



2024

*Legislative
Summary*

2024 LEGISLATIVE CHANGES TO THE KSGA AND RELATED CRIMINAL LAW

In the 2024 Legislative Session, several statutory changes were passed that will affect criminal law practice, including changes in criminal penalties, the addition of new crimes, and changes to crimes that already exist. The following is not a comprehensive list of all the changes made during the Legislative Session.

House Sub for SB 318 Rules of Evidence—Presumption or Inference

House Sub for SB 318 amends the Code of Evidence to specify how a statutory or common law presumption or inference against a criminal defendant is to be construed and to establish a permissive inference when a person is found to possess certain quantities of a controlled substance.

Rules of Evidence

The bill adds provisions to the Rules of Evidence regarding how presumptions or inferences operate. In criminal cases, presumptions or inferences, including those in which certain facts are evidence of another fact or of guilt, are allowable under the bill. The bill clarifies that the judge may reject any presumption or inference, and prohibits the judge from instructing the jury they must accept a fact against the defendant.

The bill permits the judge to include instructions on presumptions or inferences only if the presumption or inference is supported by the facts. When such instruction occurs, the judge is required to instruct the jury that:

- The jury is to consider all facts of the case with the presumption or inference;
- The jury may accept or reject the presumption or inference when determining whether the prosecution has met the burden of proof; and
- The burden of proof never shifts to the defendant.

Intent to Distribute—Permissive Inference

Under the possession with intent to distribute provisions of the Kansas Criminal Code, a rebuttable presumption of an intent to distribute exists if a person possesses certain quantities of controlled substances. For purposes of court proceedings related to a case involving possession with intent to distribute, the bill replaces the “rebuttable presumption” of such intent to distribute with “an inference,” if the facts of the case support such an inference.

[*Note:* Black’s Law Dictionary defines the term “rebuttable presumption” to mean a legal inference or assumption that a fact exists because of the known or proven existence of some other fact or group of facts. The term “permissive inference” is defined to mean a presumption that a trier of fact is free to accept or reject from a given set of facts.]

SB 414

Omnibus Crime Bill

SB 414 amends the crime and penalties of aggravated endangering a child; amends the crime and applies a special sentencing rule to the crime of unlawful distribution of fentanyl related controlled substances (fentanyl); removes the element of concealment and secrecy from the crime of breach of privacy; amends law in the Kansas Code of Procedure for Municipal Courts governing fingerprinting for municipal convictions; amends provisions in sentencing law regarding computation of time served; and updates terms and conditions of supervision for certain offenders. The bill also makes technical amendments to update a statutory reference and ensure consistency in statutory phrasing.

The bill is in effect upon publication in the *Kansas Register*, but all provisions, with the exception of the sentence computation provisions, become effective on July 1, 2024.

Aggravated Endangering a Child

The bill amends the elements of the crime of aggravated endangering a child. The bill adds fentanyl to the list of drugs for which causing or permitting a child to be in an environment where the person knows or reasonably should know the drug is present constitutes the crime. The bill adds “or used” regarding specified environments where current law applies to storage of drug paraphernalia or toxic, or otherwise specified chemicals for manufacturing or attempting to manufacture methamphetamine or fentanyl.

Severity Level

The bill creates a new severity level 6 person felony penalty for the crime when bodily harm is inflicted upon the child.

Definitions

The bill defines “fentanyl-related controlled substance” to mean the same as in the article of the Criminal Code involving controlled substances and “methamphetamine” to mean the same as in Schedule II of the Uniform Controlled Substances Act.

Unlawful Distribution Penalties—Fentanyl

The bill amends the penalties for unlawful distribution of a controlled substance to specify a violation of the crime with respect to material containing any quantity of fentanyl to be the same as for material containing any quantity of heroin or methamphetamine.

When the drug is measured by dosage unit, the bill specifies the following penalties for fentanyl only:

- Drug severity level 4 felony for fewer than 10 doses;
- Drug severity level 3 felony for at least 10 doses but fewer than 50 doses;
- Drug severity level 2 felony for at least 50 doses but fewer than 250 doses; and
- Drug severity level 1 felony for 250 doses or more.

[*Note:* Continuing law defines a “dosage unit” as a discrete unit including, but not limited to, a pill, capsule, or microdot that is not distributed by weight. Continuing law also defines a “dosage unit” with respect to controlled substances in liquid form.]

Permissive Inference

The bill amends language regarding a rebuttable presumption of an intent to distribute to replace the presumption with a permissive inference. The bill adds 3.5 grams or more and 50 dosage units or more of fentanyl to the list of quantities of controlled substances that leads to such an inference.

Breach of Privacy

The bill amends the crime of breach of privacy to remove the elements of concealment and secrecy when the crime involves installing or using a device to photograph or record another person under or through their clothing, or a person who is nude or in a state of undress.

Fingerprinting for Municipal Convictions

The bill specifies that fingerprints need not be obtained from individuals convicted of violating municipal ordinances related to vehicle registration, driving without a valid driver’s license, or failing to have motor vehicle liability insurance coverage. [*Note:* Current law provides fingerprints must be obtained in all municipal convictions that are comparable to a class A or class B misdemeanor or assault under the Kansas Criminal Code.]

Computation of Sentences

Under continuing law, at sentencing, a judge is required to designate a date to be used when computing a defendant’s sentence, parole eligibility, and conditional release dates. The date must be designated in a journal entry after considering the time the defendant has been incarcerated while awaiting disposition of their criminal case.

The bill specifies that the defendant is entitled to have credit applied for each day spent incarcerated while awaiting disposition of their criminal case.

The bill prohibits the court from considering the following in designating a date:

- Time awarded as credit in another case when consecutive sentences are imposed on a defendant; or
- Time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced.

Special Sentencing Rule—Fentanyl

The bill amends the special sentencing rule for the unlawful manufacturing of fentanyl to specify this rule applies to an offender convicted of unlawful distribution when the crime is classified as a drug severity level 1, 2, or 3 felony. [*Note:* The special sentencing rule provides a sentence of presumptive imprisonment and two times the maximum duration of the presumptive sentence term. Sentences under the special rule are not considered a departure and is not subject to appeal.]

Conditions of Supervision

The bill revises and amends conditions of supervision for persons on supervised release. For persons on supervision for probation, suspension of sentence, or assignment to community corrections, the bill authorizes the court to impose the conditions listed below. For persons on parole or postrelease supervision after being in the custody of the Kansas Department of Corrections (KDOC), the Prisoner Review Board is required to impose the following conditions:

- Obey all laws and ordinances [*Note:* The court is required to impose this condition under current law.];
- Inform the supervision officer of any encounters with law enforcement within 24 hours of such encounter;
- Refrain from engaging in or making threats of violence;
- Not purchase or possess any dangerous weapon, including a firearm, if the supervision is for a felony conviction;
- Report to the assigned supervision officer as directed and be truthful in all matters;
- Remain in Kansas or other areas as specified by the supervision officer;
- Inform the supervision officer of any sudden changes in residence or contact information within 24 hours of the change and reside at the approved residence;
- Not possess, use, or distribute any controlled substance unless prescribed by a licensed medical professional;
- Abstain from alcohol or substance use and from entering an establishment where sale or consumption of alcohol is the primary business;
- Comply with alcohol or substance testing as directed by the supervision officer without tampering with the specimen or test. [*Note:* The court is required to impose this condition under current law.];
- Participate in assessments, treatment, programs, and other directives mandated by the court or supervision officer; and
- Refrain from contacting victims unless authorized by the court as part of rehabilitation or therapy.

The bill would also direct the Office of Judicial Administration (OJA) and the KDOC to collaborate on developing appropriate documentation for conditions of supervision for probation, suspension of sentence, and community corrections.

Parole or Postrelease Supervision

The bill removes the required conditions of repaying transportation costs related to apprehension of the person for violation of a condition of release, pursuing a secondary education, and performing community service. The bill retains required conditions of supervision for persons on parole or postrelease supervision regarding payment of fees and reimbursement for services.

Searches and Reporting

Provisions regarding searches are included in the conditions for persons on probation, community corrections, parole, or postrelease supervision. The person is required to submit to searches of their person, belongings, vehicle, and property by:

- A court services officer or community correctional services officer for persons on probation or in community corrections;
- A parole or corrections officer for persons on parole or postrelease supervision, with or without a warrant or cause, although not for the sole purpose of harassment; and
- A law enforcement officer based on reasonable suspicion of probation, parole, or postrelease supervision violations or criminal activity.

The bill adds a requirement that a law enforcement officer who conducts a search under supervision terms of parole submit a written report to the person's parole officer no later than the close of business the next day after the search is conducted. The bill requires the written report to include facts leading to the search, the scope of the search, and any findings of the search. [*Note*: Similar requirements are found in continuing law for searches of persons on probation and in community corrections.]

Probation Conditions for Driving Under the Influence

The bill requires certain persons with a felony driving under the influence (DUI) conviction to participate in a multidisciplinary model of substance use disorder treatment.

Current law classifies DUI as a severity level 6 nonperson felony when:

- The person has a prior conviction within the past 10 years, not including periods of incarceration; or
- It is the person's fourth or subsequent conviction.

Risk and needs assessment. The bill requires, if a person convicted of a felony DUI has been granted probation, a risk assessment tool specified by the Kansas Sentencing Commission to be used to determine the person's risk and needs. The court is, then, required to determine whether community correctional services or court services will supervise the person, based upon the determined risk and needs of the person.

Multidisciplinary model of services. The bill requires a person convicted of a felony DUI under probation supervision to participate in a multidisciplinary model of services for substance abuse disorders facilitated by a care coordination agency designated by the Kansas Department for Aging and Disability Services (KDADS).

The bill requires the model of services to include assessment and, if appropriate, referral to community-based substance use disorder treatment, including recovery management and mental health counseling as needed. The bill requires members of the multidisciplinary team to include:

- The designated care coordination agency;
- The supervision officer;
- The KDADS designated treatment provider; and
- The person.

House Sub for SB 419 Controlled Substance “Good Samaritan” Protection

House Sub for SB 419 provides immunity from prosecution for possession of a controlled substance or certain drug paraphernalia if the person seeks medical assistance while under the influence of a controlled substance or provides medical assistance to a person who is under the influence of a controlled substance and is in need of medical assistance.

Persons Eligible for Immunity

The bill prohibits a law enforcement officer from taking a person who may be eligible for immunity into custody based solely on an alleged offense of:

- Possession of a controlled substance; or
- Possession with the intent to use drug paraphernalia in order to introduce a controlled substance into the person’s body.

[*Note:* The bill does not provide immunity for persons who possess and intend to use drug paraphernalia to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance, as specified in continuing law.]

Seeking Medical Assistance by an Individual

The bill provides immunity to persons who initiate contact with law enforcement or emergency medical services (EMS) and request medical assistance on their own behalf due to use of a controlled substance and a reasonable belief that such assistance was needed. Such person is also required to cooperate with law enforcement and EMS personnel while medical assistance is provided.

Rendering Aid or Seeking Assistance for Another

The bill makes immunity available to a person who, on behalf of a person who appeared to need medical assistance due to the use of a controlled substance:

- Renders aid; or
- Initiates contact with law enforcement or EMS and requests medical assistance for such person.

The person is also required to:

- Provide their full name and any other relevant information necessary to provide medical assistance requested by law enforcement or EMS personnel;
- Remain at the scene with the person needing medical assistance until EMS personnel and law enforcement officers arrived; and
- Cooperate with EMS personnel and law enforcement in providing medical assistance.

Persons in Need of Medical Assistance

The bill makes immunity available to the person who reasonably appears to need medical assistance due to the use of a controlled substance and who cooperates with EMS personnel and law enforcement while medical assistance is provided.

Immunity Conditions and Exceptions

Persons who otherwise qualify under the bill are immune from criminal prosecution for the crimes of possession of a controlled substance or possession with intent to use drug paraphernalia to introduce a controlled substance into the human body pursuant to the Kansas Criminal Code, or any city ordinance or county resolution for the same acts.

Intent to Distribute

If a quantity of controlled substances is found at the scene of the encounter with law enforcement that is sufficient to create a rebuttable presumption of intent to distribute, immunity from criminal prosecution or having an arrest warrant issued will not be available to persons who may otherwise qualify.

Warrants and Searches

The bill does not extend immunity to persons who seek medical assistance during the course of the execution of an arrest or search warrant or during a lawful search.

Other Evidence

The bill contains a provision indicating persons immune to prosecution under the bill can be prosecuted based on evidence obtained from an independent source.

Civil Liability

Under the bill, law enforcement agencies and officers will not be liable based on an officer's compliance or failure to comply with the bill. Furthermore, the bill extends civil liability immunity to officers who arrest persons later determined to be immune from prosecution, unless such officer's conduct was reckless or constituted intentional misconduct.

SB 458 Civil Asset Forfeiture

SB 458 amends several provisions of the Kansas Standard Asset Seizure and Forfeiture Act (Act).

Conduct Giving Rise to Forfeiture

The bill removes certain offenses from the list of conduct and offenses giving rise to forfeiture under the Act, regardless of whether there is a prosecution or conviction related to the offense. The bill would remove offenses related to possession of a controlled substance and other crimes associated with personal use of controlled substances.

Exemptions to Forfeiture—Proportionality Determination

The bill removes language related to the court’s duty to limit the scope of a proposed forfeiture. The bill instead directs the court to determine whether the proposed forfeiture is unconstitutionally excessive pursuant to provisions created by the bill regarding forfeiture proceedings, if the court has not made this determination earlier in the proceeding.

[*Note:* Under prior law, if a court found the effect of the forfeiture was grossly disproportionate to the nature and severity of the owner’s conduct prior to final judgment in a judicial forfeiture proceeding, it had a duty to limit the scope of the forfeiture.]

Seizure of Property—Seizing Agency Requirements and Limitations

Time Limitations

The bill reduces the time period in which the seizing agency must forward a written request for forfeiture to the appropriate county or district attorney from 45 days to 14 days.

Upon the expiration of the 14-day time limitation described above, or upon notification the county or district attorney declines the request (whichever occurs first), a local seizing agency would have 14 days to request a state law enforcement agency adopt the forfeiture or engage a private attorney to represent the local seizing agency in the forfeiture proceeding. The bill provides the same 14-day time limitation for a state seizing agency to engage an assistant attorney general, or other approved attorney, to represent the state seizing agency in the forfeiture proceeding.

If a local or state seizing agency fails to meet the time limitations described above, the bill requires the seizing agency to return the seized property to the owner or interest holder within 30 days in the same manner as provided by KSA 22-2512. [*Note:* KSA 22-2512 provides certain seized property, such as dangerous drugs or hazardous materials, must be destroyed or disposed of rather than returned.]

The bill specifies nothing in this section will affect time limitations related to initiating or filing a forfeiture proceeding pursuant to the Act. The bill also prevents the seizing agency from requesting, inducing, or otherwise coercing a person who asserted rights as an owner or interest holder of the property to waive, in writing, such property rights until forfeiture proceedings commence.

Federal Adoption

The bill authorizes a state or local law enforcement agency to request federal adoption of a seizure under the Act or otherwise transfer or refer seized property to a federal agency only if:

- The seizure by the agency occurs pursuant to a joint task force with federal law enforcement authorities;
- The seizure by the agency occurs pursuant to a joint investigation with federal law enforcement authorities as part of an ongoing federal investigation;
- The agency makes such request in conjunction with a request for federal authorities to adopt the criminal investigation related to the seizure;
- The property seized by the agency is subsequently seized pursuant to a federal seizure warrant,

- obtained from a federal court, to take custody of assets originally seized under state law;
- The property seized by the agency directly relates to a serious public safety concern; or
 - The gross estimated value of the property seized by the agency is \$25,000 or more.

Commencement of Forfeiture Proceedings—Probable Cause Affidavit

The bill requires an affidavit describing probable cause supporting forfeiture to be filed in addition to the notice of pending forfeiture or judicial forfeiture action in order to commence forfeiture proceedings, and the forfeiture could proceed only after a judge has determined there is probable cause to believe the property is subject to forfeiture under the Act.

The bill requires, when notice of a pending forfeiture is mailed to an owner or interest holder, the notice to include the probable cause affidavit described above. Under prior law, an affidavit describing essential facts supporting forfeiture was required to be provided with the notice.

The bill amends law relating to the filing of liens for the forfeiture of property to allow a plaintiff's attorney to file a lien only upon the commencement of a forfeiture proceeding, rather than upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under the Act.

Notice of Claims Against Seized Property

The bill requires, after an owner or interest holder has filed a claim against property seized for forfeiture, the plaintiff's attorney to file a notice of receipt of the claim with the court, unless the claim was already filed. The filing must include a copy of the claim and documents showing the date the claim was mailed and received.

Forfeiture Proceedings

Forfeiture Proceedings, Generally

As described above, the bill requires a judge determine that probable cause supports the forfeiture proceeding at the time of commencing the action. Accordingly, the bill removes language allowing an owner or interest holder of seized property to request a probable cause hearing.

The bill states that an owner or interest holder may petition the court for determination, or reconsideration of its prior determination, that there is probable cause to support forfeiture at any time prior to final judgment.

If the court finds that there is no probable cause for forfeiture, the bill specifies that the court must order the release of the property to the custody of the applicant, as custodian for the court, or from a forfeiture lien pending the outcome of a judicial proceeding under the Act.

The bill adds provisions allowing a person whose property has been seized to petition the court to determine whether the forfeiture is unconstitutionally excessive. The plaintiff's attorney shall have the burden of establishing that the forfeiture is proportional to the seriousness of the offense giving rise to the forfeiture by clear and convincing evidence. In making this determination, the court may consider, but shall not be limited to considering:

- The seriousness of the offense;
- The extent of participation in the offense by the person from whom the property was seized;
- The extent to which the property was used in committing the offense;
- The sentence imposed for committing the offense that gave rise to forfeiture;
- The effect of the forfeiture on the livelihood of the person from whom property was seized; and
- The fair market value of the property compared with the property owner's net worth.

The bill requires the court to automatically stay discovery against the person whose property was seized and against the seizing agency in the forfeiture proceeding during a related criminal proceeding alleging the same conduct. The court may lift the automatic stay of discovery with good cause shown, changed from upon a motion.

In Rem Proceedings—Burden of Proof

The bill amends law governing *in rem* forfeiture proceedings to require the plaintiff's attorney to prove by clear and convincing evidence, rather than preponderance of the evidence, that the interest in the property is subject to forfeiture. [Note: An action *in rem* is a legal term meaning an action filed against property.]

Judicial Disposition of Property—Fees and Costs

The bill allows a court to order a claimant who fails to establish that a substantial portion of the claimant's interest is exempt from forfeiture to pay reasonable fees, expenses, and costs to any other claimant establishing an exemption and to the seizing agency in connection with that claimant.

In addition, if a claimant prevails, and the court orders the return of at least half of the property's aggregate value, the bill requires the court to order the seizing agency to pay:

- Reasonable attorney fees and litigation costs to the claimant;
- Post-judgment interest; and
- Any interest actually paid from the date of seizure in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale.

When there are multiple claims to the same property, the bill does not make the seizing agency liable for attorney fees and costs associated with any claim if the seizing agency:

- Promptly recognizes the claim;
- Promptly returns the claimant's interest in the property if it can be divided without difficulty and there are no competing claims to that portion of the property;
- Does not cause the claimant to incur additional costs or fees; and
- Prevails in obtaining forfeiture with respect to one or more of the other claims.

Disposition of Forfeited Property—Federal Transfer and Special Law Enforcement Purpose

The bill amends law governing the disposition of forfeited property to allow a law enforcement agency to transfer the custody or ownership of forfeited property to any federal agency only if authorized pursuant to certain conditions created by the Act with respect to requests for federal adoption.

Under the Act, moneys in certain specified forfeiture funds may only be used for 12 special law enforcement purposes. The bill adds the payment of attorney fees, litigation costs, and interest ordered by a court to this list of purposes for which forfeiture funds may be used.

Repository and Reporting Requirements

The bill amends law pertaining to the role of the Kansas Bureau of Investigation (KBI) in reporting on law enforcement agency forfeiture activity to specify that in addition to information regarding law enforcement agencies not compliant with reporting requirements, KBI is required to provide each agency's forfeiture fund financial report that is submitted to the Kansas Asset Seizure and Forfeiture Repository to the President of the Senate, the Speaker of the House of Representatives, and the House and Senate Committees on Judiciary.

SB 473

Criminal Procedure—Notice to Appear and Appearance Bonds

SB 473 amends the Kansas Code of Criminal Procedure to allow a notice to appear (NTA) to serve as a valid complaint and amends law related to appearance bonds made in district courts.

Notice to Appear

Under the bill, a NTA may serve as a valid complaint when it is signed by a law enforcement officer (LEO) and meets the following criteria:

- The NTA is issued for any unclassified misdemeanor or nonperson misdemeanor [*Note: By law, an NTA must also contain the notice and address of the person detained, the crime charged, and the time and place when and where such person shall appear in court.*];
- A Memorandum of Agreement (MOA) exists between the County or District Attorney of the jurisdiction where the NTA is issued and the law enforcement agency who employs the LEO signing the complaint; and
- The NTA is in compliance with the requirements of the MOA and includes the contents for a complaint as required by law.

Compensated Surety Qualifications

The bill adds various qualifications to law specifying the requirements for a compensated surety to secure appearance bonds in district court.

Background Check, Fingerprinting

Under the Kansas Code of Criminal Procedure (Code), the chief judge of a judicial district, or their designee, approves persons or entities to act as a compensated surety in the district court. The bill allows the chief judge to require a compensated surety to submit to a state and national criminal history record check as part of either initial or continued authorization.

Fingerprints obtained for the record check shall be used to identify the individual and to determine whether such person has a criminal history record in Kansas or any other jurisdiction. The bill allows the chief judge to submit the fingerprints to the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation for a state and national criminal history record check.

The bill allows the chief judge to use the information obtained from fingerprinting and the records check to verify the identification of the individual and to determine whether the person is qualified to act as a compensated surety in the judicial district.

Disclosure or use of any fingerprint or records check information for purposes other than those specified by the bill shall be considered a class A nonperson misdemeanor.

The bill also allows the KBI to charge a reasonable fee for conducting the records check. The applicant shall be required to pay records check fees and the fingerprinting fee.

Property Surety—Outstanding Appearance Bonds

Under the Code, a property surety executes an affidavit describing the property used to write appearance bonds. The bill specifies that limitations in law concerning total outstanding appearance bonds are calculated by considering bonds issued within Kansas.

Compensated Surety Requirements

The bill creates provisions in the Code to specify requirements of a compensated surety. Under the bill, a compensated surety shall:

- Charge a minimum appearance bond premium of 10.0 percent of the face amount of the bond;
- Only post a bond after receiving 50.0 percent of the bond premium in one of the following forms:
 - U.S. currency paid to the compensated surety prior to the execution of the bond;
 - A delivered check payable to the compensated surety when delivered and promptly deposited into a bank account;
 - A credit or debit card transaction if the compensated surety obtains prior authorization from the card issuer; or
 - A bank or wire transfer or other electronic funds transfer including, but not limited to, peer-to-peer transfer [*e.g.* Cash App, PayPal, Venmo] prior to the execution of the bond; and
- Be physically present when the bond is posted and sign the bond at the jail.

The bill requires a compensated surety to enter into a premium financing agreement for the remaining portion of the bond premium (at least 50.0 percent of which was paid to have bond posted). [*Note:* The bill provides that the bond premium shall consist of at least 10.0 percent of the

total bond amount.]

Termination or Suspension

The bill allows a chief judge to terminate or suspend a compensated surety from posting bond. These reasons may include, but are not limited to:

- Filing false statements with the court;
- Failing to charge the minimum appearance bond premium as required by the bill;
- Paying a fee or rebate, or giving or promising anything of value in order to secure a settlement, compromise, remission, or reduction of the amount of any appearance bond, forfeiture, or estreatment, or to secure or delay an appearance bond to:
 - A jailer;
 - A law enforcement officer;
 - Any person who has the power to arrest or hold a person in custody; or
 - Any public official or employee;
- Paying a fee or rebate or giving or promising anything of value other than reward payments for information relating to the apprehension of fugitives to an inmate in exchange for a business referral;
- Requiring or accepting anything of value from a principal other than the appearance bond premium, except that the compensated surety may accept collateral security or other indemnity to secure the face amount of the bond;
- Intentionally failing to promptly return collateral security to the principal when they are entitled to return of the collateral;
- Knowingly employing or otherwise compensating convicted felons (unless the conviction was expunged) for any appearance bond-related work, other than reward payments relating to apprehension of a fugitive; or
- Failing to pay any forfeiture judgment within 30 days of the filing of the journal entry of judgment.

The bill allows a chief judge to investigate claims of violations of the reasons listed above. If the chief judge finds that a violation has occurred, the compensated surety may have their authorization terminated or suspended. If terminated, the bill clarifies that the chief judge must make a record as required under the Code and provide it to the surety.

Compensated Surety Continuing Education

The bill raises the limit on the annual continuing education fee charged by the Kansas Bail Agents Association from \$250 to \$300 and allows the Association to prorate course charges according to the number of hours in a particular course.

Definitions

Compensated Surety

The term “compensated surety” in the Code is amended by the bill to mean any person who or entity that is organized under Kansas law that, as surety, issues appearance bonds for compensation, posts bail for four or more persons in a calendar year, is responsible for any forfeiture, and is liable for appearance bonds written by such person’s or entity’s authorized agents. A compensated surety is either an insurance agent surety, a property surety, or a bail agent.

Under the bill, the definition is amended to add the provisions concerning posting bail for four or more persons and that a surety may be a bail agent, in addition to insurance agent surety or property surety, as found in continuing law.

Property Surety

The bill amends the definition of “property surety” to include corporations in the definition.

Appearance Bond Premium

The bill adds a definition for the term “appearance bond premium” to mean a fee charged by a compensated surety for posting an appearance bond.

Technical Amendments

The bill also makes technical amendments, including removing outdated references to compensated surety provisions established before 2017.

SB 491 Fingerprinting and Criminal History Record Information

SB 491 creates and amends law to standardize language pertaining to criminal history and record check fingerprinting requirements for all requesting entities and identify what criminal history records may be released to various agencies for the purpose of verifying a person’s identity, criminal history, qualifications, and fitness for employment. The bill makes conforming amendments in several statutes to reflect the standard language created in the new sections and adds definitions in the applicable statutes as necessary to define who is required to be fingerprinted as provided in the new sections of the bill. The bill specifies that fingerprints and criminal history record information is confidential and defines the penalties associated with unauthorized disclosure. [*Note: The bill does not substantively change fingerprinting requirements or the types of criminal records that may be released as already required by statute, with the exception of records released to the Kansas Board of Emergency Medical Services.*]

Fingerprinting Requirements and Criminal History Records for Criminal Justice Agencies (New Section 1)

The bill requires a criminal justice agency, as defined by the Kansas Code of Criminal Procedure, to require an applicant for criminal justice employment to be fingerprinted and have such fingerprints submitted to the state database maintained by the Kansas Bureau of Investigation (KBI) and the federal database maintained by the Federal Bureau of Investigation (FBI). Fingerprints submitted may be used

to identify the applicant and determine whether the applicant has a record of criminal history in Kansas or another jurisdiction. The criminal justice agency may use information obtained through fingerprinting for the purposes of verifying a person's identity and determining the person's qualifications and fitness to be employed or to maintain employment. The bill requires the KBI to release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, and juvenile diversions to:

- A city clerk for the position of chief of police;
- A county election officer for a candidate for sheriff;
- The Governor for an appointment to the position of Kansas Highway Patrol (KHP) Superintendent; and
- A state, county, city, university, railroad, tribal, Horsethief Reservoir Benefit District, or school law enforcement agency for admitting applicants for certification by the Kansas Commission on Peace Officers' Standards and Training. In addition to the records described above, the bill requires the KBI to certify any adult conviction record of a chief of police or candidate for sheriff to the Attorney General (AG).

Fingerprinting Requirements and Criminal History Records for Other Governmental Agencies (New Section 2)

The bill identifies other governmental agencies that may require a person to be fingerprinted in the manner described above and authorizes such agencies to use information obtained through fingerprinting for the purposes of verifying a person's identity and determining the person's qualifications and fitness to:

- Be issued or maintain employment, licensure, registration, certification, or a permit;
- Act as an agent of a licensee;
- Hold ownership of a licensee; or
- Serve as a director or officer of a licensee.

With respect to fingerprint-based record checks authorized pursuant to this section, the bill requires state and local law enforcement agencies to assist with taking fingerprints of individuals and requires any public body to recess into a closed or executive session to receive and discuss criminal history information obtained. The bill also specifies the KBI may charge agencies a reasonable fee for conducting a criminal history record check. [*Note: Current law specifies a dollar amount to be charged as a fee in certain statutes.*] The bill requires the KBI to release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions, and juvenile expunged records to various state agencies, boards, and commissions.

Disclosure and Violations

The bill specifies that fingerprints and criminal history record information received pursuant to New Section 1, New Section 2, and New Section 3 is confidential and not subject to disclosure pursuant to the Kansas Open Records Act until July 1, 2029, unless the Legislature reviews and reenacts the exemption prior to that date. Disclosure or use of criminal history information for any purpose other than

the purposes established in New Section 1 or New Section 2 is a class A nonperson misdemeanor and constitutes grounds for removal from office.

Name-based Criminal History Record Checks (New Section 3)

The bill also allows specified governmental agencies, identified below, to require a name-based criminal history record check of a person from the state database maintained by the KBI for the purposes of determining whether the person has a criminal record in Kansas that prohibits the person from employment, licensure, registration, or obtaining a permit. The bill requires the KBI to release criminal history record information related to adult convictions and non-convictions to various state agencies, boards, and commissions.

Technical Amendments (Sections 4–103)

The bill makes conforming amendments to various statutes that authorize fingerprinting and criminal history record checks to reflect the language created in the new sections of the bill. The bill adds definitions in certain statutes to clarify who may be fingerprinted and removes language regarding specific fees that may be charged for criminal history records.

SB 500

Restricted Driving Privileges for Failure to Comply with A Traffic Citation

SB 500 amends law pertaining to restricted driving privileges for certain individuals who violate the misdemeanor offense of failure to comply with a traffic citation (failure to comply).

The bill takes effect on January 1, 2025.

Failure to Comply with a Traffic Citation Payment of Fines, Court Costs, and Penalties Under continuing law, failure to appear in court in response to a traffic citation and pay fines and court costs associated with such citation constitutes failure to comply. Upon such failure, the individual has 30 days to appear and pay fines, court costs, and penalties before the driving privileges of the individual must be suspended.

The bill amends requirements that any such fines, court costs, or penalties be paid in full to instead require payment of an amount as ordered by the court.

Restricted Driving Privileges for Failure to Comply With A Traffic Citation; SB 500 Reinstatement Fees

The bill limits reinstatement fees assessed under continuing law following failure to comply to a single fee of \$100, replacing the current requirement that imposes a separate \$100 reinstatement fee for each charge associated with the citation with which the individual did not comply, regardless of the disposition of the charge.

Forms for Waiving or Reducing Payment of Court Costs or Fines Under continuing law

A person who is assessed a fine or court costs for a traffic citation may petition the court to waive payment, or any portion, of the fine or costs. The bill requires the clerks of the district court and municipal court to make forms available to any person seeking to make such a motion.

Waivers and Alternatives to Restriction or Suspension

The bill requires the court to consider the following options before issuing an order to restrict or suspend an individual's driving privileges:

- Waiver or reduction of fees, fines, and court costs, allowing for payment plans of such fees, fines, and costs; and
- Alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

The bill specifies that in considering these waivers or alternatives, the court is not required to make written findings or written payment plan orders.

Offense Look-back

The bill prohibits courts or the Division of Vehicles (Division), Kansas Department of Revenue, from considering any conviction for a failure to comply that is older than five years in determinations of suspension or restriction of driving privileges. The bill requires the Division to notify suspended or restricted individuals whose driving privileges have not been restored that they may be eligible for driving privileges pursuant to this provision.

Exclusions

Continuing law excludes illegal parking, standing, or stopping as grounds for failure to comply. The bill excludes certain additional violations not pertaining to the operation of a motor vehicle from violations for which non-compliance with the terms of a citation constitute failure to comply and provides these exclusions apply retroactively. The bill provides a person may petition the court to determine whether a previous violation for failure to comply is excluded under the provisions of the bill. If the court determines the person committed an offense that is excluded, the court must immediately electronically notify the Division. The Division is required to terminate any restriction, suspension, or suspension action that resulted from the prior violation upon receipt of the court's notification.

Restricted Driving Privileges for Failure to Comply With A Traffic Citation; [Note: Under current law, non-compliance with any traffic citation, as defined by KSA 8- 2106, constitutes grounds for failure to comply.]

Restricted Driving Privileges

Automatic Restriction of Driving Privileges

The bill requires the Division to restrict, rather than suspend, the driving privileges of eligible individuals as described below, upon a violation of failure to comply and subsequent notification by the court.

The bill authorizes restoration of driving privileges to be provided upon an individual entering into an agreement with the court regarding the person's failure to comply.

Eligibility

Individuals are eligible for the automatic restricted driving privileges authorized under the bill, provided:

- The individual does not have more than three convictions for driving with a canceled, suspended, or revoked license; and
- The license of the individual is not suspended for reasons other than failure to comply.

The bill specifies drivers applying for restricted driving privileges in lieu of suspension under continuing law are eligible to apply for a restricted license if they have previously been approved for restricted driving privileges under the automatic granting of restricted driving privileges authorized by the bill.

Restricted Driving Privileges for Drivers with Revoked Licenses for Failure to Comply

The bill also authorizes a restricted driver’s license for a person whose driving privileges have been revoked for driving while the person’s driving privilege was canceled, suspended, or revoked only for failure to comply.

The bill removes, for drivers meeting the conditions for reinstatement under provisions of the bill, a mandatory three-year driver’s license revocation for a driver whose license has been suspended solely for driving while the person’s driving privilege was canceled, suspended, or revoked only for failure to comply.

Duration of Restrictions

The duration of restricted driving privileges vary depending on the circumstances in which restrictions are granted. Restricted Driving Privileges for Failure to Comply With A Traffic Citation; SB 500 For any driver granted restricted driving privileges pursuant to the bill, the Division is directed to restore driving privileges upon notice of a determination by the court that the individual has substantially complied with the terms of the traffic citation.

The bill defines “substantial compliance” to mean the person has followed the orders of the court involving payments of fines, court costs, and any penalties and has not failed substantially in making payments or satisfying the terms of the court order, and replaces existing references to “compliance” in the statute with “substantial compliance.”

Otherwise, restricted driving privileges remain in effect unless otherwise rescinded, as follows:

- For drivers qualifying for automatic restriction of driving privileges prior to suspension, the lesser of:
 - 60 days from the date that the Division mails notice of restricted driving privileges; or
 - Upon the person entering into an agreement with the court regarding the person’s failure to comply;
- For drivers applying for restricted driving privileges under continuing law, until the terms of the traffic citation have been substantially complied with; or
- For drivers qualifying for restricted driving privileges following license revocation, the lesser of:
 - The remainder of time the person’s driving privileges are revoked; or

- Three years from the date the restricted driving privileges were approved.

Permissible Driving Activities

The bill adds driving for the purpose of transporting children to and from school or child care, purchasing groceries or fuel, and attending religious worship services to the list of driving activities permitted when restricted driving privileges are granted for failure to comply. Permissible driving activities are the same for all circumstances in which restricted driving privileges are authorized under the bill.

Violation of Restrictions

The bill states a person operating a motor vehicle in violation of restrictions authorized under the bill is guilty of operating a vehicle in violation of restrictions, which is classified as a misdemeanor.

The bill requires the Division to rescind restricted driving privileges authorized under the bill if the person is found guilty of a violation, other than failure to comply, that results in driver's license suspension, revocation, or cancellation.

Judiciary

Restricted Driving Privileges for Failure to Comply With A Traffic Citation;

The bill also requires, for drivers qualifying for automatic restriction of driving privileges prior to suspension, the rescission of restricted driving privileges if the individual is found guilty of operating a motor vehicle in violation of restrictions, as provided for by the bill.

Senate Sub for HB 2144 Organized Retail Crime and Encouraging Suicide

Senate Sub for HB 2144 establishes the crime of organized retail crime in the Kansas Criminal Code, makes organized retail crime a type of "racketeering activity" under the Kansas Racketeer Influenced and Corrupt Organization (RICO) Act, and amends law concerning Attorney General (AG) authority to prosecute crimes concurrently with county or district attorneys. The bill also creates the crime of encouraging suicide and establish penalties for it under the Kansas Criminal Code.

Organized Retail Crime

The crime of organized retail crime will be committing one of the following acts with the intent to permanently deprive the owner of the possession, use, or benefit of the owner's property or services:

- Acting in concert with one or more other persons to receive, purchase, sell, or possess merchandise with an aggregate retail market value of \$5,000 or more within a 12-month period, knowing or believing merchandise to have been stolen;
- Taking merchandise with an aggregate retail market value of \$5,000 or more from 1 or more retailers within a 12-month period, as part of an organized plan to commit theft; or
- Recruiting, coordinating, organizing, supervising, directing, managing, or financing 1 or more other persons to undertake any of the above-mentioned actions.

Tiered Penalty

The bill establishes that the penalty for organized retail crime will be based upon the aggregate retail market value of the involved merchandise, as follows:

- Value of at least \$5,000 but less than \$25,000 will be a severity level 6 nonperson felony;
- Value of at least \$25,000 but less than \$100,000 will be a severity level 5 nonperson felony; and
- Value of \$100,000 or more will be a severity level 4 nonperson felony.

Venue

The bill allows for the venue for prosecution to be any venue currently available under any other provision of law or any county where at least \$1 in aggregate retail market value of merchandise is taken, received, stolen, or purchased.

Definitions

The bill defines terms used in the crime of organized retail crime, including:

- “Aggregate retail market value” means the total combined value of merchandise taken, at the price at which the merchandise would ordinarily be sold by the retailer through legitimate sale or distribution;
- “Merchandise” means chattels of any type or description regardless of the value offered for sale in or about a store;
- “Retailer” means a person or business selling, leasing, or facilitating the sale or lease of merchandise to the public or a business; and
- “Store” means a place where merchandise is sold or offered to the public for sale at retail or leased or offered to the public for lease.

Kansas Racketeer Influenced Corrupt Organization Act

The bill amends the definition of “racketeering activity” in the Kansas RICO Act to include the crime of organized retail crime.

Attorney General Concurrent Authority to Prosecute

The bill amends the AG’s authority to prosecute certain crimes concurrently with any county or district attorney. Current law provides the AG may concurrently prosecute:

- Theft;
- A violation of the Kansas RICO Act; or
- Any attempt, conspiracy, or criminal solicitation of such crimes that is part of an alleged course of criminal conduct that occurred in two or more counties.

The bill modifies this authority to specify the AG may concurrently prosecute:

- Organized retail crime and any other crime that is part of such alleged course of criminal conduct;
- Theft;
- A violation of the Kansas RICO Act; or
- Any attempt, conspiracy, or criminal solicitation of the above crimes.

Encouraging Suicide

The bill defines “encouraging suicide” as knowingly encouraging a person to commit or attempt to commit suicide when:

- Such person knows the other person has communicated a desire to commit suicide;
- Encouragement of suicide is made proximate in time to the other person committing or attempting to commit suicide; and
- Such encouragement substantially influences the other person’s decision or methods used to commit or attempt to commit suicide.

Definitions

The bill defines “attempt to commit suicide” as any physical action done by a person with the intent to commit suicide. For purposes of the new crime, the bill defines “encouraging a person to commit or attempt to commit suicide” as oral, written, or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide, or develop a plan to commit suicide.

Penalties

Encouraging suicide will be a severity level 5 person felony if the other person attempts to commit suicide, and a severity level 4 person felony if the other person commits suicide.

HB 2353 **Mental Health—Court-ordered Treatment and Custody**

HB 2353 amends provisions in the Care and Treatment Act for Mentally Ill Persons (Act) to extend the time period a person may be held for treatment and to add conditions for which continued treatment may be ordered.

Time Extensions

A court may, under certain circumstances, issue an *ex parte* emergency custody order set to expire at 5:00 p.m. the third day, changed from the second day, the court is open after the issuance. The bill also extends the deadline for setting a hearing in response to a request for a temporary custody order or an emergency custody order that resulted from noncompliance with a patient’s outpatient treatment order. Finally, the bill extends the period of time for which a court may order continued involuntary treatment of a person in an initial order from a maximum of three months to a maximum of six months.

Outpatient Treatment Orders

Continuing law allows a court to order outpatient treatment in lieu of involuntary inpatient care and treatment if the court makes certain findings. The bill amends those findings to be that the patient:

- Will meet the criteria for required inpatient care in the near future and is only likely to attend outpatient treatment under a court order; or
- If left untreated, is likely to experience worsening symptoms caused by mental illness that would lead to the need for inpatient care and has previously refused mental health services in the community, due to their mental illness.

Additionally, continuing law allows a court order to state specific outpatient conditions to be followed by the patient, including directives and treatment required by the treating outpatient facility. The bill requires such directive and treatment plans to be provided to the court in writing within ten business days after the order for outpatient treatment is issued. Failure to provide such information to the court shall not be considered grounds for dismissal of the order unless the failure was made in bad faith.

Senate Sub for HB 2436 Coercion to Obtain an Abortion

Senate Sub. for HB 2436 creates the crime of coercion to obtain an abortion and creates a special sentencing rule that will apply to persons convicted of certain crimes against a victim with the intent to compel an abortion.

Coercion to Obtain an Abortion

The bill creates the crime of coercion to obtain an abortion. The crime is defined as engaging in coercion with both the knowledge a woman is pregnant and the intent to compel such woman to obtain an abortion when the woman has expressed her desire to not obtain an abortion.

Penalty

The bill classifies the offense of coercion to obtain an abortion as a nongrid person felony with a sentence of between 30 days and 1 year imprisonment and a fine of \$500 to \$5,000.

Increased Penalty

The penalty for the coercion to obtain an abortion offense will be raised to a sentence between 90 days and 1 year imprisonment and a fine between \$1,000 and \$10,000 if:

- The offense was committed by the father or putative father of the unborn child who is 18 years of age or older at the time of the offense; and
- The offense is committed against a pregnant woman who is under the age of 18.

Definitions

The bill defines the following terms:

- “Abortion” means the same as defined in public health law;
- “Coercion” means any of the following:
 - Threatening to harm or physically restrain an individual or the creation or execution of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in financial harm to, or physical restraint of, an individual;
 - Abusing or threatening abuse of the legal system including threats of arrest or deportation without regard to whether the individual being threatened is subject to arrest or deportation under state or federal law;
 - Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document from an individual without regard to whether the documents are fraudulent or fraudulently obtained; or
 - Facilitating or controlling an individual’s access to a controlled substance, as defined in public health law, and amendments thereto, other than for a legitimate medical purpose;
- “Financial harm” means any of the following:
 - Any loan, promissory note, or other credit instrument that provides for interest at a rate that is prohibited by state or federal law;
 - Any employment contract or other agreement for the payment of wages that violates the Wage Payment Act;
 - Extortion as defined in the Kansas Criminal Code; or
 - Any other adverse financial consequence; and
- “Unborn child” means a living individual organism of the species *Homo sapiens*, in utero, at any stage of gestation from fertilization to birth.

Special Sentencing Rule

The bill creates a special sentencing rule that will apply when a trier of fact makes a finding beyond a reasonable doubt that an offender committed certain acts, enumerated by the bill, including an attempt or conspiracy of such act with knowledge that a woman is pregnant and with intent that the act will compel the woman to obtain an abortion, despite the woman having expressed a desire not to obtain an abortion. The bill will apply the special sentencing rule to the following crimes and other offenses as defined in the statutes:

- Kidnapping;
- Interference with parental custody;
- Criminal restraint;
- Assault;
- Battery;
- Domestic battery;
- Criminal threat;
- Human trafficking;

- Stalking;
- Blackmail;
- Endangerment;
- Rape;
- Criminal sodomy;
- Sexual battery;
- Indecent liberties with a child;
- Unlawful voluntary sexual relations;
- Indecent solicitation of a child;
- Electronic solicitation;
- Sexual exploitation of a child;
- Sexual extortion;
- Endangering a child;
- Abuse of a child;
- Incest; and
- Abandonment of a child.

Enforcement of Penalty

For offenses classified in severity level 2 through 10, the bill enhances the penalty one severity level above the severity level classification assigned in law. For offenses classified in severity level 1, the bill requires a penalty of imprisonment for life, without eligibility for probation or suspension, modification, or reduction of the sentence. Further, the bill specifies the offender will not be eligible for parole prior to serving 25 years' imprisonment and that 25 years imprisonment term could not be reduced by the application of good time credits. However, if the offender's criminal history classification means the offense would carry a penalty of presumptive imprisonment of a term to exceed 300 months, the offender will be required to serve a mandatory minimum term of the applicable number of months under the sentencing grid.

The bill specifies the escalated sentence will not be considered a departure or subject to appeal.

HB 2547

Amendments to the Uniform Controlled Substances Act and School Emergency Medication Kits

HB 2547 amends the state Uniform Controlled Substances Act (Act) and amends the law regarding the stock, maintenance, and administration of emergency medication kits in schools, including epinephrine and albuterol.

The bill amends the liability protections for any person who renders emergency care or treatment at a school, school-sponsored event, or school property as well as provide a level of immunity from liability for a pharmacist, physician, or a mid-level practitioner who distributes or prescribes emergency medications to a school or provides training on the administration of the emergency medicine for school personnel, and for the school personnel who administer the medications under specific circumstances. The bill also makes technical changes.

Uniform Controlled Substances Act

Schedule I

The bill adds 35 new substances to the Act, including 23 fentanyl-related controlled substances.

Schedule II

The bill adds four additional substances to be excluded from control as Schedule II opioids: thebaine-derived butorphanol, naldemedine, naloxegol, and samidorphen.

Schedule IV

The bill adds daridorexant (brand name Quviviq), a medication used to treat insomnia, and serdexmethylphenidate, an active ingredient in medication used to treat attention deficit/ hyperactivity disorder (ADHD) to the list of Schedule IV substances. The bill removes fenfluramine (brand name Fintelpla), a U.S. Food and Drug Administration (FDA)-approved medication used to treat seizures, to mirror the federal descheduling of the drug.

Schedule V

The bill adds ganaxolone (brand name Ztalmy), a medication used to treat a particular type of seizure, to the list of Schedule V substances.

Emergency Medication Kits

Definitions

The bill amends law regarding emergency medication kits to add definitions for terms used throughout the bill. Key terms include the following:

- “Albuterol” means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress;
- “Designated school personnel” means an employee, officer, agent, or volunteer of a school who has completed training, documented by the school nurse, a physician, or a mid-level practitioner, to administer emergency medication on a voluntary basis outside of the scope of employment;
- “Emergency medication” means epinephrine or albuterol;
- “Epinephrine” means a medication prescribed by a physician or mid-level practitioner for the emergency treatment of anaphylaxis prior to the arrival of emergency medical system responders;
- “Mid-level practitioner” means a certified nurse-midwife engaging in the independent practice of midwifery under the Independent Practice of Midwifery Act, an advanced practice registered nurse issued a license and who has authority to prescribe drugs, or a physician assistant licensed pursuant to the Physician Assistant Licensure Act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician;
- “Pharmacist” means any natural person licensed under the Pharmacy Act to practice pharmacy;
- “Physician” means any person licensed by the State Board of Healing Arts to practice medicine and surgery;

- “Respiratory distress” means impaired ventilation of the respiratory system or impaired oxygenation of the blood;
- “School” means any school operated by a school district organized under the laws of this state or any accredited nonpublic school that provides education to elementary or secondary students;
- “School nurse” means a registered nurse licensed by the Board of Nursing to practice nursing in Kansas or a licensed practical nurse working under a registered nurse who is employed by a school to perform nursing services in a school setting; and “Stock supply” means an appropriate quantity of emergency medication as recommended by a physician or mid-level practitioner.

Stock Supply of Emergency Medications in a School

The bill allows schools to maintain a stock supply of emergency medications with a prescription from a physician or mid-level practitioner in the name of the school. The bill requires a physician or mid-level practitioner to review a school’s policies and procedures regarding the use, storage, and maintenance of the stock supply prior to prescribing the emergency medication.

Type, Doses, and Administration in Emergency Situation

The bill defines the type and doses of epinephrine that may be in the stock supply as one or more standard-dose or pediatric-dose epinephrine auto-injectors. A school nurse or designated school personnel may administer the epinephrine in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property, or at a school-sponsored event. The epinephrine is only permitted to be administered by the school nurse or designated school personnel if they reasonably believe that an individual is exhibiting the signs and symptoms of an anaphylactic reaction. The bill defines the type and doses of albuterol that may be in the stock supply as one or more albuterol metered-dose inhalers, one or more doses of albuterol solution, and one or more spacers or nebulizers. A school nurse or designated school personnel may administer the albuterol in an emergency situation to any individual who displays the signs and symptoms of respiratory distress at school, on school property, or at a school-sponsored event. The albuterol is only permitted to be administered by the school nurse or designated school personnel if they reasonably believe that an individual is exhibiting the signs and symptoms of respiratory distress.

HB 2562

Protect Vulnerable Adults from Financial Exploitation Act; Kansas Contract for Deed Act and Restrictive Covenants

HB 2562 creates the Protect Vulnerable Adults from Financial Exploitation Act and amends the Kansas Uniform Securities Act (KUSA) relating to reporting of instances of suspected financial exploitation, grounds for discipline, and civil and administrative immunity in certain instances; creates the Kansas Contract for Deed Act and authorizes the Kansas Real Estate Commission to issue cease-and-desist orders when the Commission has determined a person is practicing without a valid broker’s or salesperson’s license; and makes any restrictive covenant on real property in violation of the Kansas Acts Against Discrimination (KAAD) void and unenforceable.

HB 2583

Increase Penalties for Harming Law Enforcement Animals

HB 2583 amends the crime of inflicting harm, disability, or death to certain law enforcement animals to include police horses, increase penalties for inflicting harm that results in disability or death to these animals, and specifies the restitution available for a violation of the crime.

Inflicting Harm, Disability, or Death to Certain Law Enforcement Animals

Continuing law defines inflicting harm, disability, or death to specified law enforcement and assistance dogs as knowingly, and without lawful cause or justification, poisoning, inflicting great bodily harm, permanent disability, or death. The bill adds police horses to the list of specified animals that are covered under the crime.

Continuing law provides the crime is classified as a nongrid, nonperson felony with a mandatory minimum prison sentence of 30 days and up to one year of imprisonment, and a fine \$500 to \$5,000. The bill removes a requirement that the offender have a psychological evaluation during the mandatory prison sentence and be ordered to complete an anger management program as a condition of probation when an offender is convicted of a nongrid, nonperson felony violation of the crime.

Increased Penalties for Inflicting Harm Resulting in Disability or Death

The bill provides that inflicting harm that results in disability or death of a specified animal, with the exception of assistance dogs, is classified as a severity level 4 nonperson felony, with a penalty of:

- Mandatory 90 days imprisonment;
 - A requirement that 90 days imprisonment be served before the person is eligible for release on probation, suspension, or reduction of sentence or parole;
- A minimum fine of \$10,000; and
- During the mandatory imprisonment period, completion of:
 - A psychological evaluation; and
 - Completion of an anger management program as a condition of probation.

The crime is classified as a severity level 3 nonperson felony, with the same penalty described above, when the crime is committed while:

- Fleeing or attempting to elude a police officer;
- Interfering with law enforcement;
- Escaping from custody; or
- Committing an aggravated escape from custody offense.

Restitution

The bill requires restitution ordered for the crime to include:

- Costs of veterinary medical treatment;
- Reasonable funeral and burial expenses; and
- Replacement costs of the police dog, arson dog, assistance dog, game warden dog, search and rescue dog, or police horse, to include:
 - Training costs;
 - Personnel expenses; and
 - Costs associated with boarding the animal during training.

Definitions

The bill amends the definition of “police dog”—any dog owned or employed by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders—to remove language regarding the dog’s purpose.

The bill also adds a definition of “police horse”: any horse that is owned by, or the service of which is employed by, a law enforcement agency.

HB 2607

Kansas Pesticide Law and Kansas Chemigation Safety Law;

HB 2607 amends and updates the Kansas Pesticide Law (Pesticide Law) and Kansas Chemigation Safety Law (Chemigation Law).

Criminal Penalties

The bill states any person who violates Pesticide Law and Chemigation Law is guilty of a class A misdemeanor.

HB 2665

Levi’s Law

HB 2665, known as “Levi’s Law,” increases the penalties for leaving the scene of an accident when the driver knew or reasonably should have known the accident resulted in injury or death.

Under continuing law, the offense of leaving the scene of an injury or fatal accident before complying with the statutory requirements is classified as a severity level 5 person felony if the person knew or should have known such injury or fatality occurred due to the accident. The bill increases the penalty to a severity level 4 person felony if one death occurred in the accident and sets a new penalty for accidents resulting in the death of more than one person at a severity level 3 person felony.

[*Note:* The bill was requested for introduction on behalf of a private citizen, Jill Ward. Ms. Ward provided testimony during the hearings on the bill that her son, Levi Ward, died as the result of a fatal car accident from which the other driver fled without calling emergency services or rendering aid. The bill is named Levi’s Law” in his memory.]

HB 2760

Kansas Office of Veterans Services; Veterans Claims Assistance Service Grants; Service-connected Disability Evaluations and Determinations; Veterans Benefits

HB 2760 abolishes the Kansas Commission on Veterans Affairs Office (KCVAO), creates the Kansas Office of Veterans Services (KOVVS), and makes other changes relating to the transfer of powers, duties, and functions of KCVAO to KOVVS; updates and clarifies certain military definitions; amends law concerning documents required to establish a service-connected disability; amends law concerning federal disability determinations; establishes common definitions of “veteran” and “disabled veteran” in various statutes; and clarifies service-connected disability evaluations. The bill updates the Veterans Claims Assistance Program (VCAP) to include references to the federal Department of Veterans Affairs medical centers and cross accreditation requirements.