

## HOUSE BILL No. 2790

By Committee on Federal and State Affairs

2-1

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9 AN ACT concerning criminal procedure; relating to inquisitions; amend-  
10 ing K.S.A. 2005 Supp. 22-3101 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 22-3101 is hereby amended to read as  
14 follows: 22-3101. (1) If the attorney general, an assistant attorney general,  
15 the county attorney or the district attorney of any county is informed or  
16 has knowledge of any alleged violation of the laws of Kansas, such person  
17 may apply to a district judge to conduct an inquisition. An application for  
18 an inquisition shall be in writing, verified under oath, setting forth the  
19 alleged violation of law. Upon the filing of the application, the judge with  
20 whom it is filed, on the written praecipe of such attorney, shall issue a  
21 subpoena for the witnesses named in such praecipe commanding them  
22 to appear and testify concerning the matters under investigation. Such  
23 subpoenas shall be served and returned as subpoenas for witnesses in  
24 criminal cases in the district court.

25 (2) If the attorney general, assistant attorney general, county attorney  
26 or district attorney, or in the absence of the county or district attorney a  
27 designated assistant county or district attorney, is informed or has knowl-  
28 edge of any alleged violation in this state pertaining to *child pornography,*  
29 *kidnapping,* gambling, intoxicating liquors, criminal syndicalism, racket-  
30 eering, bribery, tampering with a sports contest, narcotic or dangerous  
31 drugs ~~or~~, any violation of any law where the accused is a fugitive from  
32 justice *or any felony violation of law where a computer has been used,*  
33 such attorney shall be authorized to issue subpoenas for such persons as  
34 such attorney has any reason to believe or has any information relating  
35 thereto or knowledge thereof, to appear before such attorney at a time  
36 and place to be designated in the subpoena and testify concerning any  
37 such violation. For such purposes, any prosecuting attorney shall be au-  
38 thorized to administer oaths. If an assistant county or district attorney is  
39 designated by the county or district attorney for the purposes of this  
40 subsection, such designation shall be filed with the chief judge of such  
41 judicial district.

42 (3) Each witness shall be sworn to make true answers to all questions  
43 propounded to such witness touching the matters under investigation.

1 The testimony of each witness shall be reduced to writing and signed by  
2 the witness. Any person who disobeys a subpoena issued for such ap-  
3 pearance or refuses to be sworn as a witness or answer any proper ques-  
4 tion propounded during the inquisition, may be adjudged in contempt of  
5 court and punished by fine and imprisonment.

6 Sec. 2. K.S.A. 2005 Supp. 22-3101 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its  
8 publication in the statute book.