

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:33 a.m. on March 9, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Others attending:

See attached list.

The Chairman brought to the Committee's attention a document submitted by the Kansas Sentencing Commission at the request of the Committee on the prison impact regarding bills in or passed in the Senate Judiciary Committee. (Attachment 1)

The Chairman called for final action on **SB 435 - Criminal procedure; search incident to arrest**. Jason Thompson, staff revisor, reviewed the bill. The Chairman brought to the Committee's attention a memo regarding **SB 435** by Jennifer Roth. (Attachment 2)

Senator Vratil moved, Senator Bruce seconded, to amend SB 435 by deleting Section 1 and renumbering the remaining sections.

Senator Haley made a substitute motion to replace Section 1 as it currently appears in statute. Motion died for lack of a second.

Back on the original motion to amend SB 435 by deleting Section 1 and renumbering the remaining sections. Motion carried.

Senator Vratil moved, Senator Bruce seconded, to recommend SB 435, as amended, favorably for passage. Motion carried. Senator Haley voted no. Explanation of Senator Haley's vote: As originally introduced, SB 435 restores constitutional protections regarding search and seizure that had, until a few years ago, remained undisturbed in our statutes for forty years. The Kansas Supreme Court reversed a decision that the technical fix in the original SB 435 purports to do; change "a" crime back to the time honored "the" crime. By striking the entire statute, this Committee provides little indication of and less leadership for insuring constitutional guarantees.

The Chairman called for final action on **HB 2455 - Amendments to uniform principal and income act**.

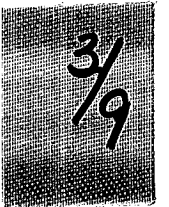
Senator Bruce moved, Senator Vratil seconded, to recommend HB 2455 favorably for passage and place it on the consent calendar. Motion carried.

The Chairman called for final action on **HB 2456 - Probate; filing of affidavits regarding decedent's probate estate**.

Senator Bruce moved, Senator Schmidt seconded, to recommend HB 2456 favorably for passage and place it on the consent calendar.

Senator Haley distributed a balloon amendment and made a substitute motion to amend HB 2456 with the balloon amendment. Senator Kelly seconded. (Attachment 3)

Following review of the balloon amendment, the motion was withdrawn. Senator Haley made a substitute motion to recommend HB 2456 favorably for passage and not place it on the consent calendar. Senator Lynn seconded. Motion carried.



CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:33 a.m. on March 9, 2010, in Room 548-S of the Capitol.

The Chairman called for final action on **HB 2435 - Certain crimes in which the penalty is an offgrid felony, attempt, conspiracy and criminal solicitation are also offgrid; aggravated habitual sex offender.** Jason Thompson, staff revisor, distributed a balloon amendment containing technical corrections. He reviewed the bill and proposed amendment. (Attachment 4)

Senator Schmidt moved, Senator Donovan seconded, to amend HB 2445 by adopting the balloon amendment distributed by the revisor. Motion carried.

Senator Schmidt moved, Senator Schodorf seconded, to recommend HB 2435, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2468 - Requiring offenders guilty of attempt, conspiracy or solicitation to commit any crime requiring offender registration for life to register as an offender.** Jason Thompson, staff revisor, reviewed the bill and distributed a balloon amendment. (Attachment 5)

Senator Vratil requested the Chairman write to the KBI and request a justification of the fiscal note submitted for **HB 2468**. The Chairman agreed.

Senator Schmidt moved, Senator Pilcher-Cook seconded, to amend HB 2468 by adopting the distributed balloon amendment. Motion carried.

Senator Vratil moved, Senator Pilcher-Cook seconded, to recommend HB 2468, as amended, favorably for passage. Motion carried.

The Chairman announced that amendments critical to **SB 549** were not yet ready and would pass over the bill until a later date.

The Chairman called for final action on **SB 520 - Employment of county and city prisoners, credit on fines and costs earned.**

Senator Vratil distributed a balloon amendment and reviewed the changes. (Attachment 6)

Senator Vratil moved, Senator Haley seconded, to amend SB 520 as reflected in the balloon amendment and to strike the language "to exceed" and insert "for not more than" on line 21. Motion carried.

Senator Haley moved, Senator Lynn seconded, to recommend SB 520, as amended, favorably for passage. Motion carried.

The next meeting is scheduled for March 10, 2010.

The meeting was adjourned at 10:31 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-9-10

NAME	REPRESENTING
Helen Pedigo	Sentencing Commission
Ed Kumpf	KACP/KPOA/KSA
Sean Miller	CAPITOL STRATEGIES
Richard Samuels	Kearney & Assoc.
Kyle Reichard	Intern
Patrick Vogelberg	Kearney and Associates

**KANSAS SENTENCING COMMISSION  
PRISON BED IMPACTS  
Bills in or passed in Senate Judiciary Committee  
2010 Legislature Prison Beds Impact Tracking**

Bill No.	Bill Description	Prison Beds Impact						Can't Estimate Impact	Incr/Decr/Unk	Action Taken
		FY 2011			FY 2020					
		Low	Medium	High	Low	Medium	High			
Sub SB 67	Mistreatment of dependant adult	1	1	1	2	2	2	X	Incr	Passed as substitute bill
SB 345	Probation fees increase LSI-R	0	0	0	0	0	0			
SB 346	10 days no DOC	0	0	0	0	0	0			Am by SCOW
SB 351	Texting while driving	0	0	0	0	0	0			Am by SCOW
Sub SB 353	Human trafficking, involuntary servitude							X	Incr	
SB 368	DUI	0	0	0	0	0	0			Am by SCOW
SB 375	Abolish death penalty/ agg murder	0	0	0	0	0	0			Am by SC
SB 381	Justified threat/force							X	Decr	Am by SC
SB 399	Agg endanger child-drugs	13	13	13	82	82	82			
SB 411	Possess firearm A/C/S							X	Incr	
SB 434	Unlawful sexual relations & contraband	8	8	8	27	27	27			Am by SCOW, combined with SB 524(SB 524 impact)
SB 471	Harassment by telecommunications	0	0	0	0	0	0			
SB 497	Criminal use of weapons	0	0	0	0	0	0			
SB 523	Racketeering	1	2	3	10	20	30			
SB 534	Evidence base supervision	0	0	0	0	0	0			
HB 2412	Early release for terminal ill	0	0	0	0	0	0			Am by HC
HB 2435	Attempt, conspiracy & solicitation	0	0	0	0	0	0			
Sub HB 2453	Drug to a Minor, Presence of Minor							X	Incr	
HB 2454	Ballistic resistance material							X	Incr	
HB 2468	Sex offender registration-A/C/S	0	0	0	0	0	0			
HB 2469	Lutting-criminal history	0	0	0	0	0	0			
HB 2506	KPB proportionality consideration	0	0	0	0	0	0			
HB 2508	KPB deferral of hearing	0	0	0	0	0	0			Am by HC
Sub HB 2517	Domestic Violence	0	0	0	0	0	0			
HB 2581	Probation fees increase LSI-R	0	0	0	0	0	0			Am by HC
HB 2582	Residential burglary-attempt & conspiracy	14	14	14	15	15	15			
HB 2661	Recodification cleanup	0	0	0	0	0	0			
HB 2668	Recodification	0	0	0	0	0	0			
<b>Total</b>		<b>37</b>	<b>38</b>	<b>39</b>	<b>136</b>	<b>146</b>	<b>156</b>			

Date Modified: 3/4/2010

TO: Chairman Tim Owens and Members of the Senate Judiciary Committee

FROM: Jennifer Roth, on behalf of the Kansas Association of Criminal Defense Lawyers

DATE: March 9, 2010

RE: Senate Bill 435 (search incident to arrest – K.S.A. 22-2501)

SB 435 was heard on March 3. KACDL did not appear as a proponent because, quite frankly, I figured SB 435 was a “technical correction . . . with no fiscal effect” (to quote the Fiscal Note) and would go unopposed. I was wrong. The Kansas Peace Officers, the Kansas Chiefs of Police, the Kansas Attorney General and the Kansas County and District Attorneys Association all ask this Committee to repeal K.S.A. 22-2501 in its entirety. To this, KACDL responds and asks this Committee to favorably pass SB 435.

K.S.A. 22-2501 has been around for 40 years. For the first 36 years, it read:

When a lawful arrest is effected a law enforcement officer may reasonably search the person arrested and the area within such person’s immediate presence for the purpose of

- (a) Protecting the officer from attack;
- (b) Preventing the person from escaping; or
- (c) Discovering the fruits, instrumentalities, or evidence of **the** crime.

In 2004 and 2005, there was a movement by law enforcement and prosecutors to change “**the** crime” to “**a** crime” to expand the scope of searches incident to arrest. In part, they were reacting to a holding ten years earlier in *State v. Anderson*, 259 Kan. 16 (1996) and using as support a ruling 23 years prior in *New York v. Belton*, 453 U.S. 454 (1981). The legislative history of this movement to amend and/or repeal K.S.A. 22-2501 is set forth in *State v. Henning*, 289 Kan. 136 (2009), which I believe has been provided to the Committee. While efforts to amend or repeal initially failed, the Legislature did repeal K.S.A. 22-2501 in 2006 (Senate Bill 366) only to revive and amend the statute that same year to read “**a** crime” (House Substitute for Senate Bill 431). I could not find legislative history behind the 2006 actions, and *Henning* also notes that the legislative record is silent on this issue.

Last year, the United States Supreme Court decided *Arizona v. Gant*, 129 S.Ct. 1710 (2009) and the Kansas Supreme Court subsequently decided *Henning*. Under these decisions, the “**a** crime” language is unconstitutional.

Now every one of the opponents argues for the Legislature to abdicate its responsibility as lawmaker and leave that role to the courts:

“The ebb and flow of court controlled decisions is best suited for training rather than statutory rules.” (KS Peace Officers and Chiefs of Police – written testimony)

“... [K.S.A. 22-2501] cannot anticipate the changing shape of Fourth Amendment search and seizure law” (KS Attorney General’s Office – written testimony)

“We propose that it would be best to rely on the rulings of the courts as they are handed down...” (KCDAA – written testimony)

The Kansas Legislature is not one to shirk its duties. It is not one to do something just because some other state did it. The Legislature crafted K.S.A. 22-2501 four decades ago. It has made one change to it in 40 years and it spent three years deliberating that move. As *Henning* said of that change, “[a]lthough the language appears to move toward *Belton*, the legislature’s rejection of outright repeal in favor of amendment may indicate that it wished to retain some restrictions in excess of those demanded by the United States Supreme Court case law.” This Legislature thinks and acts for itself.

Our next point is framed by this excerpt:

[K.S.A. 22-2501] also gives criminals an additional avenue to protract litigation, leaving courts and law enforcement to struggle with the application of K.S.A. 22-2501 when they could be spending those resources on other cases and fighting crime.  
(Kansas Attorney General’s Office – written testimony)

What is going to happen when a 40-year-old statute is eliminated? Less “protracted” litigation? Less “struggle” to apply case law? The point of a statute is clear guidance – for law enforcement, prosecutors, defendants and so on. Instead, we will have 105 counties (more entities if you count cities/towns, etc.) interpreting federal and state court rulings and making policies and procedures based on those interpretations, etc. Will that result in fewer “avenues” for “criminals” to assert their constitutional rights?

For 36 years our state did fine with K.S.A. 22-2501 as originally passed and we will be fine when the change is made back to the original wording of “**the** crime.” But who knows what will happen if we have no statute.

Thank you for your consideration.

\* My contact information is rothjennifer@yahoo.com or 785.550.5365.

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2456

By Committee on Judiciary

1-14

10 AN ACT concerning probate; relating to when a decedent's will and af-  
11 fidavit may be filed; amending K.S.A. 59-618a and repealing the ex-  
12 isting section.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 59-618a is hereby amended to read as follows: 59-  
16 618a. (a) Any person possessing a decedent's will may file in the district  
17 court of the county of the decedent's last residence the decedent's will  
18 and an affidavit which complies with subsection (b) if the decedent's  
19 probate estate contains no known real or personal property and or the  
20 value of the known real and personal property in the decedent's pro-  
21 bate estate is less than the total of all known demands enumerated in  
22 K.S.A. 59-1301 and amendments thereto.

23 (b) An affidavit filed pursuant to this section shall state: (1) The name,  
24 residence address and date and place of death of the decedent; (2) the  
25 names, addresses and relationships of all the decedent's heirs, legatees  
26 and devisees which are known to the affiant after a diligent search and  
27 inquiry; (3) the name and address of any trustee of any trust established  
28 under the will; (4) the property left by the decedent and its approximate  
29 valuation; (5) the approximate amount and nature of any demands enu-  
30 merated in K.S.A. 59-1301 and amendments thereto which were out-  
31 standing against the decedent's estate upon the decedent's death; (6) that  
32 the will is being filed with the district court for the purpose of preserving  
33 it for record in the event that probate proceedings are later required; and  
34 (7) that a copy of the affidavit and will has been mailed to each heir,  
35 legatee and devisee named in the affidavit.

36 (c) Any will filed pursuant to this section within a period of six months  
37 after the death of the testator may be admitted to probate after such six-  
38 month period.

39 Sec. 2. K.S.A. 59-618a is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the statute book.

HB2456-Balloon-H1.pdf  
RS - JThompson - 03/09/10

decedents; relating to real  
property; transfer upon death  
of the owner;

Insert New Section 1 (attached)

Renumber remaining sections

New Section 1. (a) When the appraised value of real property owned by a decedent is not greater than \$20,000 according to the most recent tax appraisal, and the decedent's estate is not subject to homestead or allowances pursuant to K.S.A. 59-401 et seq., and amendments thereto, or such homestead or allowances are waived, any successor or successors of the decedent, if entitled thereto by will or by intestate succession may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification shall state:

- (1) The decedent's name and the date of death;
- (2) the address and legal description of such real property owned by the decedent;
- (3) the name and current address of the successor or successors filing the notification;
- (4) the relationship between the decedent and the successor or successors filing the notification;
- (5) that the taxes on such real property are current and not delinquent;
- (6) that such real property is free of liens and encumbrances; and
- (7) that the successor or successors filing the notification of interest in title is filing a claim to be the vested owner of such real property.

(b) A certified copy of the decedent's death certificate shall be attached to such form.

(c) If after three years from the date of the filing of the notification of interest in title, no other successor or successors has petitioned the court in a probate proceeding pursuant to the Kansas probate code, the successor or successors who filed the notification of interest in title shall be the legal owner of such real property.

(d) If any time during the three-year period, another successor petitions the court to establish a probate proceeding, and if during the probate proceeding the court establishes a determination of descent that allows another party to receive a share of such real property, such other party shall be liable to the successor or successors filing the notification of interest in title for any taxes paid on such real property and reasonable maintenance and upkeep costs documented and paid by such successor or successors.



## HOUSE BILL No. 2435

By Representative Kinzer

1-13

9 AN ACT concerning crimes, punishment and criminal procedure; relat-  
10 ing to attempt, conspiracy and criminal solicitation to commit certain  
11 crimes; amending K.S.A. 21-3301, 21-3302, 21-3303, 21-3447, 21-  
12 3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516 and 21-  
13 4643 and K.S.A. 2009 Supp. 21-4642 and repealing the existing  
14 sections.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 21-3301 is hereby amended to read as follows: 21-  
18 3301. (a) An attempt is any overt act toward the perpetration of a crime  
19 done by a person who intends to commit such crime but fails in the  
20 perpetration thereof or is prevented or intercepted in executing such  
21 crime.

22 (b) It shall not be a defense to a charge of attempt that the circum-  
23 stances under which the act was performed or the means employed or  
24 the act itself were such that the commission of the crime was not possible.

25 (c) (1) An attempt to commit an off-grid felony shall be ranked at  
26 nondrug severity level 1. An attempt to commit any other nondrug felony  
27 shall be ranked on the nondrug scale at two severity levels below the  
28 appropriate level for the underlying or completed crime. The lowest se-  
29 verity level for an attempt to commit a nondrug felony shall be level 10.

30 (2) The provisions of this subsection shall not apply to a violation of  
31 attempting to commit the crime of:

32 (A) *Aggravated trafficking, as defined in K.S.A. 21-3447, and amend-*  
33 *ments thereto, if the offender is 18 years of age or older and the victim is*  
34 *less than 14 years of age;*

35 (B) *terrorism pursuant to as defined in K.S.A. 21-3449, and amend-*  
36 *ments thereto, or of;*

37 (C) *illegal use of weapons of mass destruction pursuant to as defined*  
38 *in K.S.A. 21-3450, and amendments thereto;*

39 (D) *rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and*  
40 *amendments thereto, if the offender is 18 years of age or older;*

41 (E) *aggravated indecent liberties with a child, as defined in subsection*  
42 *(a)(3) of K.S.A. 21-3504, and amendments thereto, if the offender is 18*  
43 *years of age or older;*

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RS - JThompson - 03/08/10

1 such person shall be sentenced to a mandatory minimum term of im-  
 2 prisonment of not less than 25 years, 40 years or be sentenced as deter-  
 3 mined in subsection (a)(2) or subsection (b)(2), whichever is applicable,  
 4 and shall not be eligible for probation or suspension, modification or  
 5 reduction of sentence. In addition, a person sentenced pursuant to this  
 6 section shall not be eligible for parole prior to serving such mandatory  
 7 term of imprisonment, and such imprisonment shall not be reduced by  
 8 the application of good time credits.

9 (d) On or after July 1, 2006, for a first time conviction of an offense  
 10 listed in paragraph (a)(1), the sentencing judge shall impose the manda-  
 11 tory minimum term of imprisonment provided by subsection (a), unless  
 12 the judge finds substantial and compelling reasons, following a review of  
 13 mitigating circumstances, to impose a departure. If the sentencing judge  
 14 departs from such mandatory minimum term of imprisonment, the judge  
 15 shall state on the record at the time of sentencing the substantial and  
 16 compelling reasons for the departure. The departure sentence shall be  
 17 the sentence pursuant to the sentencing guidelines act, K. S. A. 21-4701  
 18 et seq., and amendments thereto, and no sentence of a mandatory min-  
 19 imum term of imprisonment shall be imposed hereunder. as used in this  
 20 subsection, mitigating circumstances shall include, but are not limited to,  
 21 the following:

- 22 (1) The defendant has no significant history of prior criminal activity.  
 23 (2) The crime was committed while the defendant was under the  
 24 influence of extreme mental or emotional disturbances.  
 25 (3) The victim was an accomplice in the crime committed by another  
 26 person, and the defendant's participation was relatively minor.  
 27 (4) The defendant acted under extreme distress or under the sub-  
 28 stantial domination of another person.  
 29 (5) The capacity of the defendant to appreciate the criminality of the  
 30 defendant's conduct or to conform the defendant's conduct to the  
 31 requirements of law was substantially impaired.

32 (6) The age of the defendant at the time of the crime.

33 (e) *The provisions of K.S.A. 21-3301, 21-3302 and 21-3303, and*  
 34 *amendments thereto, shall not apply to any defendant sentenced pursuant*  
 35 *to this section.*

36 Sec. 14. K.S.A. 21-3301, 21-3302, 21-3303, 21-3447, 21-3449, 21-  
 37 3450, 21-3502 21-3504, 21-3506, 21-3513, 21-3516 and 21-4643 and  
 38 K.S.A. 2009 Supp. 21-4642 are hereby repealed.

39 Sec. 15. This act shall take effect and be in force from and after its  
 40 publication in the Kansas register.

, subject to the provisions  
 of K.S.A. 21-4719, and  
 amendments thereto,

As

H-2

## HOUSE BILL No. 2468

By Committee on Corrections and Juvenile Justice

1-19

9 AN ACT concerning crimes, criminal procedure and punishment; relat-  
10 ing to sex offender registration requirements; amending K.S.A. 22-  
11 4906 and repealing the existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 22-4906 is hereby amended to read as follows: 22-  
15 4906. (a) Except as provided in subsection (d), any person required to  
16 register as provided in this act shall be required to register: (1) Upon the  
17 first conviction of a sexually violent crime as defined in subsection (c) of  
18 K.S.A. 22-4902, and amendments thereto, any offense as defined in sub-  
19 section (a) of K.S.A. 22-4902, and amendments thereto, or any offense as  
20 defined in subsection (d) of K.S.A. 22-4902, and amendments thereto, if  
21 not confined, for a period of 10 years after conviction, or, if confined, for  
22 a period of 10 years after paroled, discharged or released, whichever date  
23 is most recent. The ten-year period shall not apply to any person while  
24 the person is incarcerated in any jail or correctional facility. The ten-year  
25 registration requirement does not include any time period when any per-  
26 son who is required to register under this act knowingly or willfully fails  
27 to comply with the registration requirement; or (2) upon a second or  
28 subsequent conviction for such person's lifetime.

29 (b) Upon the first conviction, liability for registration terminates, if  
30 not confined, at the expiration of 10 years from the date of conviction,  
31 or, if confined, at the expiration of 10 years from the date of parole,  
32 discharge or release, whichever date is most recent. The ten-year period  
33 shall not apply to any person while the person is incarcerated in any jail  
34 or correctional facility. The ten-year registration requirement does not  
35 include any time period when any person who is required to register  
36 under this act knowingly or willfully fails to comply with the registration  
37 requirement. Liability for registration does not terminate if the convicted  
38 offender again becomes liable to register as provided by this act during  
39 that period.

40 (c) Any person who has been convicted of an aggravated offense shall  
41 be required to register for such person's lifetime.

42 (d) Any person who has been convicted of any of the following of-  
43 fenses shall be required to register for such person's lifetime:

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Technical Amendment  
RS - JThompson - 03/08/10

1 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-  
2 4704, and amendments thereto, may, by the court:

3 (i) Be required to register pursuant to the provisions of paragraph  
4 (1);

5 (ii) not be required to register if the judge, on the record, finds sub-  
6 stantial and compelling reasons therefor; or

7 (iii) be required to register with the sheriff pursuant to K.S.A. 22-  
8 4904, and amendments thereto, but such registration information shall  
9 not be open to inspection by the public or posted on any internet website,  
10 as provided in K.S.A. 22-4909, and amendments thereto. If the court  
11 requires the juvenile to register but such registration is not open to the  
12 public, the juvenile shall provide a copy of such court order to the sheriff  
13 at the time of registration. The sheriff shall forward a copy of such court  
14 order to the Kansas bureau of investigation.

15 (B) If such juvenile offender violates a condition of release during  
16 the term of the conditional release, the judge may require the juvenile  
17 offender to register pursuant to paragraph (1).

18 (3) Liability for registration does not terminate if the adjudicated of-  
19 fender again becomes liable to register as provided by this act during the  
20 required period.

21 (4) The provisions of paragraph (2)(A)(ii) shall apply to adjudications  
22 on and after ~~the effective date of this act~~ and retroactively to adjudications  
23 prior to July 1, 2007.

July 1, 2007,

24 (i) Any person moving to the state of Kansas who has been convicted  
25 in another state, and who was required to register under that state's laws,  
26 shall register for the same length of time required by that state or Kansas,  
27 whichever length of time is longer. The provisions of this subsection shall  
28 apply to convictions prior to June 1, 2006 and to persons who moved to  
29 Kansas prior to June 1, 2006.

5

30 Sec. 2. K.S.A. 22-4906 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.

**SENATE BILL No. 520**

By Committee on Judiciary

2-3

SB520-Balloon1.pdf  
RS - JThompson - 02/26/10

9 AN ACT concerning criminal procedure; relating to employment of  
10 county and city prisoners; amending K.S.A. 22-4603 and repealing the  
11 existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 22-4603 is hereby amended to read as follows: 22-  
15 4603. (1) Whenever any able-bodied prisoner is confined in the county  
16 jail or the jail of any town or city, having been convicted of a misdemeanor  
17 or of a violation of an ordinance of such town or city, the sheriff of such  
18 county, or the marshal or the chief of police of such town or city, under  
19 the direction of the county commissioners or the governing body of the  
20 town or city, may ~~cause~~ such persons to work at suitable public employ-  
21 ment for not to exceed eight hours on each working day.

22 (2) A person so employed shall ~~be given credit at the rate of five~~  
23 ~~dollars a day on any fine and costs imposed upon him~~ *receive a credit on*  
24 *any fine and costs imposed in an amount equal to \$5 for each full hour*  
25 *spent by the person in the specified work.*

26 (3) Persons held in jail and awaiting trial or held on civil process, may,  
27 with their consent, be likewise so employed and shall receive ~~compen-~~  
28 ~~sation at the rate of five dollars \$5 a day for~~ such employment, to be paid  
29 by the city or the county.

30 (4) Any prisoner employed as above provided, shall continue to be  
31 deemed prisoners during the hours of their employment and subject to  
32 all laws, rules and regulations relating to prisoners.

33 Sec. 2. K.S.A. 22-4603 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the statute book.

allow

or nonprofit

a credit on any fines and costs in an amount equal to \$5 for each full hour spent by the person in the specified work, or if there are no such fines and costs,

for each full hour spent by the person in