

2017 LAW ENFORCEMENT LEGISLATIVE REPORT

Passed Topics by Category

7/3/2017

Criminal Law

Commercial Exploitation of a Child

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The crime of commercial sexual exploitation of a child (KSA 21-6422) is amended by combining subsections (a)(1)(A) and (B) into one subsection. The penalty is increased from a SL5 to a SL4 person felony. The combined description of the crime is "Hiring a person younger than 18 years of age by giving, or offering or agreeing to give, anything of value to any person, to engage in a manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act."

Transporting, procuring transportation, or paying for transportation of a child for purposes of selling sexual relations is stricken from this statute. Transporting is covered in aggravated human trafficking KSA 21-5426 subsections (a)(1) or (a)(4) and procuring or paying for transportation is no longer covered in statute that I can find. While some believe procuring and paying for are covered under the general term of transporting, you might want to address this with your local prosecutor for their interpretation.

Amends [21-6422](#)

Bill Section [14](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Law

Communication facility used for human trafficking or sex crimes

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

A new crime of Using a Communication Facility is created. It is a SL7 person felony if used to commit the crimes of human trafficking, commercial sexual exploitation of a child, or promoting the sale of sexual relations, including an attempt, conspiracy or solicitation of those crimes. It is an A person misdemeanor to use a communication facility in committing, causing, or facilitating the commission of the crime of buying sexual relations. "Communication facility" is defined as any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers, and all other means of communication. An affirmative defense is created if the defendant committed the crime because they were subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child.

Amends [New](#)

Bill Section [1](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Law

Domestic Battery

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

The crime of domestic battery is amended by adding persons who have been engaged in a dating relationship ("a person with whom the offender is involved or has been involved in a dating relationship or a family or household member"). A "dating relationship" means "a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship." This is the same definition as found in criminal code definitions and similar to the definition relating to protection from abuse orders. Previously, only "family or household members" were included.

Amends 21-5414

Bill Section 2 EffDate 5/18/2017 DelayedEffDate 7/1/2017

Criminal Law

Domestic Battery, Aggravated (Strangulation)

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

The crime of aggravated domestic battery is created which includes knowingly impeding the normal breathing or circulation by strangulation or by blocking the nose and mouth of a person done in a rude, insulting or angry manner when the victim and offender is involved in or has been involved in a dating relationship; or is a family or household member. Aggravated domestic battery is a SL7 person felony.

Amends 21-5414

Bill Section 2 EffDate 5/18/2017 DelayedEffDate 7/1/2017

Criminal Law

Human Trafficking

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The crime of aggravated human trafficking is amended in subsection (b)(4) defining one form of the crime as "recruiting, harboring, transporting, providing or obtaining, by any means, a *child* knowing the *child* will be used to engage in forced labor, involuntary servitude, or sexual gratification of the defendant or another *involving the exchange of anything of value.*"

Subsection (b)(5) is added creating a new crime under aggravated human trafficking: "*Hiring a child by giving, or offering anything of value to any person to engage in 1) bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of another, 2) sexual intercourse, 3) sodomy, or 4) any unlawful sexual act when the offender recklessly disregards the age of the child.*"

An affirmative defense is created for violations of subsection (b)(4) or (5) for a defendant who 1) at the time of the violation was under 18 and 2) committed the violation because at the time of the violation the defendant was subjected to human trafficking or aggravated human trafficking. It is not a defense that a victim consented or willingly participated in the forced labor, involuntary servitude, or sexual gratification of the defendant or another, or that the offender had no knowledge of the age of the victim.

It is clarified that a person who violates any of the provisions of the human trafficking statute can also be prosecuted for commercial sexual exploitation of a child or any form of homicide.

A new mandatory fine is also created for those convicted of human trafficking of between \$2,500 and \$5,000, and those convicted of aggravated human trafficking a minimum of \$5,000. A provision is also added to allow a court to order anyone convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child.

The crime of aggravated human trafficking if committed in whole or in part for the purpose of the sexual gratification of another is added to the definition of "sex offense" in the capital murder statute.

Amends [21-5401](#); [21-5426](#)

Bill Section [9, 10](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Law

Human Trafficking Technical Amendments

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The name of the National Human Trafficking Hotline, which formerly was known as the National Human Trafficking Resource Center, is updated.

Amends [75-759](#)

Bill Section [25](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Law

Internet trading in child pornography

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Creates the crimes of Internet trading in child pornography (SL5 person felony). The crime is defined as an act of sexual exploitation of a child [KSA 21-5510(a)(2) SL5p] when a person 18 years of age or older knowingly causes or permits the performance to be viewed by use of any electronic device connected to the Internet by any person other than the offender or a person depicted in the performance.

Also creates the crime of aggravated internet trading in child pornography (SL3 person felony if the child is age 14-17 or an off-grid felony if the child is under age 14). Aggravated Internet trading in child pornography is an act of sexual exploitation of a child [KSA 21-5510(a)(1) or (4) SL3p] when the offender 1) employs, uses, persuades, induces, entices or coerces a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance; or 2) a parent, guardian, or other person having custody or control of a child under 18 years of age, knowingly permits such child to engage in, or assist another to engage in, sexually explicit conduct with the intent to promote any performance or with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person. If the child is under 14 years of age, the severity level reductions for attempt, conspiracy, and criminal solicitation do not apply to agg. Internet trading in child pornography.

Jurisdiction for either crime includes a place where the visual depiction or performance may be viewed by any person other than the offender using any electronic device connected to the Internet and is viewed by a law enforcement officer using an electronic device connected to the Internet while engaged in such officer's official duties.

Internet Trading in Child Pornography or Aggravated Trading in Child Pornography does not apply if the acts violate the sexting crimes passed last year of unlawful possession of a visual depiction of a child (KSA 21-5610) or unlawful transmission of a visual depiction of a child apply (KSA 21-5611).

Internet Trading in Child Pornography or Aggravated Trading in Child Pornography are both added to 1) The definitions of "sex offense" in the capital murder statute (KSA 21-5401); 2) the definition of "sexually violent crime" in the aggravated habitual sex offender statute (KSA 21-6626) and in the parole and postrelease supervision statute (KSA 22-3717); and 3) the statute prohibiting expungement of the crimes (KSA 38-2312). When the child is less than 14 years of age, the crime of aggravated Internet trading in child pornography is added as a crime where the sentence may be life with a mandatory minimum term of imprisonment of not less than 25 years (KSA 21-6627); and may not be directly appealed to the Kansas Supreme Court (22-3601).

KSA 21-5502 is amended to provide evidence of a witness's previous sexual conduct may not be presented in prosecutions of Internet Trading in Child Pornography or Aggravated Trading in Child Pornography.

Amends [New; 21-5401; 21-6626; 22-3717; 38-2312](#)

Bill Section [3, 9, 16, 20, 23](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Law

Promoting travel for human trafficking

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Creates a new crime of Promoting Travel for Child Exploitation, which is a SL5 person felony. Promoting Travel for Child Exploitation is knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of any person engaging in conduct constituting aggravated human trafficking, sexual exploitation of a child, Internet trading in child pornography, or commercial sexual exploitation of a child. There is a violation if the promotion or sale is offered to a person in Kansas even though the destination and sexual misconduct acts would occur outside of Kansas. "Travel services" is defined as transportation by air, sea, or ground; hotel or any lodging accommodations; package tours; or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration. [NOTE: The simple transportation of a person for the purposes of human trafficking remain in KSA 21-5426.]

Amends

Bill Section

EffDate

DelayedEffDate

Criminal Law

Reconciliation Bill

Final Bill [HB2426](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Reconciles conflicts of created by multiple bills amending the same statute.

Amends

Bill Section

EffDate

DelayedEffDate

Criminal Law

Sexual Exploitation of a Child

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Sexual exploitation of a child (KSA 21-5510) is amended to increase the severity level from a SL5 to a SL3 person felony when committed by 1) employing, using, persuading, inducing, enticing, or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance [KSA 21-5510 (a)(1)]; or 2) promoting any performance that includes sexually explicit conduct by a child under 18 years of age, knowing the character and content of the performance [KSA 21-5510 (a)(4)]. The elements of the crime have not changed, just the penalty.

Amends

Bill Section

EffDate

DelayedEffDate

Criminal Law

Tobacco and Cigarettes Products

Final Bill [HB2230](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Amends the violation of possessing more than 200 cigarettes without a tax stamp to include possessing, *selling, transporting, importing, distributing, wholesaling, or manufacturing more than 1000 cigarettes* without a tax stamp. The penalty is a Class A misdemeanor for a first violation, with a fine of not less than \$1,000 nor more than \$2,500; a SL6, nonperson felony for a second violation, with a fine of not less than \$50,000 nor more than \$100,000; and a SL 6, nonperson felony for a third and all subsequent violations, and a fine of \$100,000. The law prohibiting selling cigarettes at retail or to a retailer without the tax stamp to include transporting or allowing cigarettes without a tax stamp to be transported into Kansas. The penalty is a class B misdemeanor with a fine of not less than \$500 nor more than \$1,000 and/or not more than one year in jail for each separate violation.

Amends [79-3321](#); [79-3322](#)

Bill Section [11, 12](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Penalties

Burglary to Dwelling

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Burglary of a dwelling with intent to commit a felony, theft, or sexually motivated crime therein is a SL7 person felony, rather than a SL7 nonperson felony, reversing a change made in 2016. Non-dwelling burglary remains a nonperson crime. Aggravated burglary continues to be a person felony.

Amends [21-5807](#)

Bill Section [4](#)

EffDate [5/18/2017](#)

DelayedEffDate

Criminal Penalties

LEO Protection Act

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The Law Enforcement Protection Act, creates a special sentencing rule enhancing penalties if a trier of fact finds beyond a reasonable doubt that an offender committed a nondrug felony offense against a law enforcement officer while the officer was performing the officer's duty or solely due to the officer's status as a law enforcement officer. The special sentencing rule provides: 1) For SL2-10 felonies an increase of one severity level; 2) For SL1 felonies the minimum sentence is life, no eligibility for probation or sentence modification, must serve 25 years before parole consideration, and no good time credit. The enhancements do not apply to crimes which are already enhanced due to law enforcement status, such as assault/battery to a LEO. For the purposes of this provision, a law enforcement officer is defined as a public employee vested by law with the duty to maintain public order or to make arrests for crimes, and any university or campus police officer.

Amends [21-6804](#)

Bill Section [7](#)

EffDate [5/18/2017](#)

DelayedEffDate

[7/1/2017](#)

Criminal Penalties

Sexual Relations, Buying

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The penalty for buying sexual relations is amended to be between \$1,200 and \$5,000. It was a fine of \$2,500 for a first-time offense and a fine of up to \$5,000 for a second or subsequent offense. Half of all fines collected, in district or municipal courts, are remitted to the Human Trafficking Victim Assistance Fund. Existing law had required \$2,500 of any such fine to be remitted to that fund.

Amends [12-4120](#); [21-6421](#)

Bill Section [5, 13](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Procedure

Infectious disease testing

Final Bill [SB101](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Existing law provides if information indicates there was an exchange of body fluids from one person to another and if either 1) the victim of a crime or the county or district attorney requests the court to order infectious disease tests of the alleged offender, or 2) the person arrested and charged with a crime indicates to a law enforcement officer making such arrest that the person arrested and charged with the crime has an infectious disease, the court shall order the arrested person to submit to infectious disease tests (HIV or Hepatitis B). The results of that test are allowed in criminal or civil proceedings. That law is amended to 1) provide the testing must occur within 48 hours of first appearance before a magistrate, and 2) the court may also order the arrested person to submit to follow-up testing as may be medically appropriate. It also adds a provision to allow the court to provide the test results to victims or the parent/legal guardian of the victim if appropriate. Existing law provides the cost of these tests are paid by the Department of Health and Environment.

Amends [65-6009](#)

Bill Section [13](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Procedure

Protection Order, Sexual Assault

Final Bill [SB101](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The Protection from Abuse Act (PFAA) and Protection from Stalking Act (PFSA) now apply to victims of sexual assault. The definition of "abuse" was amended to include "engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent." The Protection from Stalking Act (PFSA) is also renamed the Protection from Stalking and Sexual Assault Act (PFSSAA). Sexual assault is defined in the act as: 1) A nonconsensual sexual act; or 2) An attempted sexual act against another by force, threat of force, or duress, or when the person is incapable of giving consent. It allows the court to issue an order restraining the defendant from committing or attempting to commit a sexual assault upon the victim and may be combined with other orders to also include restraining a defendant from harassing, or abusing victim. The statute on violating a protective order is amended to include these orders.

Amends [60-3102](#); [60-31a01](#); [60-31a02](#); [60-31a03](#), [60-31a04](#); [60-31a05](#); [60-31a06](#); [60-31a07](#); [60-31a08](#); [60-31a09](#)

Bill Section [1-11](#)

EffDate [7/1/2017](#)

DelayedEffDate

Criminal Procedure

Warrant Disclosure

Final Bill [HB2092](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The law regarding public disclosure of affidavits or sworn testimony used for an arrest warrant is amended to clarify the notice to a defendant of a disclosure request must be provided to the defendant upon the defendant's attorney's entry of appearance or upon entry of the defendant declaring they will represent themselves.

Amends [22-2302](#)

Bill Section [6](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Absconding

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Absconding from supervision is an event allowing a supervising officer to request a warrant, and is not considered a technical violation of probation. A court may issue a warrant commanding the juvenile be taken into custody if there is probable cause to believe the juvenile has absconded from supervision and after reasonable efforts to locate a juvenile who absconded are unsuccessful.

Absconding from supervision is added to the list of findings enabling a court to extend or modify the terms of probation, placement, or to enter another sentence. Absconding from supervision is an event allowing the supervising officer to file a report with the court describing the alleged violation and the juvenile's history of violations. Continuing law allows a court, following notice and hearing, to find a violation occurred and modify or impose additional conditions of release. Probation length limits and overall case length limits are tolled during any time that a juvenile has absconded from supervision while on probation.

Amends [38-2330](#); [38-2342](#); [38-2368](#); [38-2375](#); [38-2391](#); [38-2392](#)

Bill Section [3, 4, 7, 9, 10, 11](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Alternative Placement: Short Term

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The three-month limit on short-term alternative placement allowed when a juvenile is adjudicated of certain sex offenses and certain other conditions are met is removed from the sentencing alternatives statute (version effective July 1, 2017).

Amends [38-2361](#)

Bill Section [6](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Case Limits

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The provisions of the Juvenile Code statute governing overall case, probation, and detention length limits (effective July 1, 2017) apply upon disposition or 15 days after adjudication, whichever is sooner. Probation length limits and overall case length limits are tolled for any period of time the juvenile absconded.

Amends [38-2361](#); [38-2391](#)

Bill Section [6, 10](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

DOC Immunity for Discharge Calculations

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The State of Kansas, the Secretary of Corrections, the Secretary's agents or employees, the OJA, and court services officers shall not be liable for damages caused by any negligence, wrongful act, or omission in making the earned discharge credit calculations.

Amends [38-2398](#)

Bill Section [12](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Firearms Used in Crime

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Upon a finding by the trier of fact that a firearm was used in the commission of a felony offense by a juvenile, the judge may commit the juvenile directly to the custody of the Secretary of Corrections for placement in a juvenile correctional facility or a youth residential facility for a term of 6 to 18 months, regardless of the risk level of the juvenile. The court may also impose a period of conditional release of up to 6 months, subject to graduated responses. The Secretary of Corrections is required to notify the court of the juvenile's anticipated release date 21 days prior to such date. This is an amendment to the changes made in 2016 SB 367.

Amends [38-2361](#); [38-2369](#)

Bill Section [6, 8](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Funding Provisions

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

References to the "Kansas Juvenile Justice Improvement Fund" are replaced with references to the "Evidence-Based Program Account of the State General Fund." A provision requiring the Secretary of Corrections to determine and certify cost savings "annually, on or before June 30," is amended to require such determination and certification "at least annually, throughout the year." A provision requiring transfer of the certified amount by the Director of Accounts and Reports "annually, on July 1 or as soon thereafter as moneys are available," is amended to require such transfer "upon receipt of a certification pursuant to" the certification provision.

Amends [75-52,164](#); [75-6704](#)

Bill Section [15, 16](#)

EffDate [7/1/2017](#)

DelayedEffDate

Juveniles

Immediate Intervention

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Participation in an immediate intervention program does not have to be offered to a juvenile who has 1) Participated in such a program for a previous misdemeanor; 2) Was originally charged with a felony but had the charge amended to a misdemeanor as a result of a plea agreement, or; 3) has been charged with a misdemeanor sex offense A juvenile is not required to participate in an immediate intervention program when the county or district attorney has declined to continue with prosecution of an alleged offense.

The Kansas Department of Corrections is required to establish and maintain a statewide searchable database containing information regarding juveniles who participate in an immediate intervention program. County and district attorneys, judges, community supervision officers, and juvenile intake and assessment workers must have access to the database and are required to submit necessary data to the database. Consultation with the Office of Judicial Administration is required in adoption of rules and regulations to implement the database.

Amends [38-2346](#); [75-52,162](#)

Bill Section [5, 14](#)

EffDate [7/1/2017](#) DelayedEffDate

Juveniles

Juvenile Justice Oversight Committee

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Two members are added to the Kansas Juvenile Justice Oversight Committee, bringing its total membership to 21. The members added are one youth member of the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention appointed by the chair of that group and one director of a juvenile detention facility appointed by the Attorney General. Two additional duties for the Oversight Committee are added: 1) study and create a plan to address the disparate treatment of and availability of resources for juveniles with mental health needs in the juvenile justice system, and 2) review portions of juvenile justice reform that require KDOC and OJA to cooperate and make recommendations when there is no consensus between the two agencies.

Amends [75-52,161](#)

Bill Section [13](#)

EffDate [7/1/2017](#) DelayedEffDate

Juveniles

Reform Technical Amendments

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Numerous technical amendments updating statutory references are made ensuring consistent phrasing, and removing a redundant effective date.

Amends [38-2304](#); [38-2342](#); [38-2361](#); [38-2368](#); [38-2369](#); [38-2375](#); [38-2330](#); [38-2346](#); [38-2391](#); [38-2392](#); [75-52,161](#), [75-52,162](#), [75-52,164](#) and [75-6704](#)

Bill Section [2-11](#); [13-15](#)

EffDate [7/1/2017](#) DelayedEffDate

Juveniles

Removal from Home, Code of Juvenile Justice

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

When a juvenile is removed from the home for the first time pursuant to the Juvenile Code, the judge is to consider the following, if appropriate, in making their decision: 1) If the juvenile is likely to sustain harm if not immediately removed from the home; 2) If allowing the juvenile to remain in the home is contrary to the welfare of the juvenile; or 3) If immediate placement of the juvenile is in the juvenile's best interest. Such placement also requires a finding that reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the juvenile from the juvenile's home or an emergency exists that threatens the safety of the juvenile.

Amends

Bill Section

EffDate

DelayedEffDate

Juveniles

Removal from Home, Using CINC for Continued Placement

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

In cases in which a sentencing court orders the continued placement of the juvenile outside the home as a child in need of care, DCF is no longer required to address issues of abuse and neglect by parents and to prepare parents for the child's return home.

Amends

Bill Section

EffDate

DelayedEffDate

Juveniles

Sentencing Matrix

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The categories of serious offender III and serious offender IV, which carry the same risk-level requirements and JCF commitment terms, are consolidated into a single serious offender III category in the matrix statute (version effective July 1, 2017).

Amends

Bill Section

EffDate

DelayedEffDate

Law Enforcement Procedures

Animals

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

References to “incorporated humane society” in provisions allowing an animal to be taken into custody and cared for are removed and replaced with “animal shelter.” Existing law regarding cruelly treated animals, including dogs used in dog fighting, require the board of county commissioners to establish procedures to allow an animal shelter to petition the district court to place the animal for adoption or euthanize the animal. These are amended to allow the law enforcement agency, district attorney’s office, county prosecutor, veterinarian, or animal shelter to petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. A provision also adds law enforcement agencies and veterinarians to the list of entities entitled to payment for expenses incurred for the care, treatment, and boarding of the dog. Current law requiring the county commission to review the cost of care and treatment being charged by the animal shelter maintaining the animal is removed.

Previous law is repealed that required the court to find an animal would be subjected to cruelty in the future before ruling an animal is not to be returned to or allowed to remain with a person adjudicated guilty of animal cruelty.

Amends [21-6412](#); [21-6414](#).

Bill Section [5 and 6](#)

EffDate [5/18/2017](#)

DelayedEffDate

[7/1/2017](#)

Law Enforcement Procedures

CPOST

Final Bill [HB2054](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The definition of “conviction,” as used in the section of the Kansas Law Enforcement Training Act is amended to include any “deferred judgment agreement,” along with the existing “diversion” provision for a felony crime, misdemeanor crime of domestic violence, or other misdemeanor offense CPOST determines to reflect on the honesty, trustworthiness, integrity, or competence of the applicant or officer as defined by CPOST rules and regulations. A deferred judgement agreement is used in some states and is similar to and serves the same purpose as diversion. The difference is diversion is preconviction, a deferred judgement agreement requires a guilty plea with a court and the sentence is set aside during a specified period of time when conditions must be met.

Amends [74-5605](#)

Bill Section [3](#)

EffDate [7/1/2017](#)

DelayedEffDate

Line Operations

Autism Alerts

Final Bill [SB74](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

DMV is authorized to issue placards, a decal to be affixed to a license plate in addition to a placard and placement of an indicator the person needs assistance with cognition on a driver's license or nondriver identification card upon application with a physician confirmation of the condition. The law is fashioned after the handicap placard law including creating a C Misdemeanor for misrepresentation to obtain the placard, license, ID card, or decal and an unclassified misdemeanor with a \$100-\$300 fine for misuse of the devices. DMV is tasked with developing applicable regulations and the design of the placard and decal. The intent is to offer a method for officers to recognize when they may be approaching a person with a relevant cognition condition.

Amends [19-206](#)

Bill Section [All](#)

EffDate [7/1/2017](#)

DelayedEffDate

Line Operations

Interrogations, Recording

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

No later than July 1, 2018, every Kansas law enforcement agency must have a policy in place requiring any interrogation relating to a homicide or felony sex offense to be electronically recorded, preferably with a video and audio recording. The policy must be developed jointly with the state prosecutor in the law enforcement agency's jurisdiction and must include retention and storage requirements. The statute lists specific topics that must be included in the policy. The policy must also address any exceptions to making a recording. Such recordings are exempt from open records.

Amends [New](#)

Bill Section [1](#)

EffDate [5/18/2017](#)

DelayedEffDate

[7/1/2018](#)

Line Operations

Mental Health, Crisis Intervention Act

Final Bill [HB2053](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Creates the local option to create a local "crisis intervention center" licensed by KDADS that is open 24 hours a day, 365 days a year, equipped to serve voluntary and involuntary persons in mental health crisis due to mental illness, substance abuse, or a co-occurring condition. These crisis intervention centers must serve a designated "Crisis intervention center service area" which is the counties to which the crisis intervention center has agreed to provide service. Persons treated at these centers on an involuntary basis may be held for up to 72 hours. If they remain a risk to themselves or others the crisis intervention center must seek court commitment to a state hospital.

A LEO who takes a person 18 years of age or older into custody under the Care and Treatment Act for Mentally Ill Persons or the Care and Treatment Act for Persons with an Alcohol or Substance Abuse Problem may transport the person to a center if the LEO is in a crisis intervention center service area. Upon the written application of a law enforcement officer on a form designated by KDADS, the center cannot refuse to accept any person brought by a LEO for emergency observation and treatment if the LEO's jurisdiction is in the center's service area, unless the person is in need of medical treatment the center is not capable of providing. If the LEO is not in a crisis intervention center service area or chooses not to transport the person to a center, the LEO must follow the existing procedures under the Care and Treatment Act for Persons with an Alcohol or Substance Abuse Problem or the Care and Treatment Act for Mentally Ill Persons. The original law enforcement application is kept in the regular course of business with the law enforcement agency and a copy would be provided to the crisis center and to the patient.

Provisions are included to assure due process and periodic assessment by the crisis center who must release the person if they stabilize to a condition where they are no longer deemed a risk to themselves or others.

Supporting funding was in HB2313 which was vetoed by the Governor.

Amends [New](#); [39-2001](#); [39-2002](#); [39-2003](#); [59-2953](#); [59-2978](#); [59-2980](#); [59-29b53](#); [59-29b78](#); [59-29b80](#)

Bill Section [All](#)

EffDate [7/1/2017](#)

DelayedEffDate

Line Operations

Mutual Aid, DOC

Final Bill [HB2054](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The law on interstate requests for law enforcement assistance is amended by adding a provision for a department of corrections in another jurisdiction to the list of agencies from whom assistance may be requested and adds the Secretary of Corrections, or designee, to those persons who may request such assistance.

Amends [48-3602](#)

Bill Section [2](#)

EffDate [7/1/2017](#)

DelayedEffDate

Line Operations

Scrap Metal

Final Bill [SB149](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The Scrap Metal Theft Reduction Act is amended to delay until 1/1/19 a requirement that the Attorney General establish and maintain a database as a central repository for information required to be provided. The following provisions of the Act are also rendered unenforceable until January 1, 2019: 1) A provision requiring scrap metal dealers to forward information to the database described above; 2) A provision changing the scrap metal dealer a registration fee; 3) A renewal fee; 4) Provisions regarding licensing requirements. The requirement a dealer photograph the seller is removed while the requirement is retained to photograph the items being purchased and to keep such photographs with the record of the transaction. The provision to allow the Attorney General to impose a civil penalty of \$100-\$5,000 for each failure to comply with provisions of the act relating to licensing are set aside until January 1, 2019. However, it retains the ability to impose civil penalties for failure to comply with an existing paragraph requiring a scrap metal dealer to include a copy of the seller's identification card or document containing such identifying number in the register of information the dealer is required to maintain or to certain actions prohibited such as accepting types of metals without complying with statutory restrictions.

Amends [50-6,109a](#); [50-6,109c](#); [50-6,110](#); [50-6,111](#); [50-6,112a](#); [50-6,112b](#)

Bill Section [4-9](#)

EffDate [6/1/2017](#)

DelayedEffDate

Line Operations

Sexual Assault Examinations, Parental Notice

Final Bill [SB101](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Current law requires a medical facility to give a parent or guardian written notice when a child has been given a sexual assault examination. An exception is created if either 1) the medical facility has information that a parent, guardian, or family or household member is the subject of a related criminal investigation, or 2) the physician, licensed physician assistant, or registered professional nurse, after consultation with law enforcement, reasonably believes the child will be harmed if such notice is given.

Amends [65-448](#)

Bill Section [12](#)

EffDate [7/1/2017](#)

DelayedEffDate

Weapons

CCH in Indigent Health Centers

Final Bill [HB2278](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Exempts indigent health care clinics from a general requirement in existing law that public buildings have adequate security measures in place by 7/1/17 in order to prohibit the concealed carry of handguns in the building.

Amends [75-7c20](#)

Bill Section [2](#)

EffDate [7/1/2017](#)

DelayedEffDate

Weapons

CCH in KU Med Facilities

Final Bill [HB2278](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Exempts any buildings located in the health care district associated with the University of Kansas Medical Center from a general requirement in existing law that public buildings have adequate security measures in place by 7/1/17 in order to prohibit the concealed carry of handguns in the building.

Amends 75-7c20

Bill Section 2

EffDate 7/1/2017

DelayedEffDate

Weapons

CCH in Mental Health Facilities

Final Bill [HB2278](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Exempts any 1) State- or municipal-owned medical care facilities and adult care homes; 2) Community mental health centers from a general requirement in existing law that public buildings have adequate security measures in place by 7/1/17 in order to prohibit the concealed carry of handguns in the building.

Amends 75-7c20

Bill Section 2

EffDate 7/1/2017

DelayedEffDate

Weapons

CCH in State Hospitals

Final Bill [HB2278](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Exempts state mental health hospitals from a general requirement in existing law that public buildings have adequate security measures in place by 7/1/17 in order to prohibit the concealed carry of handguns in the building.

Amends 75-7c20

Bill Section 2

EffDate 7/1/2017

DelayedEffDate

Weapons

Liability, Public Employer

Final Bill [HB2278](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Public employers are exempt from liability for actions of employees with firearms who choose to carry a firearm at work when not required for their public position.

Amends 75-7c10

Bill Section 1

EffDate 7/1/2017

DelayedEffDate

Drug Enforcement

CBD Oil, Pharmaceutical

Final Bill [SB51](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

A provision was added to Schedule IV drugs to allow for the use of pharmaceutical grade Cannabidiol (CBD) oil if it is the sole active ingredient and approved by the FDA. Obtaining the drug must follow existing physician and pharmacy prescription laws. This also is why the definition of marijuana is amended in both the scheduling statutes (KSA 65-4101) and the criminal code (KSA 65-5701). The definition of "marijuana" clarifies it excludes any substance listed in schedule II-V.

Amends 21-5701; 65-4101; 65-4111

Bill Section 1, 2, 6

EffDate

5/4/2017

DelayedEffDate

Drug Enforcement

Drug Schedules: Amendments

Final Bill [SB51](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Several synthetic opioids were added to Schedule I and several other drugs were added to Schedules II, IV, and V. The definition of "controlled substance analog" and "marijuana" is amended in both the scheduling statutes (KSA 65-4101) and the criminal code (KSA 65-5701). The definition of "marijuana" clarifies it excludes any substance listed in schedule II-V. The definition of "controlled substance analog" clarifies an analog may be any one of three listed criteria, not requiring all three to be met.

Amends 21-5701; 65-4101; 65-4105; 65-4107; 65-4111; 65-4113

Bill Section 1, 2, 4, 5, 6, 7

EffDate

5/4/2017

DelayedEffDate

Drug Enforcement

Drug Schedules: Emergency Scheduling

Final Bill [SB51](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

The Board of Pharmacy now has authority to emergency schedule drugs not currently on the schedule or an analog of a currently scheduled drug upon finding of an imminent hazard to the public safety. Emergency scheduling requires publication of a rule and regulation. Those rules and regulations are effective until July 1 of the year following the emergency scheduling, this gives time for the legislature to add it to the schedule statutes.

Amends 65-4102

Bill Section 3

EffDate

5/4/2017

DelayedEffDate

Drug Enforcement

Marijuana Definition

Final Bill [SB51](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

The definition of marijuana is amended in the criminal code (KSA 65-5701) clarifying it excludes any substance listed in schedule II-V. This was done as part of an amendment to Schedule IV of the drug schedules to allow for the use of pharmaceutical grade Cannabidiol (CBD) oil if it is the sole active ingredient and approved by the FDA.

Amends 21-5701; 65-4101; 65-4111

Bill Section 1, 2, 6

EffDate

5/4/2017

DelayedEffDate

Drug Enforcement

Narcan

Final Bill [HB2217](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Authorizes use and administration of emergency opioid antagonists (Narcan or naloxone) approved by the U.S. FDA to inhibit the effects of opioids and for the treatment of an opioid overdose. The Board of Pharmacy must establish a statewide opioid antagonist protocol for pharmacies to dispense this drug directly to individuals without a physician prescription. The Board of Pharmacy is required to adopt rules and regulations necessary to implement the provisions of the bill prior to January 1, 2018. [Note: The Board of Pharmacy intends to have temporary regulations in place in early July.]

The agency must obtain the services of a Physician Medical Director to oversee the program. Some agencies are using their local EMS Physician Medical Director. First responders will be able to have access to and administer naloxone. The agency must train all personnel with access to the drug on: 1) Techniques to recognize signs of an opioid overdose; 2) Standards and procedures to store and administer an emergency opioid antagonist; 3) Emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient; 4) Inventory requirements; and 5) The requirement to report any administration of an emergency opioid antagonist to a healthcare provider.

Amends [New](#)

Bill Section [All](#)

EffDate [7/1/2017](#)

DelayedEffDate

Drug Enforcement

Paraphernalia

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The severity level for unlawful possession of drug paraphernalia is reduced from a class A to a class B nonperson misdemeanor when the drug paraphernalia was used to cultivate fewer than five marijuana plants or used to store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body. This amendment is made to be consistent with the reduction in marijuana penalties in 2016.

Amends [21-5709](#)

Bill Section [3](#)

EffDate [5/18/2017](#)

DelayedEffDate

[7/1/2017](#)

DUI

Ignition Interlock

Final Bill [HB2085](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Persons who are required to have an ignition interlock device installed is required to complete the ignition interlock device program pursuant to rules and regulations adopted by the Secretary of Revenue. An approved service provider must provide proof of completion to the Division of Vehicles before the person's driving privileges may be fully reinstated.

Amends [8-1015](#)

Bill Section [1](#)

EffDate [7/1/2017](#)

DelayedEffDate

Traffic Law

Bicycles

Final Bill [HB2170](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

A bicycle in use between sunset and sunrise must be equipped on the rear with a red reflector visible from 100 feet to 600 feet or a lamp that emits a red light visible from 500 feet, or the operator must wear a device that emits a red or amber light visible from 500 feet. References to approval of equipment by the Secretary of Transportation are removed.

Amends [8-1592](#)

Bill Section [All](#)

EffDate [7/1/2017](#)

DelayedEffDate

Traffic Law

Combination vehicles

Final Bill [HB2095](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

An annual overweight divisible load operating permit is authorized for a truck-tractor semitrailer combination vehicle or a truck-tractor semitrailer, trailer combination vehicle with a gross vehicle weight of more than 85,500 pounds but not more than 90,000 pounds transporting divisible loads on 6 or more axles. Single-trip permits are not included. The permit allows operation on state and federal highways and city connecting links. The permit must be carried in the vehicle when the vehicle exceeds 85,500 pounds. The maximum distance to spread triple axles is increased from 120 inches to 132 inches. The following restrictions are included: 1) No operation on the interstate system when loaded in excess of 80,000 pounds; 2) Must be registered at the maximum weight category; 3) Shall not be operated on any bridge or highway that has a posted gross weight limit or posted axle weight limit less than that at which the vehicle is operating; 4) Must comply with weight limits on wheels, axles, and groups of axles, except as otherwise allowed by the bill; 5) Cannot violate width, height, and length restrictions in continuing law; 6) Must not operate with a total weight of more than 85,500 pounds when highway surfaces have ice or snowpack, or drifting snow; and 7) Shall not operate with a total weight of more than 85,500 pounds unless the vehicle is carrying agricultural inputs, farm supplies, biofuels, feed, raw or processed agricultural commodities, livestock, raw meat products intended by the shipper for further processing, or farm products.

Amends [8-1908](#)

Bill Section [All](#)

EffDate [7/1/2017](#)

DelayedEffDate

Traffic Law

Commercial Vehicle

Final Bill [SB36](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Various definitions related to commercial motor vehicles currently in statute and regulation are replaced with references to those terms in the Code of Federal Regulations (CFR) as of July 1, 2017, or any later version established in rules and regulations of the Kansas Corporation Commission (KCC). The KCC authority to regulate motor carriers is clarified by specifying authority for only those that operate vehicles meeting the definition of "commercial motor vehicle," which is defined in 49 CFR 390.5 as a gross weight of 10,001 pounds or more, designed or used to transport more than 8 passengers (including the driver) for compensation, designed or used to transport more than 15 passengers (including the driver) not for compensation, or used to transport hazardous materials. A registration fee for vehicles of certain interstate motor carriers that was phased out several years ago by a change in federal law is also repealed.

Amends 8-135; 8-2703; 16-121; 66-125; 66-1,108; 66-1,108b; 66-1,109; 66-1,139

Bill Section All

EffDate 7/1/2017

DelayedEffDate

Traffic Law

Seatbelts

Final Bill [SB89](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Increases the seatbelt fine from \$10 to \$30 for adults. The additional \$20 municipal fines go into the state Seat Belt Safety Fund along with 2.20 percent of all fines, penalties, and forfeitures received from clerks of the district court. The Seat Belt Safety Fund will be used for the promotion of and education on occupant protection among children, including, but not limited to, the SAFE program in Kansas High Schools. The elements of violations are not changed.

Amends New, 8-2504; 12-4120, 74-7336

Bill Section 4, 6, 7, 8

EffDate 7/1/2017

DelayedEffDate

Traffic Law

Transit Buses

Final Bill [HB2096](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Transit buses are allowed to operate on the right shoulders of state highways in Wyandotte County. Such operation is currently allowed in Johnson County which is retained.

Amends 75-5091

Bill Section 1

EffDate 7/1/2017

DelayedEffDate

Traffic, Other

Human Trafficking Training for Commercial Drivers

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

On and after July 1, 2018, an applicant for issuance or renewal of a commercial driver's license must provide proof of satisfactory completion of training approved by the Attorney General in human trafficking identification and prevention to the Division of Vehicles prior to such issuance or renewal. The Attorney General, in consultation with the Director of Vehicles, will promulgate rules and regulations no later than January 1, 2019, to implement this requirement.

Amends New

Bill Section 4

EffDate 7/1/2017

DelayedEffDate

Traffic, Other

Registration Plates: 4-H

Final Bill [HB2174](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

A 4-H Foundation license plate is approved on and after January 1, 2018, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less.

Amends [New](#)

Bill Section [2](#) EffDate [7/1/2017](#) DelayedEffDate [1/1/2018](#)

Traffic, Other

Registration Plates: Armed Services Occupation Medals

Final Bill [HB2174](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

Eligibility is expanded for the purchase of license plate decals from the Division of Vehicles indicating certain military honors to persons issued a distinctive military license plate who have received an Army of Occupation Medal or Navy Occupation Service Medal. "Distinctive military license plate" means a license plate which the person is required to show proof of military service.

Amends [8-1,156](#)

Bill Section [5](#) EffDate [7/1/2017](#) DelayedEffDate

Traffic, Other

Registration Plates: Autism Awareness

Final Bill [HB2174](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

An autism awareness license plate is authorized on and after January 1, 2018, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. (NOTE: This is strictly a specialty plate supporting autism awareness and does not indicate the occupant has autism.)

Amends [New](#)

Bill Section [1](#) EffDate [7/1/2017](#) DelayedEffDate [1/1/2018](#)

Traffic, Other

Registration Plates: Disabilities Decal

Final Bill [HB2174](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

On and after January 1, 2018, a wheelchair emblem decal is authorized to be affixed to a distinctive license plate and a permanent placard as an alternative to indicate the vehicle transports a person with a permanent disability. Under current law, the options are a permanent placard or a permanent placard and a special license plate. As with current law, an individual identification card will also be issued to accompany the wheelchair emblem decal.

Amends [8-1,125; 8-1,126](#)

Bill Section [3, 4](#) EffDate [7/1/2017](#) DelayedEffDate [1/1/2018](#)

Alcohol

Class B Club Membership Waiting Period

Final Bill [HB2277](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

The ten-day waiting period for applicants to become a member of a class B club is eliminated.

Amends [41-2641](#)

Bill Section [3](#) EffDate [7/1/2017](#) DelayedEffDate

Alcohol

Consumption areas

Final Bill [HB2277](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

A city or county may establish common consumption areas by ordinance or resolution, designate the boundaries of the consumption area, and prescribe the times during which alcoholic liquor may be consumed. A “common consumption area” as an indoor or outdoor area which is clearly marked using a physical barrier or any apparent line of demarcation. Within the designated area, possession and consumption of alcoholic liquor is allowed. Once the resolution is passed and the ABC receives a copy, the ABC issues the common consumption area permits in accordance with ABC rules and regulations to the city or county, or to any one person who is a Kansas resident or an organization whose principal place of business is in Kansas, provided the common consumption area has been approved by the respective city or county. Permits are for a period not to exceed one year and are not transferable.

Any licensee adjacent to or located within a common consumption area may request permission from the ABC to participate in a common consumption area. If the ABC approves the request, patrons of the licensee may take alcoholic liquor purchased from the licensee into the common consumption area if the beverage is served in a container that displays the licensee’s trade name, logo, or other identifying mark unique to the licensee. The licensee is liable for violations that occur on their premises, and for violations that occur off the licensee’s premises but within the common consumption area. An open container of liquor may not be removed from the boundaries of the common consumption area.

An individual may consume alcohol in an area designated by a city or county on public streets, alleys, roads, sidewalks, or highways located within a common consumption area. Consumption is allowed on public or private property within a common consumption area, except in vehicles.

Amends [New; 41-719](#)

Bill Section [1, 2](#) EffDate [7/1/2017](#) DelayedEffDate

Alcohol

Repossessed Liquor Sales

Final Bill [SB65](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

Allows a creditor lawfully entitled to alcoholic liquors used as collateral for a loan to take possession of the alcoholic liquors and sell them to a licensee under the Kansas Liquor Control Act or the Club and Drinking Establishment Act. Prior written authorization from the ABC is required. The bill does not change the requirements of the existing statute regarding such a sale by a sheriff.

Amends [41-1125](#)

Bill Section [All](#) EffDate [7/1/2017](#) DelayedEffDate

Alcohol

Retailers

Final Bill [SB13](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

Starting on April 1, 2019, CMB licensees such as convenience stores, grocery stores, and drug stores may sell beer containing not more than 6.0 percent alcohol by volume. The ABC will have regulatory authority over the sale of beer by CMB license holders. Cities and counties will continue to handle the CMB licensing process. The Director shall adopt rules and regulations by July 1, 2018, to administer the bill.

Amends 41-102; 41-307; 41-308; 41-2701; 41-2702; 41-2704; 41-2706; 41-2708; 41-2722; 41-2726; repealing K.S.A. 41-103

Bill Section All

EffDate

1/1/2018

DelayedEffDate

4/1/2019

Sentencing

Criminal History, Juvenile Adjudications

Final Bill [HB2092](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

Juvenile adjudications are no longer used to calculate prior record for adult convictions if the current crime of conviction is committed at least five years after the date of the prior adjudication; the offender has no new adjudications or convictions during such five-year period; and the juvenile adjudication is for an offense that would be a non-drug severity level 5 through 10 felony, drug felony, nongrid felony or misdemeanor, if committed by an adult.

Amends 21-6810

Bill Section 5

EffDate

7/1/2017

DelayedEffDate

Sentencing

Domestic Violence

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

When determining sentencing for domestic battery, courts must consider current or prior protective orders issued against the offender.

Amends 21-5414

Bill Section 2

EffDate

5/18/2017

DelayedEffDate

7/1/2017

Sentencing

Intellectual Disability

Final Bill [HB2092](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The sentencing statute for a person with an intellectual disability convicted of capital murder or first degree premeditated murder is amended to clarify the prohibition in current law against sentencing the person to a "mandatory term of imprisonment" that includes a "hard 50" sentence and the statutes for aggravating and mitigating factors may be used in sentencing.

Amends 21-6622

Bill Section 2

EffDate

7/1/2017

DelayedEffDate

Sentencing

Mandatory minimum

Final Bill [HB2092](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

For life sentences, the provisions of the mandatory minimum sentence statutes do not apply if, based on the defendant's criminal history classification, the defendant would be subject to presumptive imprisonment and the sentencing range for a severity level 1 crime is greater than the mandatory minimum sentence. When those conditions apply, the defendant must serve a mandatory minimum sentence equal to the sentence established for a severity level 1 crime. Also, under those conditions, the defendant is not eligible for parole prior to serving such mandatory minimum sentence and the mandatory minimum sentence cannot be reduced with good time credits.

Amends [21-6620](#); [21-6623](#); [21-6627](#)

Bill Section [1, 3, 4](#) EffDate [7/1/2017](#) DelayedEffDate

Probation/Parole

Probation Revocation

Final Bill [HB2092](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

The court may revoke probation, assignment to a community corrections program, suspension of a sentence, or nonprison sanction of an offender without having previously imposed an intermediate sanction if the probation, assignment, suspension, or sanction was originally granted as a result of a dispositional departure.

Amends [22-3716](#)

Bill Section [10](#) EffDate [7/1/2017](#) DelayedEffDate

Probation/Parole

Sexually Violent Offender

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Creates a mandatory period of 60 months postrelease supervision, plus good time and program credit earned and retained, for offenders sentenced to imprisonment for a sexually violent crime committed on or after 5/18/2017, if the offender was under 18 years of age when the crime was committed. The current requirement for lifetime postrelease supervision for persons convicted of a sexually violent crime committed on or after July 1, 2006, if the offender was age 18 or above at the time the crime was committed is retained. This change is the result of case law.

Amends [22-3717](#)

Bill Section [10](#) EffDate [5/18/2017](#) DelayedEffDate

Prosecution and Courts

Expungement, DUI

Final Bill [HB2085](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Expungements of DUI or test refusal convictions in municipal and district courts will apply to all violations committed on or after July 1, 2006, except that the district court expungement provision for a second or subsequent violation does not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

Amends [12-4516](#); [21-6614](#); also repeals [21-6614g](#); [21-6614h](#)

Bill Section [2, 3](#) EffDate [7/1/2017](#) DelayedEffDate

Prosecution and Courts

Expungement, Human Trafficking

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

A court is required to order expungement of juvenile records and files if it finds the juvenile is a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child; the adjudication concerned acts committed by the juvenile as a result of such victimization, including but not limited to acts which, if committed by an adult, would constitute a violation of disorderly conduct or selling sexual relations; and the hearing on expungement occurred on or after the date of final discharge. The crimes of internet trading of child pornography and aggravated internet trading of child pornography are added to the list of crimes for which the expungement of an adult or juvenile record is not allowed. Several other amendments appear in the bill which are technical and do not make substantive changes.

Amends [21-6614](#); [38-2312](#)

Bill Section [15, 23](#)

EffDate [7/1/2017](#)

DelayedEffDate

Prosecution and Courts

Expungement, Mistaken Identity

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The arrest record of a person arrested due to mistaken identity may be expunged by a district court once the case is dismissed or a no prosecution decision is made. However, the provision does not apply if the defendant intentionally provided false information to law enforcement in an attempt to conceal a crime or their identity. The prosecutor who makes the decision to not prosecute, or court dismissing a charge, are required to initiate the expungement action when the above conditions are met.

Amends [22-2410](#)

Bill Section [8](#)

EffDate [5/18/2017](#)

DelayedEffDate

[7/1/2017](#)

Prosecution and Courts

Grand Juries

Final Bill [HB2092](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

If a citizen called grand jury is not summoned because the court finds the petition is not in proper form, the person whose name, address, and phone number appearing on the face of each petition may appeal the decision to Court of Appeals. A ruling of whether the signatures are insufficient remain not subject to appeal. The law on sufficiency of petitions for elections is clarified stating it does not apply to grand jury petitions.

Amends [22-3001](#); [25-3601](#)

Bill Section [7, 9](#)

EffDate [7/1/2017](#)

DelayedEffDate

Prosecution and Courts

Juror list

Final Bill [HB2301](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The criminal procedure relating to trial jurors is amended to remove addresses of prospective jurors from the public record with the clerk of the court.

Amends [22-3408](#)

Bill Section [1](#)

EffDate [7/1/2017](#)

DelayedEffDate

Prosecution and Courts

Sentencing

Final Bill [SB112](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The current law providing the right to a hearing regarding an illegal sentence is amended to dismiss such action if the motion, files, and records of the case conclusively show that the defendant is not entitled to relief. The definition of "illegal sentence" is amended to clarify it does not apply to a change in law made after the sentence is imposed. An "illegal sentence" is a sentence imposed by a court without jurisdiction; that does not conform to the applicable statutory provision, either in character or punishment; or that is ambiguous with respect to the time and manner in which it is to be served at the time it is pronounced. This change amends the law to comply with case law.

Amends 22-3504

Bill Section 9

EffDate 5/18/2017

DelayedEffDate

Offender Registration

Human Trafficking

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

Final Summary [Summary](#)

The Kansas Offender Registration Act is amended by adding the crime of promoting the sale of sexual relations to the list of sexually violent crimes and specify a person convicted of such crime is required to register for 15 years.

Amends 22-4902; 22-4906

Bill Section 21, 22

EffDate 7/1/2017

DelayedEffDate

KPERS/KP&F

Leave Time

Final Bill [SB205](#)

Final Brief [Supp Note](#)

Final Summary [Summary](#)

For law enforcement and firefighters who are members of KPERS and KP&F, any period of time away from work or normal duties while in paid status authorized and approved by a participating employer constitutes service credit. Any administrative, vacation, sick, or personal leaves, including Worker's Compensation or light or temporary duty assignments qualifies as service credit without limitation, provided the member returns to work in the same or similar position for the participating employer at the conclusion of the leave, unless due to death or disability. If a member voluntarily quits employment, the period of leave exceeding 365 days is removed from the service credit. The Retirement System will reimburse the employer and employee for contributions made during any period not credited. The new rules are retroactive to July 1, 2014.

Amends 74-4913; 74-4956

Bill Section 1, 2

EffDate 7/1/2017

DelayedEffDate

KPERS/KP&F

Surviving Spouse Benefits

Final Bill [SB205](#)Final Brief [Supp Note](#)Final Summary [Summary](#)

Retirement benefits for surviving spouses or dependent children upon a duty related death of a KP&F employee is the greater of either 1) the traditional 50% of final average salary plus 10% per dependent child up to 75% regardless of the service credit earned; or 2) a new provision of the retirement benefit the member would have been paid had the member elected the joint and survivor retirement benefit option and retired as of the first day of the month following the date of death. Under both scenarios the dependent child additions are made but the cap is raised to 90% of final average salary. The amendments do not change the immediate lump-sum benefit equal to 100 percent of the member's final average salary nor does it change the benefits from a non-service connected death. These amendments are retroactive to July 1, 2016.

Amends 74-4959

Bill Section 3

EffDate 7/1/2017

DelayedEffDate

KPERS/KP&F

Working After Retirement

Final Bill [SB21](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Working after retirement restrictions generally do not apply when retiring from KP&F and returning to work in a local/state/school KPERS position, or visa versa. However, the requirements for no pre-arrangement apply across all plans, including KP&F. The waiting period amendments apply to regular KPERS but not to KP&F. For KP&F retirees returning to work, the waiting period remains at 30-days. The earnings cap remains in place for KP&F retirees but only applies if the retiree returns to work for the same employer (agency) they retired from.

In a nut shell, after 1/1/18 new regular KPERS retirees under age 62 at time of retirement will have 180-day waiting period before returning to a covered position.* If they are 62 or older at the time of retirement the waiting period is 60-days to return to a covered position*, as in current law.

Effective 1/1/18, state, school, or local KPERS positions are not subject to an earnings limitation. Employers of a person in a covered position* must pay the statutory contribution rate on the first \$25,000 of compensation and a rate of 30% for any of compensation greater than \$25,000 for retirees employed in covered positions.* The employer does not make contributions for non-covered positions. This provision applies to all school, local and state KPERS positions regardless of whether they employee retired on, after or before 1/1/18.

*Covered positions are those that are non-school and not seasonal or temporary and whose employment requires at least 1,000 hours of work per year.

Effective July 1, 2017, there are also new rules excluding retirees who are independent contractors or are employed by third parties from the working-after-retirement provisions if certain conditions are met.

For further details, see the KPERS summary of this at this link:

<https://www.kpers.org/pdf/2017WARLawsEnacted.pdf>

NOTE: This summary is not intended to be a guide for retirement planning, but to serve as an overview of the changes created in this bill. Contact KPERS directly for retirement planning.

Amends 74-4914; 74-4937; 74-49,204; 74-49,313

Bill Section All

EffDate 7/1/2017

DelayedEffDate

1/1/2018

Other

Amusement Rides

Final Bill [SB86](#)Final Brief [Supp Note](#)Final Summary [Summary](#)

Prohibits any amusement ride from being operated without a valid annual permit issued by the Ks Department of Labor. The types of applicable rides is found in section 6(a) of the bill amending KSA 44-1601. In order to be licensed the ride must meet the applicable ASTM standards. In addition to the license, the ride must also be registered with the Dept. of Labor for each location it is operated. Patrons are required to report any injury in writing immediately to the park owner or operator including the name, address and phone of the injured person, description of injury and treatment, cause of injury if known, names and addresses of witnesses. Signage notifying patrons of the reporting mandate is required at the point of ticket sales and at each ride. Such reports must be submitted to the Dept. of Labor by the ride operator within 72 hours. If a death or serious injury (requiring medical treatment) occurs, the ride is to be immediately taken out of service and the equipment or conditions preserved for an investigation by the Dept. of Labor which must commence within 24 hours after notification. Rides are required to be inspected every 12 months and an inspection decal or other evidence of inspection must be in plain view on or near each ride. Daily inspections must also be conducted and recorded by the operator. The Dept. of Labor is required to maintain a public website listing certain ride related information. It is a Class B misdemeanor to operate a ride without a valid permit issued by the Dept. of Labor. The Dept. of Labor can order a civil penalty of up to \$1000 for each non-criminal violation. The Dept. of Labor must publish relative rules and regulations.

While the requirements go into place on July 1, 2017, the bill delays enforcement of any criminal penalties until January 1, 2018, and any administrative penalties until after the Department of Labor has regulations in place. Those regulations must be in place no later than January 1, 2018.

Amends New and amending 40-4801; 40-4802; 44-1601; 44-1602; 44-1603; 44-1604; 44-1607; 44-1610; 44-1613; 44-1614 and also allows the repeal of 44-1615 in SB70 to stand.

Bill Section All

EffDate 7/1/2017

DelayedEffDate

1/1/2018

Other

CMHC Funding

Final Bill [HB2002](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Provides funding for Community Mental Health Centers. Part of Budget Bill.

Amends

Bill Section 99, 100

EffDate 7/6/2017

DelayedEffDate

Other

Fingerprinting for records check, Insurance agents

Final Bill [SB14](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

The Insurance commissioner is authorized to require a fingerprint based records check of applicants for a resident insurance agent license.

Amends 40-4905

Bill Section 3

EffDate 7/1/2017

DelayedEffDate

Other

Fingerprinting for records check, Revenue employees

Final Bill [SB96](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Employees of Kansas Department of Revenue with access to federal tax information to be fingerprinted for records checks. This is a federal requirement for those accessing federal tax returns.

Amends

Bill Section EffDate DelayedEffDate

Other

Foster Care Oversight

Final Bill [SB126](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Establishes a Child Welfare System Task Force (Task Force) to study the child welfare system in the State of Kansas. The task force will include one law enforcement officer among the 16 voting members. The Task Force is required to study the child welfare system in Kansas by convening working groups addressing DCF's general administration of child welfare, protective services, family preservation, reintegration, foster care, and permanency placement. The required topics include, but are not be limited to, the following: 1) The level of oversight and supervision by the DCF over each entity that contracts with DCF to provide reintegration, foster care, and adoption services; 2) The duties, responsibilities, and contributions of state agencies, nongovernmental entities, and service providers that provide child welfare services in the State of Kansas; 3) The level of access to child welfare services, including health and mental health services and community-based services, in the State of Kansas; 4) The increasing number of children in the child welfare system and contributing factors; 5) The licensing standards for case managers working in the child welfare system; and 6) Any other topic the Task Force or working group deems necessary or appropriate. The Task Force is required to advise and consult with citizen review boards established by statute in conducting the study required by this section.

Amends

Bill Section EffDate DelayedEffDate

Other

Fusion Center

Final Bill [SB184](#) Final Brief [Supp Note](#) Final Summary [Summary](#)

The operation of the existing Fusion Center operated by the Adjutant General is not substantially changed by this bill. The Fusion Center has operated for years without any statutory oversight or structure. This bill creates those statutes and creates an integration of certain functions between the attorney general and the adjutant general. It also establishes a Fusion Center Oversight Board and the position of deputy director for law enforcement appointed by and serving at the pleasure of the attorney general to serve as the liaison between the fusion center and Kansas law enforcement agencies and organizations and to strive to provide the appropriate flow of information from each to the other.

Amends

Bill Section EffDate DelayedEffDate

Other

Mental Health: CMHC funding

Final Bill [HB2079](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Increases the HMO privilege fee and creates the Community Mental Health Center Improvement Fund to be used by KDADS and restricts use of the moneys in this fund for purposes related to Community Mental Health Centers. Moneys in the Medical Assistance Fee Fund must be expended in the following priority: 1) First, restore any reductions initiated during calendar year 2016 to provider reimbursement rates for state Medicaid services; 2) Second, \$3.5 million in FY 2018, and \$5.0 million every fiscal year thereafter, will be transferred to the Community Mental Health Center Improvement Fund to be used for purposes related to Community Mental Health Centers, the amount transferred could not exceed \$5.0 million in any one fiscal year; 3) Third, the estimated amount necessary to fund the Newborn Screening Program for the ensuing fiscal year would be transferred to the Kansas Newborn Screening Fund and such amount could not exceed \$2.5 million in any one fiscal year; and 4) Fourth, any remaining moneys would be expended for the purpose of Medicaid medical assistance payments.

Amends Bill Section EffDate DelayedEffDate **Other**

Open Meetings

Final Bill [HB2301](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Executive sessions in meetings subject to the Kansas Open Meetings Act (KOMA) now require the justification to close the meeting be included in the motion specifically using one of the reasons listed in subsection (b) of the bill and the complete motion be recorded in the minutes of the meeting. This is a more specific requirement on the justification than current law. The requirement to state the subject of the executive session is changed to require not only the subject but also a "statement describing" the subject. The requirement of a statement of when and where the open meeting will resume remains unchanged. The list of topics that may be discussed in executive session are amended mostly with clarifications and rewording, however the topic of case reviews by the Governor's Domestic Violence Fatality Review Board are added.

Amends Bill Section EffDate DelayedEffDate

Other

Open Records

Final Bill [HB2301](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

The following exceptions to the Kansas Open Records Act (KORA) of interest to law enforcement are extended: 1) KSA 74-2012, concerning motor vehicle records; 2) KSA 22-4909, concerning criminal offender registration; 3) KSA 45-221(a)(51) and (52), concerning home addresses of law enforcement officers and judges; 4) KSA 65-1505, concerning criminal history records checks; 5) KSA 74-5607, concerning peace officers standards and training; 5) KSA 79-3234, concerning social security numbers; 6) KSA 75-7d08, concerning the batterer intervention program; 7) KSA 21-2511, concerning biological samples for the Kansas Bureau of Investigation; 8) KSA 38-2313, concerning fingerprints and photographs of juvenile offenders.

The July 1, 2021, sunset date is removed from the following KORA exceptions of interest to law enforcement: 1) KSA 45-221(a)(10)(F), concerning victims of sexual offenses; 2) KSA 45-221(a)(50), concerning information provided to the 911 Coordinating Council; 3) KSA 65-445(g), concerning child sexual abuse reports; 4) KSA 22-4906 and 22-4909, concerning criminal offender registration; 5) KSA 38-2310, concerning records concerning certain juveniles; 6) KSA 38-2311, concerning juvenile treatment records; 7) KSA 38-2326, concerning juvenile offender information systems; 8) KSA 75-712c, concerning reports of missing persons; 9) KSA 75-723, concerning the Abuse, Neglect, and Exploitation of Persons Unit in the Office of the Attorney General; and 10) KSA 75-7c06, concerning concealed firearm records.

Amends [45-229](#); [75-7d08](#)Bill Section [2, 3](#)EffDate [7/1/2017](#)

DelayedEffDate

Other

Sexually Violent Predator

Final Bill [HB2128](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Amendments are made to the requirements for annual review of person committed to Larned Sexual Predator Program by establishing new timelines and standards. Amendments also allow the person to petition the court for certain considerations regarding movement to the next level of treatment, including final discharge from conditional release. A current court procedure for review of reports regarding persons in transitional release is replaced with an administrative process. Several amendments also clarify provisions of these processes to assure due process rights.

Amends [59-29a08](#); [59-29a10](#); [59-29a18](#)Bill Section [All](#)EffDate [7/1/2017](#)

DelayedEffDate

Other

Victim Compensation, Human Trafficking

Final Bill [SB40](#)Final Brief [CCR Brief](#)Final Summary [Summary](#)

Compensation from the Crime Victims Compensation Board is allowed to a victim of human trafficking or commercial sexual exploitation of a child who was 18 years or younger at the time the crime was committed and is otherwise qualified for compensation.

Amends [74-7305](#)Bill Section [24](#)EffDate [7/1/2017](#)

DelayedEffDate

Other

Victim Compensation, Sexual Assault

Final Bill [SB101](#) Final Brief [CCR Brief](#) Final Summary [Summary](#)

Mental health counseling is available through the Crime Victims Compensation Board for victims for two years after notification a DNA identification of a suspect has been made.

Amends 74-7305

Bill Section 14 EffDate 7/1/2017 DelayedEffDate

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