more supervision entities or agencies are supervising the defendant for equal sentences, the bill authorizes the court to consider the residency of the defendant; the ability of the defendant to travel to the supervision office from the defendant's residence, place of employment, and school; the resources for residential and nonresidential sanctions or rehabilitative treatment available from each supervision entity or agency; and the level of supervision available to the defendant by each supervision entity or agency.

District Court Retaining Jurisdiction

29

Under continuing law moved within the section by the bill, the district court from which the defendant is on parole, probation, assignment to a community correctional services program, or suspended sentence may retain jurisdiction of the defendant. The bill adds language providing that, if this happens, the defendant will be supervised by one supervision entity or agency.

Criminal History Classification

- ▶ The bill amends law related to criminal history calculation by providing that if an offender raises a challenge to the offender's criminal history for the first time on appeal, the offender will have the burden of designating a record that shows prejudicial error in the calculation of criminal history. The bill requires the appellate court to dismiss the claim if the offender fails to provide such a record.
- ▶ The bill further specifies that in designating a record that shows prejudicial error, the offender may provide the appellate court with journal entries of the challenged criminal history that were not originally attached to the criminal history worksheet, and the State may provide the appellate court with journal entries establishing a lack of prejudicial error.
- ▶ The bill allows the court to take judicial notice of such journal entries, complaints, plea agreements, jury instructions, and verdict forms for Kansas convictions when determining whether prejudicial error exists. The bill also allows the court to remand the case if there is a reasonable question as to whether prejudicial error exists.

SB 408 Cont'd.

- ▶ Correction of an Illegal Sentence or Clerical Error
- ▶ The bill amends law concerning appellate review of certain sentencing matters, to specify that in addition to a departure sentence, as provided in continuing law, a ruling on a motion for correction of an illegal sentence is subject to appeal by the defendant or the State. Continuing law provides that such appeal shall be to the appellate courts in accordance with rules adopted by the Kansas Supreme Court.
- ▶ The bill also specifies that the sentencing court shall retain authority irrespective of any appeal to correct an illegal sentence or clerical error pursuant to continuing law. The bill further specifies that, notwithstanding provisions in continuing law, if a motion to correct an illegal sentence is filed while a direct appeal is pending, any change in the law that occurs during the pending direct appeal shall apply.
- ▶ **Transfer of SB 123 Provider Certification to Kansas Sentencing Commission**
- ▶ The bill transfers provider certification duties for certified drug abuse treatment programs for drug offenders or divertees from the Kansas Department of Corrections to the Kansas Sentencing Commission (Commission). The bill also removes community correction officers from those who may conduct criminal risk-needs assessments for purposes of such programs and allows the Commission to establish a process for revoking certification of programs that do not meet the Commission's qualifications for certification.

Theft or Criminal Damage to Remote Service Units SB 483

SB 483 amends the crimes of theft and aggravated criminal damage to property to address theft or criminal damage to remote service units, as defined by the bill.

The term “remote service unit” has the same definition as in the Kansas Banking Code and specifically includes, but is not limited to, automated cash dispensing machines and automated teller machines (ATMs). The term is added to the definition of “value” contained in the theft statute.

The bill also amends the crime of aggravated criminal damage to include criminal damage to property where the damage exceeds \$5,000 and is committed with the intent to obtain currency upon a remote service unit, as defined above.

RESTITUTION HB 2608

33

HB 2608 amends and repeals law related to enforcement and collection of criminal restitution, wage garnishment, and dormant judgments.

The bill amends a statute governing collection of restitution to provide that Kansas judicial districts are authorized to utilize the collection services of contracting agents for the purpose of collecting restitution owed under an order of restitution.

The bill amends the statute in the Kansas Criminal Code governing authorized dispositions when a person has been found guilty of a crime to remove language allowing collection of restitution as on a civil case judgment and to add language clarifying the applicable garnishment procedure.

The bill also removes language in this section referencing procedures and statutes repealed by the bill.

The bill amends a statute in the Kansas Code of Criminal Procedure governing judgment and sentence to replace a reference to restitution enforcement statutes repealed by the bill with a reference to the statute governing collection of restitution.

The bill amends the definition of "earnings" for purposes of wage garnishment provisions to remove the phrase "paid or" from "compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise."

The bill amends a section in the Kansas Code of Civil Procedure governing when a judgment becomes dormant to provide that undisputed payments made prior to a request for a release of judgment are voluntary and not subject to refund or recoupment.

The bill repeals an article in the Kansas Code of Civil Procedure governing enforcement of judgment of restitution.

Definition of “Possession”; Elements and Severity Levels for Crime of Abuse of a Child; Appearance Bonds; Witness Testimony at Preliminary Examination; Competency Proceedings and Commitment of Certain Persons; HB 2508

- ▶ HB 2508 amends law in the Kansas Criminal Code concerning the definition of “possession” and the elements of and severity levels for the crime of abuse of a child. It also amends law in the Kansas Code of Criminal Procedure concerning forfeiture of appearance bonds, witness testimony at preliminary examinations, and competency proceedings and commitment of certain persons.
- ▶ Definition of “Possession”
- ▶ The bill amends the definition of “possession” to mean “knowingly having joint or exclusive control over an item, or knowingly keeping some item in a place where the person has some measure of access and right of control.”

Elements and Severity Levels for Crime of Abuse of a Child

HB 2508

35

- ▶ The bill replaces the elements of the crime of abuse of a child with language stating abuse of a child is committing any of the following acts against a child under 18 years of age:
 - ▶ Knowingly torturing, cruelly beating, cruelly striking, or cruelly kicking (this conduct is a severity level 5 person felony if the child is at least 6 years of age but less than 18 years of age and a severity level 3 person felony if the child is under 6 years of age).
 - ▶ Knowingly inflicting cruel and inhuman corporal punishment or knowingly using cruel and inhuman physical restraint, including caging or confining the child in a space not designated for human habitation or binding the child in a way that is not medically necessary (this conduct is a severity level 5 person felony if the child is at least 6 years of age but less than 18 years of age and a severity level 3 person felony if the child is under 6 years of age);
 - ▶ Recklessly causing great bodily harm, abusive head trauma, permanent disability, or disfigurement (this conduct is a severity level 4 person felony).
 - ▶ Knowingly causing great bodily harm, abusive head trauma, permanent disability, or disfigurement (this conduct is a severity level 3 person felony);
 - ▶ Knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon (this conduct is a severity level 3 person felony); or
 - ▶ Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck, or chest of the child or by blocking the nose or mouth of the child in a manner whereby death or great bodily harm may be inflicted (this conduct is a severity level 3 person felony).

Competency Proceedings and Commitment of Certain Persons HB 2508

36

- ▶ The bill amends provisions in the Kansas Code of Criminal Procedure regarding competency of defendants to stand trial, proceedings to determine competency, and commitment of incompetent defendants, persons found not guilty by reason of mental disease or defect, and convicted defendants.
- ▶ Proceedings to Determine Competency
- ▶ Evaluation and Treatment of Incompetent Defendant
- ▶ Commitment of Convicted Defendants
 - ▶ The bill amends a statute allowing commitment for mental examination, evaluation, and report of a convicted defendant as part of the presentence investigation, to provide that all such commitments shall be to the state security hospital. Under current law, such commitment may also be to a suitable local mental health facility or to a private hospital.

Competency Proceedings and Commitment of Certain Persons HB 2508

37

▶ Proceedings to Determine Competency

- ▶ The bill replaces language allowing a court to commit a defendant to the state security hospital or an appropriate facility for competency examination and report to the court **with language allowing the court to order an evaluation to be completed by an appropriate facility to be conducted in person or by use of available electronic means while the defendant is in jail, at any secure location, or on pretrial release.**
- ▶ The bill replaces language allowing the court to designate certain appropriate clinics, centers, or facilities to conduct the examination with language **allowing the court to designate an appropriate facility to conduct the examination and add “any secure location” as a place where the defendant may be located.**
- ▶ The bill reduces the minimum number of physicians or psychologists the court may appoint to examine the defendant from two to one and clarifies the qualifications of such physicians or psychologists.
- ▶ The bill clarifies the procedure and time limitation for commitment of the defendant to an institution or facility for the examination, and requires, **before the expiration of the 60-day evaluation period, the professional approved by the court to examine the defendant or, if the defendant is committed for inpatient examination, the chief medical officer or head of the appropriate institution or facility to certify to the court whether the defendant is competent to stand trial.**

Competency Proceedings and Commitment of Certain Persons HB 2508

38

- ▶ Evaluation and Treatment of Incompetent Defendant
 - ▶ The bill amends provisions requiring a defendant found incompetent to stand trial to be committed for evaluation and treatment to instead require such defendant to be ordered for evaluation and treatment, conducted on an outpatient or inpatient basis, by an appropriate facility. The bill states that evaluation or restorative treatment of a defendant shall not be conducted in a jail unless the administrative head or law enforcement official in charge of the jail agrees to such evaluation or restorative treatment being conducted in such jail.
 - ▶ The bill allows an evaluation and treatment to be ordered to be conducted on an outpatient basis in person or by use of available electronic means while the defendant is in jail, at any secure location, on pretrial release, or in any other appropriate setting.
 - ▶ The bill **requires**, rather than allows, a defendant committed to a public institution or facility under these provisions who is thereafter sentenced for the crime charged at the time of commitment to be credited with **all of the time** during which the defendant was committed and confined.

Competency Proceedings and Commitment of Certain Persons

HB 2508

39

- ▶ Evaluation and Treatment of Incompetent Defendant
 - ▶ A provision requiring notification of the county or district attorney in the county where the criminal proceeding is pending, at the time of commitment, for the purpose of providing victim notification is moved and amended to standardize terms and reflect the new procedures provided by the bill.
 - ▶ A provision requiring the chief medical officer of the institution to certify to the court within 90 days of commitment whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future is amended to reflect the new evaluation and treatment options provided by the bill. The bill requires the court to set a hearing within 21 days after such certification, unless exceptional circumstances warrant delay, for the purpose of determining competency.
 - ▶ If such probability does exist, the bill expands the places the court may order the defendant to remain to include jail, a secure location, on pretrial release, or at an appropriate setting. If such probability does not exist, the bill requires the prosecuting attorney where the charges are filed (if the evaluation and treatment was not provided by the state security hospital or its agent or a state hospital or its agent), or the prosecuting attorney or the Secretary for Aging and Disability Services (if the evaluation and treatment was provided by the state security hospital or its agent or a state hospital or its agent), to commence involuntary commitment proceedings, and requires such proceedings to commence within 21 days of receipt of the certification, unless exceptional circumstances warrant delay. The bill implements similar requirements if a defendant, who was found to have had a substantial probability of attaining competency, has not attained competency within six months from the date of the original commitment.
 - ▶ If the defendant is ordered or has met criteria to receive an outpatient evaluation and treatment, and the chief medical officer of the appropriate institution or facility determines that the defendant's mental health condition or behaviors warrant terminating outpatient treatment services and commencing inpatient evaluation and treatment, the chief medical officer or head of the facility or institution is required to provide a report to the court within ten days after outpatient treatment is terminated. The bill provides content and procedural requirements for such report, including procedures for the court to order the sheriff of the county where the charges are filed to transport the defendant to the state security hospital or its agent or a state hospital or its agent for inpatient services.

Competency Proceedings and Commitment of Certain Persons HB 2508

40

- ▶ Evaluation and Treatment of Incompetent Defendant
 - ▶ The bill allows outpatient evaluation and treatment at an appropriate facility to be ordered to be conducted for a defendant charged with a misdemeanor offense. For a defendant charged with a felony offense, the bill allows an inpatient commitment to the state security hospital or its agent or a state hospital or its agent, or an outpatient commitment to such facilities or agents if the defendant meets screening criteria established by the state security hospital. In ordering an inpatient commitment, the court is required to consider the defendant's mental condition, behaviors, and the availability of outpatient evaluation and treatment options.

Amendments to Uniform Controlled Substances Act and Definition of Marijuana HB 2540

- ▶ HB 2540 amends the Uniform Controlled Substances Act (Act) and the definition of “marijuana” in the Act and the Kansas Criminal Code (Code). The amended definition of marijuana exempts U.S. Food and Drug Administration (FDA)-approved drug products containing an active ingredient derived from marijuana. The bill also makes technical changes.

Habeas Corpus Motions and Notice of Release of Sexually Violent Predators HB 2607

- ▶ HB 2607 amends time limitations for habeas corpus motions under KSA 60-1507 and amends the Kansas Sexually Violent Predator Act (SVPA) regarding the notice of release or anticipated release of sexually violent predators (SVPs).

Kansas Racketeer Influenced and Corrupt Organization Act— Identity Theft or Identity Fraud SB 300

43

The bill adds to the definition of “covered person” a person who has engaged in identity theft or identity fraud. The bill also adds identity theft or identity fraud to the list of crimes for which committing, attempting, or conspiring to commit or soliciting, coercing, or intimidating another person to commit a misdemeanor or felony violation constitutes “racketeering activity” under the Kansas RICO Act.

Election and Voting

HB 2138

- ▶ Senate Sub. for HB 2138 amends and creates law pertaining to elections and voting, including voter registration, election audits, distinctive watermarks on paper ballots, electronic or electromechanical voting systems, electronic poll books, an affidavit system for transferring ballots, duties of the Secretary of State (Secretary) and election officials, electronic poll book fraud, exemptions from election crimes for poll workers, and providing electronic election results.
- ▶ Affidavit System
 - ▶ Violations of the bill include altering any information provided in an affidavit or providing false information in an affidavit with the intent to hinder, prevent, or defeat a fair election. Such violations constitute a severity level 9 nonperson felony.
- ▶ Electronic Poll Book Fraud
 - ▶ The bill expands the current crime of electronic or electromechanical voting system fraud to include electronic poll book fraud, defined as being in unlawful or unauthorized possession of electronic poll books; or intentionally tampering with, altering, disarranging, defacing, impairing, or destroying any electronic poll book, or component thereof.
 - ▶ Electronic poll book fraud is a severity level 9 nonperson felony.

Fingerprinting for Criminal History Record Checks; Surveillance by KDWP; Law Enforcement Officer Jurisdiction; Search Warrant Time Limits; HB 2299

- ▶ HB 2299 creates and amends law related to fingerprinting for criminal history record checks, surveillance by Kansas Department of Wildlife and Parks employees, jurisdiction of law enforcement officers, the time period within which a search warrant must be executed, and disclosure of information to law enforcement agencies regarding a child alleged or adjudicated to be a child in need of care (CINC).
- ▶ Fingerprinting for Criminal History Record Check—Rap Back Programs
 - ▶ The bill specifies a criminal history record check may only be completed for the purpose for which the check was requested and requires submission of a new set of fingerprints for any additional record checks. The bill prohibits a person acquiring the records of or relating to fingerprints, or any information concerning any individual, from disclosing such information to any person who is not authorized to receive such information, and **any intentional disclosure of such information is a class A nonperson misdemeanor.**

<http://www.kslegislature.org/li/>



QUESTIONS?

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