

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 103**

As Agreed to April 2, 2007

**Brief\***

House Sub. for SB 103 would:

- Amend criminal procedure regarding identifiers of alleged offenders;
- Authorize an own recognizance cash bond when an appearance bond is set for \$2,500 or less and when the most serious charge against a person is a misdemeanor; a severity level 8, nonperson felony, or a drug severity level 4 felony; and
- Clarify other provisions regarding appearance bonds.

**Criminal Procedure Regarding Identifiers  
of Alleged Offenders**

The bill would amend criminal procedure regarding identifiers of alleged offenders to require palm print impressions to be taken when the alleged offender is arrested. Other provisions would include the following:

- Require any adult or juvenile charged with commission or attempted commission of certain felonies, where one of the parties is younger than 18 or who is required to register as an offender, to submit a specimen of blood or biological sample to the Kansas Bureau of Investigation

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(KBI) whenever fingerprints are required, beginning after July 1, 2008;

- Provide that when charges against a person are dismissed or a verdict of acquittal is returned, upon a petition, the KBI would be required to expunge the DNA sample and the profile record;
- Require that when there is a determination of no probable cause or the charges are otherwise dismissed and the case is not appealed, the KBI would be required to expunge the DNA sample and the profile record; and
- Require juveniles, upon adjudication, to pay the court cost of \$100 as a KBI DNA database fee.

### **Appearance Bonds**

The bill also would:

- Authorize an own recognizance cash bond when an appearance bond is set for \$2,500 or less and when the most serious charge against a person is a misdemeanor; a severity level 8, nonperson felony, or a drug severity level 4 felony;
- Require cash deposit appearance bonds be made in the full amount of the bond and require that the amount of the bond remaining after the payment of outstanding restitution, costs, fines, and fees would be returned to the person charged with a crime after the final disposition of the criminal case, if the person complies with all requirements to appear in court;
- Require that the amount of bond be the same whether it is a surety bond or a cash bond;
- Authorize the court, in his or her discretion, to release a person charged with a crime on the person's own

recognizance with a guarantee that the person would pay the amount of the bond if the person fails to comply with all requirements to appear in court;

- Prohibit the court from imposing an administrative fee;
- Authorize the forfeiture of an appearance bond by the court only upon a failure to appear; and
- Authorize the revocation of an appearance bond upon the failure to comply with any other condition of the appearance bond.

### **Conference Committee Action**

The Conference Committee adopted the House position and also agreed to insert SB 203 (appearance bonds) with a limitation that an own recognizance cash bond is for \$2,500 or less and when the most serious charge is a misdemeanor, a level 8, nonperson felony, or a drug severity level 4 felony.

### **Background**

The bill as it passed out of the Senate Committee of the Whole would have expanded the list of authorized situations when a juvenile in custody is required to, or may be required to, be fingerprinted or photographed as follows:

- Fingerprints would be required and photos may be taken of a juvenile in custody immediately upon taking the juvenile into custody or upon first appearance or final sentencing for an offense, which, if committed by an adult, would constitute a felony, a class A or B misdemeanor or assault;
- Fingerprints and photographs may be taken of a juvenile;

- 14 or more years of age who commits a traffic offense;  
or
- 16 years of age or over who commits a fish and game offense;
- Fingerprints or photographs would be required of any juvenile admitted to a juvenile correctional facility; and
- Photographs may be taken of any juvenile placed in a juvenile detention facility and would be used solely by the juvenile detention facility for identification, security, and protection. The photograph would not be disseminated except after an escape and when necessary to assist in apprehension.

The bill, as it passed out of the Senate Committee of the Whole, also would have required fingerprints and permit photographs of juveniles to be sent to the state and federal repository if the fingerprints and photographs were taken upon immediate custody, first appearance of final sentencing, or at the juvenile detention facility.

The House Committee amended the bill by deleting the original contents of SB 103 and inserting the contents of HB 2384, (an act concerning criminal procedure; relating to identifiers for alleged offenders) as a substitute bill. Note that the original provisions in SB 103 were signed into law on March 21, 2007, in HB 2074.

The House Committee of the Whole amended the no probable cause provision to add the dismissal wording and the requirement for expungement of the DNA sample and profile record.

The Conference Committee adopted the House position and also agreed to insert SB 203 (appearance bonds) with a limitation that an own recognizance cash bond is for \$2,500 or

less and when the most serious charge is a misdemeanor, a level 8 nonperson felony or a drug severity level 4 felony.

criminal procedures; appearance bonds