

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Corrections and Juvenile Justice** recommends **HB 2493** be amended on page 3, in line 31, by striking "or cosigner";

On page 5, in line 33, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 36, by striking "Notwithstanding any other provision of law, any"; by striking all in lines 37 through 39;

On page 6, in line 38, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 41, by striking "Notwithstanding any other provision of"; by striking all in lines 42 and 43;

On page 7, by striking all in line 1;

On page 8, in line 12, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 15, by striking "Notwithstanding any other provision of"; by striking all in lines 16 through 18; in line 34, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; by striking all in lines 38 through 41; following line 41, by inserting:

"Sec. 6. K.S.A. 2013 Supp. 21-6329 is hereby amended to read as follows: 21-6329. (a) It is unlawful for any covered person:

(1) Who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or

invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise;

(2) through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property; or

(3) employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(b) Violation of this section or conspiracy to commit a violation of this section is a severity level 2, person felony.

(c) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5302, and amendments thereto, shall not apply to conspiracy to commit a violation of this section.

(d) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-6611, and amendments thereto, any person convicted of engaging in conduct in violation of this section, through which the person derived pecuniary value, or by which the person caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(2) The court shall hold a hearing to determine the amount of the fine authorized by this subsection.

(3) For the purposes of this subsection, "pecuniary value" means:

(A) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; and

(B) any other property or service that has a value in excess of \$100.

(e) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pretrial supervision program is available and the defendant agrees to comply with the mandate of such pretrial supervision. ~~Notwithstanding any other provision of law, any person arrested and charged under this section shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto.~~;

And by renumbering sections accordingly;

On page 9, in line 33, by striking "and" and inserting a comma; also in line 33, after "21-6316" by inserting "and 21-6329";

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "21-6316" by inserting "and 21-6329"; and the bill be passed as amended.

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Chairperson