

HOUSE BILL No. 2992

By Committee on Federal and State Affairs

3-1

9 AN ACT concerning crime stoppers; establishing an advisory council;
10 imposing certain fees; providing for certain grants.

11

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

13 Section 1. As used in this act:

14 (a) "Association" means Kansas crime stoppers association, inc.

15 (b) "Council" means the crime stoppers advisory council.

16 (c) "Local crime stoppers program" means the acceptance and
17 spending of donations by a private, nonprofit organization for the award-
18 ing of rewards to persons who report information concerning criminal
19 activity to the organization if the organization:

20 (1) Operates less than statewide;

21 (2) forwards reported information to the appropriate law enforce-
22 ment agency; and

23 (3) meets and maintains certification standards as set forth by the
24 Kansas crime stoppers association, inc.

25 Sec. 2. There is hereby created within the attorney general's office
26 the Kansas crime stoppers council. The council shall be composed of two
27 persons appointed by the attorney general and the board of directors of
28 the association, as set forth in the by-laws of the association. At the first
29 meeting of the council, which shall be called by the attorney general, and
30 at the first meeting after the beginning of each new state fiscal year, the
31 council shall elect from among its members a chairperson and such other
32 officers as the council deems necessary. Members of the council attending
33 meetings of the council, or attending a subcommittee meeting thereof,
34 or performing other official duties of the council, as authorized by the
35 council, shall be paid amounts provided for in subsection (e) of K.S.A.
36 75-3223, and amendments thereto. The attorney general and the chair-
37 person of the council shall be responsible for approving all expense vouch-
38 ers of members. The council shall meet at least once each year and may
39 hold special meetings whenever they are called by the chairperson.

40 Sec. 3. (a) The council may contract with a person to serve as its
41 director or, with the concurrence of the attorney general, may employ an
42 individual within the attorney general's office to serve as director. The
43 council shall establish the authority and responsibilities of the director.

- 1 The director shall not hold an elected position in the association.
- 2 (b) The council, to the extent resources are available, shall:
- 3 (1) Advise and assist in the creation of local crime stoppers programs;
- 4 (2) foster the detection of crime and encourage persons to report
- 5 information about criminal acts;
- 6 (3) encourage news and other media to promote local crime stoppers
- 7 programs and to inform the public of the functions of the council;
- 8 (4) assist local crime stoppers programs in forwarding information
- 9 about criminal acts to the appropriate law enforcement agencies;
- 10 (5) help law enforcement agencies detect and combat crime by in-
- 11 creasing the flow of information to and between law enforcement
- 12 agencies;
- 13 (6) assess training needs for local crime stoppers programs and pro-
- 14 vide support and training to crime stoppers programs within the state;
- 15 (7) assist local crime stoppers programs in the acquisition of resources
- 16 needed to keep and report statistical data and to communicate between
- 17 local programs, law enforcement agencies and other crime stoppers pro-
- 18 grams and agencies; and
- 19 (8) provide other assistance as deemed appropriate to enhance public
- 20 safety in Kansas.
- 21 (c) The council may adopt rules and regulations to carry out its duties
- 22 under this act.
- 23 Sec. 4. (a) In addition to the fees provided by K.S.A. 21-4610a and
- 24 22-2909, and amendments thereto, each person who is placed on pro-
- 25 bation, is assigned to a community correctional services program or enters
- 26 into a diversion agreement in lieu of further criminal proceedings shall
- 27 pay a fee of \$35. Such fee shall be charged and collected by the clerk of
- 28 the district court. The clerk of the district court shall remit \$3 from each
- 29 such fee for administrative costs to the clerk of the county where the
- 30 person is placed on probation, is assigned to a community correctional
- 31 services program or enters into a diversion agreement in lieu of further
- 32 criminal proceedings. The clerk of the district court shall remit to the
- 33 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and
- 34 amendments thereto, the balance of all moneys received by such clerk
- 35 from such fees. Upon receipt of the remittance, the state treasurer shall
- 36 deposit the entire amount in the state treasury and credit it to the Kansas
- 37 crime stopper trust fund created pursuant to subsection (d).
- 38 (b) The clerk of each county shall maintain an accounting of the num-
- 39 ber of fees received pursuant to this section from persons who were
- 40 placed on probation, were assigned to a community correctional services
- 41 program or entered into a diversion agreement in lieu of further criminal
- 42 proceedings in such county and shall report that number to the council.
- 43 The local crime stoppers program from each county that meets the re-

1 quired certification set forth by the association may make application to
2 the council for a grant for reimbursement of moneys credited to the
3 Kansas crime stopper trust fund which were collected from fees received
4 pursuant to this section from persons who were placed on probation, were
5 assigned to a community correctional services program or entered into a
6 diversion agreement in lieu of further criminal proceedings in such
7 county. The council shall establish the qualifications required to receive
8 such grants. All such reimbursements shall require the approval of the
9 attorney general. The amount of any such grant shall not exceed the total
10 of \$10 multiplied by the number of fees received pursuant to this section
11 from persons who were placed on probation, were assigned to a com-
12 munity correctional services program or entered into a diversion agree-
13 ment in lieu of further criminal proceedings in the county. The office of
14 attorney general may retain not to exceed 5% of the amount of any such
15 grant to defray the costs of administering the grant program.

16 (c) The attorney general shall have the authority to accept, budget
17 and expend for any proper expenses of the crime stoppers advisory coun-
18 cil any special source funds made available for the purposes of the crime
19 stoppers program. Any such funds shall be deposited in the state treasury
20 and credited to the Kansas crime stopper trust fund.

21 (d) (1) There is hereby created in the state treasury the Kansas crime
22 stopper trust fund.

23 (2) Moneys in the Kansas crime stopper trust fund shall be expended
24 only for the authorized purposes of the crime stoppers program estab-
25 lished pursuant to this act, including, but not limited to, providing reward
26 moneys for individuals who legitimately report criminal activity. Any such
27 moneys paid to such individuals shall be kept confidential by the council,
28 as well as any audit of the fund and expenditures to such individuals.

29 (3) All expenditures from the Kansas crime stopper trust fund shall
30 be made in accordance with appropriation acts upon warrants of the di-
31 rector of accounts and reports issued pursuant to vouchers approved by
32 the attorney general for the purposes set forth in this section.

33 Sec. 5. (a) Council records relating to reports of criminal acts are
34 confidential.

35 (b) Evidence of a communication between a person submitting a re-
36 port of a criminal act to the council or a local crime stoppers program
37 and the person who accepted the report on behalf of the council or local
38 crime stoppers program is not admissible in a court or an administrative
39 proceeding whether the evidence is held by the council or a local crime
40 stoppers program or is held by a telecommunications service provider.

41 (c) Records of the council or a local crime stoppers program con-
42 cerning a report of a criminal activity and records of a telecommunications
43 service provider relating to a report made to the council or to a local

1 crime stoppers program may not be compelled to be produced before a
2 court or other tribunal except on the motion of a criminal defendant to
3 the court in which the offense is being tried that the records or report
4 contain evidence that is exculpatory to the defendant in the trial of that
5 offense. On motion of a defendant under this subsection, the court may
6 subpoena the record or report. The court shall conduct an in-camera
7 inspection of materials produced under subpoena to determine whether
8 the materials contain evidence that is exculpatory to the defendant. If the
9 court determines that the materials produced contain evidence that is
10 exculpatory to the defendant, the court shall present the evidence to the
11 defendant in a form that does not disclose the identity of the person who
12 was the source of the evidence, unless the court makes a finding that the
13 state or federal constitution requires the disclosure of that person's iden-
14 tity. The court shall return to the council or to the local crime stoppers
15 program materials that are produced under the section but not disclosed
16 to the defendant. The council or local crime stoppers program shall store
17 the materials until the conclusion of the criminal trial and the expiration
18 of the time for all direct appeals in the case.

19 Sec. 6. (a) A person who is a member or employee of the council or
20 who accepts a report of a criminal activity on behalf of a local crime
21 stoppers program is guilty of a class A nonperson misdemeanor if the
22 person intentionally or knowingly divulges to a person not employed by
23 the law enforcement agency the content of a report of a criminal act or
24 the identity of the person who made the report without the consent of
25 the person who made the report.

26 (b) A person convicted of an offense under this section shall not be
27 eligible for state employment during the five-year period following the
28 date that the conviction becomes final.

29 Sec. 7. (a) A county commission or governing body of a city is au-
30 thorized to contribute funds to a local crime stoppers program from the
31 general fund of the county or city or any other available source if the local
32 crime stoppers program is established to operate, in whole or in part,
33 within the boundaries of such county or city.(b) This act shall not be
34 construed to repeal any local ordinance or resolution establishing a crime
35 stoppers program, or affect any crime stoppers program established by a
36 city, county or private entity, or the operation or funding of such program.

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