

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 469

As Amended by House Committee on
Judiciary

Brief*

SB 469 requires the Kansas Bureau of Investigation to investigate the circumstances of any deaths of inmates in a state correctional facility or boot camp, a city or county jail or a facility constructed through the city or county, or a juvenile in the custody of the Commissioner of Juvenile Justice.

The KBI findings shall be reported to the chairpersons of the House and Senate Judiciary Committees and shall be subject to the Kansas Open Records Act.

The Senate Committee of the Whole amended the bill to require a county sheriff to notify a school administrator that a sex offender resides within 1,000 feet of any licensed child care facility or any school property. The information provided to the school administrator must be in written or electronic form and include personal information regarding the offender, including identifying characteristics such as race, skin tone, sex, age, hair and eye color, scars, tattoos, blood type, and a photograph. The sheriff would collect a fee of not more than \$50 from the offender to cover the costs of notification. The fee would be set by the board of county commissioners and would be deposited into the county general fund. These provisions are from SB 497.

The House Committee amended SB 469 as follows:

- ! add the Chairperson of the House Committee on Corrections and Juvenile Justice, and delete the Chairperson fo the House Judiciary Committee, to the Chairperson of the Senate Judiciary Committee to receive a report of the inmate death investigation.

*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>

- ! add provisions to amend the crime of stalking by increasing the penalty to a severity level 8 from a severity level 10 for a first time offense, when the offender possesses a firearm or certain weapons such as any bludgeon, sand club, metal knuckles, throwing star, switchblade knife, dagger, dirk, etc. These weapons are listed in KSA 21-4201. These changes are from HB 2477.

- ! Add provisions regarding domestic battery in KSA 2003 Supp. 21-3412a by making the penalty for commission of the crime a third or subsequent time within five years of a preceding commission, a severity level 10 person felony. Such a provision will allow judicial discretion as to whether an offender will go to prison. Under current law repeat domestic battery offenders do not go to prison. The current law provisions regarding third and subsequent time offenders is stricken.

Background

The original bill was supported by Senators Derek Schmidt and Anthony Hensley.