

2017 Passed Laws Of Interest to M-Squad

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Criminal Law: Commercial Exploitation of a Child

Final Bill [SB40](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter [78](#)

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](#) Session Law Chapter [78](#)

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](#) Session Law Chapter [62](#)

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](#) Session Law Chapter [62](#)

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](#)

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: Internet trading in child pornography

Final Bill [SB40](#)

Final Brief [CCR Brief](#)

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Session Law Chapter

78

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](#) Session Law Chapter 78

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 [New](#)

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

Criminal Law: Sexual Exploitation of a Child

Final Bill [SB40](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 78

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 [21-5510](#)

Bill Section [12](#) EffDate [7/1/2017](#) DelayedEffDate

Criminal Law: Tobacco: Trafficking in Contraband

Final Bill [HB2230](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 32

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 Penalty: Burglary of Dwelling: Person Felony

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 62

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 Penalty: Law Enforcement Protection Act

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 62

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 Penalty: Sexual Relations, Buying

Final Bill [SB40](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 78

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

Drugs: CBD Oil: Pharmaceutical

Final Bill [SB51](#) Final Brief [Supp Note](#) Final Summary [Summary](#) Session Law Chapter 57

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 I-IV.

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

Bill Section 1, 2, 6 EffDate 5/4/2017 DelayedEffDate

Drugs: Cultivation Paraphernalia: Severity Level Reduction

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 62

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

Drugs: Marijuana: Definition

Final Bill [SB51](#) Final Brief [Supp Note](#) Final Summary [Summary](#) Session Law Chapter 57

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

Drugs: Opioids: Narcan

Final Bill [HB2217](#) Final Brief [Supp Note](#) Final Summary [Summary](#) Session Law Chapter 21

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

Drugs: Schedules: Emergency Scheduling

Final Bill [SB51](#) Final Brief [Supp Note](#) Final Summary [Summary](#) Session Law Chapter 57

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

Infectious Disease Testing of Offenders

Final Bill [SB101](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 66

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

Juveniles: Absconding

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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](#) Session Law Chapter [90](#)

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](#) Session Law Chapter [90](#)

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: Firearms Used in Crime

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter [90](#)

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: Immediate Intervention

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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: Reform Technical Amendments

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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 New

Bill Section 1 EffDate 7/1/2017 DelayedEffDate

Juveniles: Removal from Home: Using CINC for Continued Placement

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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 38-2304

Bill Section 2 EffDate 7/1/2017 DelayedEffDate

Juveniles: Sentencing Matrix

Final Bill [SB42](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 90

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 38-2369

Bill Section 8 EffDate 7/1/2017 DelayedEffDate

Line Operations: Autism Alert

Final Bill [SB74](#) Final Brief [Supp Note](#) Final Summary [Summary](#) Session Law Chapter 26

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](#) Session Law Chapter 62

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: Sexual Assault Examinations: Parental Consent

Final Bill [SB101](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 66

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

Mental Health: Crisis Intervention Act

Final Bill [HB2053](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 77

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

Probation/Parole: Graduated Sanctions: Downward Departure

Final Bill [HB2092](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 92

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 Postrelease Supervision

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 62

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

Protection Order: Sexual Assault

Final Bill [SB101](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 66

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

Scrap Metal: Delay Implementation

Final Bill [SB149](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 76

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

Sentencing: Adjudications Decay in Adult Criminal History

Final Bill [HB2092](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 92

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 Battery

Final Bill [SB112](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) Session Law Chapter 62

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

More Legislative Information Available at www.KsLawEnforcementInfo/2017-session.html

Disclaimer: I am not an attorney and the above is not legal advice or legal interpretation. It is a summary of the legislation as presented at the legislature and in legislative documents.