

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 72**

As Agreed to April 27, 2005

**Brief \***

SB 72 would create two new crimes (trafficking and aggravated trafficking) and would amend the crime of giving a worthless check to make changes mirroring changes made to the theft statute in 2004.

The bill new crimes relate to human slavery or involuntary servitude: the crime of trafficking, a severity level 2, person felony and aggravated trafficking, a severity level 1, person felony.

Trafficking would be defined as:

- recruiting, harboring, transporting, providing or obtaining, by any means, another person knowing that force, fraud, threat, or coercion will be used to cause the person to engage in forced labor or involuntary servitude; or
- benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in acts set forth above.

Aggravated trafficking would be defined as:

- Trafficking as defined above:
  - involving the commission or the attempted commission of kidnapping;
  - committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or
  - resulting in a death; or

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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>

- recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat, or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

The bill would amend the crime of giving a worthless check to make changes mirroring somewhat the amendments made to the theft statute in 2004. The bill would raise the threshold amount for a felony offense from \$500 to \$1,000 and make other changes as follows:

- Giving a worthless check is a severity level 7 nonperson felony if the check, draft, or order is \$25,000 or more (current law);
- Giving a worthless check more than once within a seven day period is a severity level 7 nonperson felony if the combined total of the checks, drafts, or orders is \$25,000 or more;
- Giving a worthless check is a severity level 9 nonperson felony if the check, draft, or order is at least \$1,000 but less than \$25,000;
- Giving a worthless check more than once within a seven day period is a severity level 9 nonperson felony if the combined total of the checks, drafts, or orders is at least \$1,000 but less than \$25,000;
- Giving a worthless check is a class A nonperson misdemeanor if the check, draft, or order is less than \$1,000; and
- Giving a worthless check is a severity level 9 nonperson felony if the check is for less than \$1,000 if committed by a person who has been convicted of giving a worthless check two or more times within five years immediately preceding the commission of the crime.

### **Conference Committee Action**

The Conference Committee agreed to delete:

1. Provisions originally in SB 89 dealing with payment of medical expenses of prisoners injured by a state officer or employee;

2. Provisions originally in SB 182 requiring a judge to order an inmate to reimburse a county or medical expenses;
3. Provisions originally in HB 2231 authorizing a defendant to petition the court to modify certain drug offense prison sentences and to order placement in a certified drug treatment program.

The provisions in SB 72 described in No. 1 and 2 above have already been enacted in HB 2387.

The Conference Committee also agreed to add to SB 72 provisions of SB 151 dealing with human trafficking.

## **Background**

The original bill was supported by Senator Journey and the National Federation of Independent Business–Kansas. Proponents said the increased penalties provided by SB 72 may make persons who pass worthless checks think twice before they commit this crime and may enhance the prosecution of these offenders.

The fiscal note on the original bill states that the impact of the bill will result in the need for 1-2 fewer prison beds by FY 2006 and 1-3 fewer prison beds by FY 2015.

SB 151 was supported by the Kansas Attorney General, the Kansas Bureau of Investigation, the Kansas Catholic Conference, Concerned Women of America, the Kansas Coalition Against Domestic and Sexual Violence, United States Senator Sam Brownback (written), El Centro, a University of Missouri at Kansas City law professor, a representative of the United States Department of State, and others.

Proponents said trafficking in human beings is becoming a growing problem worldwide as well as in the United States.

The House Committee added the provision to aggravated trafficking dealing with recruiting, harboring, transporting, providing, or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat, or coercion, will be used to engage in forced labor, involuntary servitude, or sexual gratification of the defendant or another. The fiscal note said any cost related to the bill could not be determined.