

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 434**

As Agreed to May 8, 2002

**Brief \***

The Conference Committee agreed to the House amendments to the bill, but deleted certain sections from the bill which are to be included in other bills and made certain technical and clarifying amendments.

House Sub. for SB 434, as provided by the Conference Committee, expands the crime of unlawful sexual relations, amends criminal history challenge procedures, requires notice to victims of parole hearings for off-grid crimes, prohibit expungement of sexual battery and aggravated sexual battery and expands disclosure of expungement records.

House Sub. for SB 434 expands the definition of unlawful sexual relations to include offenders who are employees of a contractor that provides supervision services for persons on parole, conditional release, or post release supervision. The current law covers Department of Corrections employees, employees of contractors that provide services in a correctional institution, and parole officers.

The bill requires a defendant who challenges the criminal history submitted to the court as part of the sentencing procedure to specify the exact nature of the alleged error in the criminal history information. (These provisions are contained in HB 2853 and were added by the House.)

The bill requires the Department of Corrections to notify crime victims whenever the Kansas Parole Board schedules a public comment session involving offenders convicted of off grid crimes. (These provisions are contained in HB 2855 and were added by the House.)

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\*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

The bill adds sexual battery and aggravated sexual battery to the list of offenses that cannot be expunged from a person's criminal history. The bill would also expand expungement disclosure requirements to include application for licensure or certification as a private detective, private detective agency, or firearms trainer. (These provisions are contained in HB 2856 and were added by the House.)

Deleted from the bill in Conference was a House amendment creating the new crime of unlawful conduct of cockfighting as a class A nonperson misdemeanor and attendance at a cockfight would be a class B nonperson misdemeanor. Cockfighting is now in SB 69. Also deleted from the bill were amendments to the theft statute counting convictions in municipal court for enhanced penalty imposition.