

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF  
SUBSTITUTE FOR HOUSE BILL NO. 2261**

As Agreed to April 27, 2005

**Brief \***

Substitute for HB 2261 would authorize the Kansas Supreme Court to require applicants for admission to practice law in Kansas to be fingerprinted and to submit to a national criminal history record check.

The bill also would authorize the Kansas Supreme Court to allow persons who have been granted a juris doctorate degree or bachelor of law degree from the Presidents Law School, a Wichita law school now defunct, to seek admission to the bar of this state. These applicants must satisfy all other qualifications and examinations established by Supreme Court rule.

In addition, the bill would eliminate a pilot project in two judicial districts and require statewide the Office of Judicial Administration to implement a policy in each Kansas judicial district regarding who can be present during proceedings under the Child in Need of Care (CINC) Code. The 2003 legislation that created two pilot projects provided that the following individuals could not be excluded:

- guardian *ad litem*;
- interested parties and their attorneys;
- officers of the court;
- testifying witnesses;
- foster parents of the child;
- parent ally, changed from parent advocate.

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\*Conference committee report briefs 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 conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

## **Conference Committee Action**

The Conference Committee agreed to delete all provisions of HB 2261 and insert the following:

- The contents of 2005 SB 36, as it passed the Senate Committee, regarding applicants for the Kansas Bar, including the provisions regarding finger printing, background checks and graduates of the President's Law School.
- The contents of 2005 HB 2200 regarding the pilot project and statewide application about who can be present at proceedings involving a Child in Need of Care.

## **Background**

Support for the original bill dealing with criminal procedure, was offered by a conferee with the Kansas County and District Attorneys Association, the Kansas Bureau of Investigation, as well as the Kansas Peace Officers Association. Informational testimony was received from a Deputy Attorney General.

Opposition to the original bill was stated by a Deputy Appellate Defender.

Substitute for HB 2261 would amend the Criminal Procedure Code to do the following:

- Repeal KSA 22-2501 of the Criminal Procedure Code which deals with searches without a warrant; and
- Delete the reference to KSA 22-2501 as it appears in the Driving Under the Influence of Alcohol or Drugs provisions.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

The Senate Committee of the Whole deleted the contents of Substitute for HB 2261 and inserted an amendment, *i.e.*, "a" crime (instead of "the" crime, in current law), to KSA 22-2501.

The provisions regarding applicants to practice law in Kansas are taken from 2005 SB 36, as amended by the Senate Committee on Judiciary. The provisions regarding who can be present during Child in Need of Care proceedings are taken from 2005 HB 2200, as amended by the House Committee on Corrections and Juvenile Justice.

The fiscal note on the original bill indicates there would be no fiscal effect. The fiscal note on the substitute bill was not available when the bill passed out of House Committee.