

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **Substitute for HB 2289** be amended on page 1, in line 25, before "(D)" by inserting "and"; in line 26, by striking all after "officer"; by striking all in lines 26 through 30; in line 31, by striking all before the period;

On page 2, in line 5, before "(D)" by inserting "and"; in line 6, by striking all after "breath"; by striking all in lines 7 through 11; in line 12, by striking "seizures";

On page 3, in line 7, by striking "are"; by striking all in lines 8 and 9; in line 10, by striking all before the semicolon and inserting "cannot be decided at the administrative hearing, but may be preserved and raised in a petition for review of the hearing as provided in K.S.A. 8-1020(o) and (p), and amendments thereto";

On page 8, in line 40, by striking all after the period; by striking all in line 41; in line 42, by striking all before the period and inserting "Notwithstanding K.S.A. 77-617, and amendments thereto, the court: (1) May also consider and determine any constitutional issue, including, but not limited to, the lawfulness of the law enforcement encounter, even if such issue was not raised before the agency; and (2) shall also consider and determine any constitutional issue, including, but not limited to, the lawfulness of the law enforcement encounter, if such issue is raised by the petitioner in the petition for review, even if such issue was not raised before the agency";

On page 9, in line 1, by striking all before the second "the"; and the bill be passed as amended.

Chairperson