

SESSION OF 2015

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2048**

As Amended by Senate Committee on Judiciary

**Brief\***

HB 2048, as amended, would amend the statute governing search warrants to replace the existing general description of things that may be searched or seized with a provision allowing the search or seizure of any item that can be seized under the Fourth Amendment to the *U.S. Constitution*. The bill also would add a specific provision allowing the search or seizure of biological material, DNA, cellular material, blood, hair, or fingerprints.

**Background**

The bill was introduced by the Special Committee on Judiciary, which was charged during the 2014 interim to consider and recommend possible responses to the Kansas Supreme Court's decision in *State v. Powell*, 299 Kan. 690 (2014). (Further background information can be found in the *Report of the Special Committee on Judiciary to the 2015 Legislature*.) As introduced, the bill did not contain the specific provision regarding search or seizure of biological material.

In the House Committee on Corrections and Juvenile Justice, a representative of the Kansas County and District Attorney Association (KCDAA) testified in support of the bill, requesting that the Committee amend the bill to restore the general description of things that may be searched or seized and add a specific provision allowing the search or seizure of biological material, DNA, cellular material, blood, hair, or fingerprints. Written testimony supporting the bill was

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\*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>

submitted by a representative of the Kansas Sheriffs' Association, Kansas Association of Chiefs of Police, and Kansas Peace Officers Association. No other testimony was provided.

The House Committee adopted the amendment proposed by the KCDAA and further amended the bill by removing the provision allowing the search or seizure of any item that can be seized under the Fourth Amendment to the *U.S. Constitution*.

In the Senate Committee on Judiciary, the same conferees testified and provided written testimony as before the House Committee. The Senate Committee amended the bill to restore the language of the original bill while retaining the specific provision added by the House Committee allowing the search or seizure of biological material, DNA, cellular material, blood, hair, or fingerprints.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates the bill could create a fiscal effect until its provisions become settled law, but a precise amount cannot be determined.