

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **SB 374** be amended on page 1, by striking all in lines 8 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 34;

On page 4, by striking all in lines 4 through 43;

By striking all on page 5 and 6;

On page 7, by striking all in lines 1 through 14;

On page 12, by striking all in lines 12 through 26;

On page 13, by striking all in lines 6 through 9; in line 10, by striking all before the period and inserting:

"(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) This section; (B) operating a vessel under the influence

of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (n)(1) or (n)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction";

Also on page 13, by striking all in lines 27 through 43;

By striking all on pages 14 and 15;

On page 16, by striking all in lines 1 through 17;

On page 22, in line 3, by striking all after the period; by striking all in lines 4 and 5;

On page 23, by striking all in lines 21 through 43;

By striking all on pages 24 and 25;

On page 26, by striking all in lines 1 through 8;

On page 27, in line 14, by striking the third "or"; in line 15, by striking all before the first comma; in line 24, by striking all after "8-1567"; in line 25, by striking all before the first comma;

On page 28, in line 10, by striking all after "breath"; by striking all in lines 11 and 12; in line 22, by striking all after "8-1567"; in line 23, by striking "8-1025"; by striking all in lines 25 through 43;

By striking all on pages 29 through 33;

On page 34, by striking all in lines 1 through 30;

By striking all on pages 35 through 42;

On page 43, by striking all in lines 1 through 13; in line 27, following the stricken material by inserting "or"; in line 30, by striking all after "vehicle"; by striking all in lines 31 through 39; in line 40, by striking all before the period;

On page 49, by striking all in lines 13 through 26;

On page 50, by striking all in lines 7 through 14; in line 15, by striking all before the period and inserting:

"(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of

alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance that prohibits the acts of this section only once during the person's lifetime";

On page 51, in line 18, by striking all after the period; by striking all in lines 19 and 20;

On page 53, in line 2, by striking "8-2,145 and"; also in line 2, by striking "8-2,142,"; in line 3, by striking "8-1002,"; also in line 3, by striking "8-1020,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "8-2,145 and"; also in line 3, by striking "8-2,142,"; in

line 4, by striking "8-1002,"; also in line 4, by striking "8-1020,"; also in line 4, by striking "8-1025,"; in line 5, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 8-1025"; and the bill be passed as amended.

_____Chairperson