



Kansas Bureau of Investigation

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Testimony in Support of HB 2120
Kyle Smith, Deputy Director
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Before the Senate Judiciary Committee
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Chairman King and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation in support of HB 2120. The Kansas legislature authorized the collection of DNA profiles in 1991 to aid in criminal investigations, much like fingerprints are kept. Many changes have occurred since then. HB 2120 contains technical changes to remove conflicts and clean up the language.

The database originally started by collecting DNA from individuals convicted of violent and sex crimes, but the investigative assistance the database provides quickly resulted in the expansion to other felonies and eventually to all felonies. Later amendments expanded the databank to cover arrestees, not just persons convicted. This last amendment created a statute with a lot of redundancies. The arrestee expansion was simply given another paragraph, rather than being integrated into the existing provisions of the law. Many of the changes are simply clean up that should have been done long ago.

Other changes include:

- correctly referencing misdemeanor offenses that are included in the act, such as promoting prostitution involving minors;
- providing authority for inclusion of samples submitted because a court has ordered it, but the actual crime of conviction is not covered (e.g., eavesdropping that was sexually motivated);
- providing that samples properly collected and processed, but based on a mistake (such as the wrong statute was applied), can still be used for investigative purposes then properly destroyed; and

- clarifying that all samples submitted and all searches done must be in accordance with recognized scientific procedures.

We would note that if SB 61 on human trafficking passes there will need to be a conflicts bill run at the end of the session to incorporate the changes in that legislation.

I would be happy to stand for questions.