

SESSION OF 2007

**SUPPLEMENTAL NOTE ON HOUSE  
SUBSTITUTE FOR SENATE BILL NO. 103**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for SB 103 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 (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.
- Require juveniles, upon adjudication, to pay the court cost of \$100 as a KBI DNA database fee.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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.

## **Background**

The original contents of SB 103 were deleted from the bill and HB 2384 was inserted as a substitute bill. During the hearing on HB 2384, Kyle Smith, Deputy Director, Kansas Bureau of Investigation, and Ed Klumpp, Kansas Association of Chiefs of Police, appeared in support of the bill.

The fiscal note on HB 2384 indicates that if HB 2384 were passed, the Office of Judicial Administration would have an expense of \$5,000 for programming and implementation to update its management system to account for the new fee in adjudication cases. It is not possible to predict the amount of fees that would be collected. The Kansas Association of Counties projects that the requirements of the bill would require additional work and costs for law enforcement officials; however, the fiscal effect on counties cannot be determined. The Kansas Bureau of Investigation has not responded with its estimate of the fiscal effect of the bill. That information will be provided when it becomes available. Any fiscal effect resulting from the passage of this bill is in addition to amounts included in *The 2008 Governor's Budget Report*.