

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 92

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

SB 92 would create a new section of law requiring the Kansas Bureau of Investigation (KBI) to work with the Attorney General and state and local law enforcement to develop a data reporting process enabling at least an annual report of the number of sexually violent crimes reported and the number of such crimes where pornographic materials are seized or documented as evidence. The report would be used solely for statistical purposes. The bill would require this process to be in place within one year of the implementation of a capable central repository. Upon the implementation of a capable central repository, the KBI would be required to make the necessary changes to the Kansas Standard Offense Report and the Kansas Incident Based Reporting System (KIBRS) Handbook and to promulgate rules and regulations concerning training of law enforcement to implement these provisions. The bill would provide that it cannot be construed to expand the scope of an officer's search. The bill also would define "nudity," "pornographic materials," "sexually explicit conduct," and "sexually violent crime."

Background

The bill was introduced by Senator Greg Smith. As introduced, the bill would have required law enforcement, when an adult is arrested or charged with commission or attempted commission of a sexually violent crime on and after January 1, 2014, to report on the Kansas Standard Offense

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Report the presence of pornographic materials found at the scene of the crime, on the person arrested, at the arrested person's residence, and in the arrested person's vehicle.

In the Senate Judiciary Committee, Senator Smith and a representative of the American Family Association of Kansas and Missouri testified in support of the bill. Written proponent testimony was submitted by a psychiatry professor and by a criminology professor. There was no opponent testimony.

In the House Committee on Corrections and Juvenile Justice, the same proponents testified and submitted written testimony. The Johnson County Sheriff testified as a neutral conferee on behalf of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. There was no opponent testimony.

The House Committee amended the bill by replacing the reporting requirement with the provision requiring the KBI to work with the Attorney General and law enforcement to develop a reporting process; modifying the definition of "pornographic materials;" adding definitions of "nudity" and "sexually explicit conduct"; and making the provisions of the bill contingent on the implementation of a capable central repository system and appropriations.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates the KBI would have to construct a new KIBRS repository to comply with the bill, requiring \$325,000 from the State General Fund in FY 2014 for designs, development, and printing. The agency would require \$415,000 from the State General Fund in FY 2015 for the new repository for continued development, testing and training, and data migration.

The League of Kansas Municipalities indicates the bill, as introduced, would require additional law enforcement time and additional legal and staff time to make additional searches and obtain warrants, but the League is unable to quantify the actual fiscal effect of the bill. The bill would have

no fiscal effect on the Judicial Branch or on Kansas counties.
Any fiscal effect associated with the bill is not reflected in *The
FY 2014 Governor's Budget Report*.