

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR SENATE BILL NO. 28**

As Agreed to April 1, 2009

Brief*

Sub. for SB 28 would add the following crimes to the list of criminal offenses that could lead to civil forfeiture of assets:

- Unlawful conduct of cockfighting;
- Unlawful possession of cockfighting paraphernalia;
- Prostitution;
- Promoting prostitution; and
- Patronizing a prostitute.

Conference Committee Action

The Conference Committee adopted the House amendments to the bill with the following changes:

- Delete the provisions in SB 28 as it passed the House Committee of the Whole regarding administrative drivers' license suspension, fleeing or eluding, criminal threat and aggravated criminal threat, and prior criminal history (these provisions are added to HB 2060);
- Add only the civil forfeiture provisions relating to cockfighting from HB 2060; and
- Add the provisions in SB 269 relating to civil forfeiture for the crimes of prostitution, promoting a prostitute, and patronizing a prostitute, as it passed the Senate Committee of the Whole.

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

Background

Cockfighting: The proponents of the bill's provision on unlawful cockfighting, as introduced, who presented testimony at the Senate Committee hearing were Captain Bob Keller, Johnson County Sheriff's Office; and Midge Grinstead, Executive Director, Lawrence Humane Society.

There were no opponents of the bill's provision on unlawful cockfighting who presented testimony at the Senate hearing.

According to the fiscal note on the bill's provision on unlawful conduct of cockfighting that was prepared prior to the Senate Committee amendment to the bill, the Office of Judicial Administration and League of Kansas Municipalities report the passage of the bill, as introduced, would have no fiscal effect on their operating budgets. Additionally, the Kansas Sentencing Commission estimates the passage of the bill, as introduced, would require additional adult prison beds; however, the precise number is unknown, because there is no existing data for unlawful conduct of cockfighting.

Prostitution: Marcy Knight, Assistant City Attorney for the City of Lenexa, expressed support for the bill in the Senate Committee. There were no opponents to the bill.

HB 2154, as introduced, has identical language as SB 269. HB 2154 was heard and passed out of House Judiciary.

The fiscal note states that the bill has the potential for increasing litigation in the courts. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

civil forfeiture; cockfighting; promoting or patronizing prostitution