

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2385**

As Agreed to March 31, 2005

Brief *

HB 2385 amends the law dealing with photographic evidence in criminal proceedings regarding stolen property and would amend the operation of motor vehicle law dealing with implied consent.

The bill deletes certain requirements under prior law which required the investigating officer under oath to provide a written description of the property depicted in the photograph, including the property owner's name, the location of the property at the time it was taken, the name of the investigating officer, the name of the photographer, and the date the photograph was made. Such photos may be admitted as long as other foundational requirements under the rules of evidence are met.

The motor vehicle implied consent law is amended to include preliminary screening tests of a person's blood, breath, urine, or other bodily substance, authorized under KSA 8-1012. The amendment would address the recent Kansas Supreme Court case of *State v. Jones* (case no. 89,658, February 18, 2005) which held preliminary tests under KSA 8-1012 are not covered by the implied consent law.

Other amendments were clarifying in nature.

In addition, the bill added provisions regarding preliminary screenings for alcoholic content in two instances: when operating or attempting to operate a motor vehicle; and when operating or attempting to operate a boating vessel. These provisions are from sections one and two of SB 180.

*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 add provisions regarding preliminary screenings for alcoholic content in two instances: when operating or attempting to operate a motor vehicle; and when operating or attempting to operate a boating vessel. These provisions are from sections one and two of SB 180.

Background

A conferee from the Sedgwick County District Attorneys Office spoke in support of the original bill.

The fiscal note indicates the original bill would have no fiscal effect on any state agency.