

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 69**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 69 would create the Kansas Crime Stoppers Advisory Council (Council), within the Attorney General's Office. The Council, within resources available, would:

- Advise and assist in creating local crime stoppers programs;
- Foster the detection of crime and encourage people to report information about criminal acts;
- Encourage news and other media to promote local crime stoppers programs and to inform the public about the functions of the Council;
- Assist local crime stoppers programs in forwarding information about criminal acts to the appropriate law enforcement agencies;
- Help law enforcement agencies detect and combat crime by increasing the flow of information to and between law enforcement agencies;
- Assess training needs for local crime stoppers programs and provide support and training to all programs within the state;
- Assist local crime stoppers programs in acquiring resources needed to keep and report statistical data and to communicate between local programs, law enforcement

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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>

agencies, and other crime stoppers programs and agencies, and

- Provide other appropriate assistance to enhance public safety in Kansas.

The Council's activities would be financed through a \$20 fee collected by the Clerk of the District Court from offenders placed on probation, community corrections, or diversion. The money remitted to the Clerk would be deposited by the Treasurer into the Kansas Crime Stopper Trust Fund (Fund) created by the bill. Local crime stoppers programs from each county that meet the required certification set by the Kansas Crime Stoppers Association, Inc. may apply for a grant by the Council for reimbursement from the Fund. The bill also would require the Council to establish the qualifications to receive such grants, subject to the approval of the Attorney General. The grant would not be authorized to exceed 50 percent of the total amount of money deposited into the Fund.

The Council would be composed of two persons appointed by the Attorney General and the executive board of directors of the Kansas Crime Stoppers Association, Inc. The Council would have authority to:

- Recess for a closed or executive session;
- Adopt rules and regulations in order to carry out its duties; and
- Contract with a person to serve as the Director and establish the authority and responsibilities of the Director.

The bill would clarify that the records of the Council are confidential. The bill would prevent the admissibility into evidence, in a court or an administrative hearing, the communication between a person submitting a report of a criminal act to the Council or local crime stoppers program.

The bill also would prevent a subpoena requiring the production of documents by the Council except where the defendant files a motion alleging the information contains exculpatory information, *i.e.*, evidence that clears or tends to clear fault or guilt. The Court would conduct an *in camera* inspection, *i.e.*, an inspection by a trial judge of a document in private in order to rule on its admissibility, of the documents to be produced pursuant to the subpoena to produce documents to determine if the information is exculpatory. If the information is exculpatory, the Court would be required to present the information to the defendant without revealing the identity of the source of information, unless the state or federal constitution requires disclosure.

The bill would create a new class A nonperson misdemeanor, for a member or employee of the Council, or a person who accepts a report of a criminal activity on behalf of a local crime stoppers program, to intentionally or knowingly divulge information to a person who is not employed by a law enforcement agency. A person convicted of this crime would not be eligible for state employment for five years after the conviction is final.

## **Background**

The 2006 Special Committee on Judiciary was charged with the responsibility of studying 2006 HB 2992 which would have provided for the establishment and funding of a Kansas Crime Stoppers Council. HB 2992 was introduced by and referred to the House Federal and State Affairs Committee. The bill died in the House Committee. The Special Committee made no recommendation on the topic of establishment of a Kansas Crime Stoppers Council. The Special Committee believed that there was not an overwhelming need for a statewide Council, and there were concerns with the funding of such Council.

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were Terry

Symonds, Detective, Topeka Police Department; Ed Klumpp, Kansas Peace Officers' Association; K.C. Blodgett, President, Kansas State Lodge of Fraternal Order of Police.

The opponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was Jennifer Roth, Attorney.

Kathy Porter, Officer of Judicial Administration; and Dan Gibb, Assistant Attorney General provided neutral testimony in the Senate Committee hearing.

According to the fiscal note on the bill, as introduced, the Office of Judicial Administration states that in FY 2008 a total of 36,878 people were placed on probation or entered into a diversion agreement. There were 13,794 people placed on probation and 23,084 people were placed on diversion. The bill would require that a fee of \$20 be paid for each of these sentences. Using the FY 2008 total of number of sentences, 36,878 people would pay \$20 each; therefore, \$737,560 (36,878 X \$20) would be collected. The Office anticipates that its case management system would have to be updated because of the new fee that would be collected, requiring \$5,000 at a minimum from the State General Fund in FY 2010.

According to the Kansas Sentencing Commission and the Kansas Department of Corrections, SB 69, as introduced, would not increase offender prison admissions; therefore, the bill would have no fiscal effect on their operating expenditures. The Attorney General and the Kansas Association of Counties indicate there would be no fiscal effect to the agency or counties if SB 69 were enacted. The League of Kansas Municipalities states any fiscal effect to cities would be negligible because it is unknown how many cities would contribute to local crime stoppers programs. Any fiscal effect resulting from this bill has not been included in *The FY 2010 Governor's Budget Report*.