



KCJIS News



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How to Submit a Correction to a Fingerprint Record

Sheri Sharp, Kansas Bureau of Investigation—Records Management Section

The Kansas Central Repository of Criminal History Record Information at the KBI has been receiving queries asking how to make corrections to fingerprint records that were submitted with errors or missing information.

Corrections can be submitted for either inked cards or electronically transmitted arrest cards by following a few simple guidelines. The correction request process is only intended to correct or add additional information; it is not intended to be used to delete an entire arrest or to add court disposition information.

Examples of when to correct an arrest card:

1. Transposition of a number. For example, the date of birth was incorrectly sent as *02/05/1986* and it should be *05/02/1986*. Or, for example, the social security number was sent as *540-99-4444* and it should be *450-99-4444*.
2. Name Spelling or Name order. For example, Kelly was incorrectly submitted as Kelli. Or, for example, the submitted name was *Morales Carrillo* but should be *Carrillo Morales*.
3. Change of transmitted charges / statutes. If you need to add, delete or clarify (subsections) an arrest charge, be sure to indicate the type of change you are making to each charge or statute. It's best to list the correct statute and then indicate that it needs to be added or used in the place of the incorrect statute.
4. Wrong person's demographic information sent. If you have inadvertently sent the wrong person's demographic information on an arrest, please be sure to correct all information including address, employer, birth state, scars marks tattoos and all other personal data.

Please do not send corrections to alter charges made by the prosecutor's office after an arrest. Alterations, declinations, and additional charges filed by the prosecutor's office are made on disposition reports (KDR) only.

Where is the Correction Request form located?

The correction form is on the KCJIS web portal. Go to the Services and Information tab, then down to "KBI Information Services Division Documents", and then click on the link to the "Fingerprint Change Form".

If you do not have access to the KCJIS web portal you can email Sheri Sharp at sheri.sharp@kbi.state.ks.us to request a form to be emailed to you.

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Drug Crime Re-Codification and the Kansas Offender Registration Act

Erik Wood—Kansas Bureau of Investigation—Offender Registration Section

On July 1st, 2009 the Kansas Legislature modified criminal statutes and changed the drug crimes from the 65 series to the 21 series. As this affected the three drug crimes that require registration, the Kansas Offender Registration Act was also modified. The actual crimes that require registration have not changed, only the statute number and subsection. You will note that as legislature collapsed several drug crimes into one statute number, we now have to list the specific sub-section that is applicable to the offense requiring registration. The changes are as follows:

Unlawful Manufacture of or attempting such of any controlled substance; which was previously KSA 65-4159 is now KSA 21-36a03(a).

Possession of Precursors with Intent to Manufacture a Controlled Substance; which was previously KSA 65-7006 is now KSA 21-36a09(a).

Unlawful Sale or Distribution of a Controlled Substance; which was previously KSA 65-4161 is now KSA 21-36a05(a)(1).

These changes do not affect any offenders who are currently required to register by law. The new statute numbers only affect those offenders convicted under the statutes.

If you have any questions please call the KBI Offender Registration Unit at 785 296 2841.



Public vs Restricted Offender Registration Records

Erik Wood—Kansas Bureau of Investigation—Offender Registration Section

In July of 2007 Senate Bill 204 became law. This is the bill that required the registration of offenders who had/and do commit certain drug offenses. In that process there was a technical oversight in which an offender who had a publicly releasable sex offense and subsequently committed a drug offense that would be considered restricted, had their entire record (including the public Sex Offense) restricted because the registry had no way to mark what offenses could be listed on the website and which could not.

Effective July 30th that is no longer the case. The KBI now has the ability to control which offenses appear on the website. So, if an offender has a public offense and restricted offense, the public offense will always be displayed on the website. The Offender Registration Unit is working diligently to identify and modify the records of offenders in which this unique circumstance applies. We hope to have the entire issue resolved by September 1, 2009.

If you have any questions please call the KBI Offender Registration Unit at 785 296 2841.



Misdemeanor DV Guidelines for NICS

Melissa Warrington, Kansas Bureau of Investigation— Records Section

New case law (US vs. Hays, 526 F.3d 674, 676 (10th Cir. 2008)) has established guidelines for the national instant check system (NICS) regarding establishment of the elements of misdemeanor crimes of domestic violence (MCDV).

These new guidelines require that additional documentation must be gathered establishing the relationship between the victim and the defendant. Previously, the arresting agencies were asked to provide the reports and narratives to establish the relationship which would determine MCDV disqualification.

The arresting agencies will still be contacted for this information. Now, however, the courts that are contacted for the final disposition will be asked to provide if the final convicted charge has an element of the use or attempted use of physical force or threatened use of a deadly weapon and to provide the subsection for the convicted charge.

Court documents that can provide this information are the charging documents, plea agreement or plea colloquy, and the final court records of the proceedings.

The two offenses that are affected the most are *Battery* (K.S.A. 21-3412) and *Disorderly Conduct* (K.S.A. 21-4101). This additional information, along with the relationship of the subject and victim, will now determine if the event meets the definition of MCDV and if the subject is thus disqualified from purchasing and possessing a firearm.

If there are any questions regarding this new information please feel free to contact Melissa Warrington 785-296-4430.



Orders for Involuntary Care and Treatment

Melissa Warrington, Kansas Bureau of Investigation— Records Section

This is a friendly reminder that all individuals involuntarily committed for care and treatment by the court are to be reported to the Kansas Bureau of Investigation.

In accordance with K.S.A. 75-7c25, the Clerk of the Court shall report the order for care and treatment for mental illness, alcohol and/or substance abuse and include all available identifying information to the KBI. The KBI shall enter such order into the state Central Repository and the national database supporting the National Instant Check System (NICS).

For further information, please contact Melissa Warrington at 785-296-4430.

2009 Kansas Legislative Amendments Summary

Ed Klumpp, Kansas Association of Chiefs of Police—Legislative Committee Chair

2009 Kansas Legislative Amendments to Law Enforcement Related Statutes

Drug Statutes Moved from Chapter 65 to Chapter 21: There are no substantive changes in the elements of the crimes. However, some statutes have been combined and they have been reordered so that all possession statutes are together, all distribution statutes are together, and all manufacturing statutes are together.

Attempt to Elude: The attempt to elude statute was substantially amended. Although the actions of the violator remain the same as in past law, the amended law provides a clear definition of an “appropriately marked vehicle” requiring only a functioning red light or siren. It also removes the requirement that the officer be both in an appropriately marked vehicle and in uniform. It now only requires one of those conditions.

Possession of a Firearm During a Drug Felony: A new provision will add time to the sentence of most drug felonies if the violator was in possession of a firearm or discharges a firearm during the conduct of the felony.

Battery to LEO: The sentence for felony (non-aggravated) battery to a LEO is now always presumptive imprisonment and the sentence is to be consecutive to any other sentence.

Identity Theft: Kansas law enforcement is now required to take an offense report from a person who resides in their jurisdiction and believes they are the victim of identity theft regardless of where the theft may have occurred. The agency is also required to provide a copy of the report to the victim.

Protecting Victims of Stalking, Domestic Violence and Sex Crime: Kansas law enforcement is no longer required to release the following information on the victims of stalking, domestic violence, or sexual assault: Name, address, location information, or other contact information.

Unlawful Hosting: Unlawful hosting had to be done with intent in the past. Now it can be done intentionally or recklessly making it a violation if they knew it was going to happen or they should have known it was going to happen.

Civil Forfeiture: Adds the following crimes to those that are subject to civil forfeiture of property: prostitution; promoting prostitution; patronizing a prostitute; dog fighting; possession of dog fighting paraphernalia; cockfighting; and possession of cockfighting paraphernalia. It is very important to understand all of the limitations placed on these and all seizures for forfeiture in KSA chapter 60 Article 41. For example, many of the new additions are always misdemeanors and KSA 60-4106(a)(2) requires the underlying crime to be a felony to seize a vehicle for forfeiture.

Possible license sanctions on problem drinking establishments: A local governing body (city or county) may now request the ABC to hold a hearing to determine if a club or drinking establishment license should be suspended or revoked at any time, not just at the time of application or renewal. The ABC will be developing regulations on this process and the activities that can lead to these sanctions. That is supposed to include endangering the public welfare. For CMB licensees, the local governments now have more leeway to sanction licensees with or without suspending or revoking the license for certain violations.

Driving in the Left Lane: On all multi lane highways outside of cities, vehicles can only use the left lane to pass, prepare to turn left, comply with traffic control devices, and to comply with other laws (such as moving away from stopped law enforcement or road maintenance vehicles). Law enforcement vehicles are exempt.

Accidents Requiring Driver to Remove Vehicle from Roadway: The driver of a vehicle involved in a collision is required to remove the vehicle from the roadway if the collision happens on an interstate highway, US highway, or any other divided or multilane roadway, provided there is 1) no injury, 2) no hazard involved, 3) the vehicle is drivable, 4) it can be moved safely. Only a warning may be given for violations until 7/1/2010.

Scrap metals and scrap vehicles: The existing scrap metal law is amended to strengthen the coverage of additional scrap metals and by adding additional information to be recorded in the log the scrap metal dealer must maintain and make available to law enforcement. Businesses that recycle or crush titled vehicles must now be licensed by the state

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Fingerprint Corrections (continued)



Who can submit corrections?

Request to correct information must be made by the same agency that submitted the original information.

Please remember that all the agency verification information part III must be completed in order for corrections to be made. We may need to contact you if there is a question about the request.

Electronically Transmitted Arrest Cards:

Arrest cards that were submitted using livescan can be corrected by sending another livescan record that is created specifically as a corrected record. Corrections made electronically will update the criminal history record in the Central Repository immediately.

Things to be cautious of when using livescan:

1. Make certain that you transmit the correction using the same transaction number and processing control number (PCN) number. The livescan devices record correction feature must create a record with the original transaction number properly identified and the type of record must be properly constructed as a correction.

If the livescan device sends the corrected record with a new transaction number, the Central Repository will not recognize the record as a correction. It will be processed as a new record and it will be added to the subject's record as a second arrest event.

2. Make sure to flag the transmission as a correction so that it is sent as a corrected record. If you do not know how to do this, please contact your livescan vendor for assistance.
3. Since livescan devices have limited memory storage, fingerprint records are only available on the device for a limited amount of time. If the arrest record is no longer available on the livescan, you will need to send the correction to the Central Repository using the "Request to Change Criminal History" form.

How to submit information corrections:

Corrections Request forms can be submitted by mail, fax or email to the Central Repository at:

KBI
Attn: Records Management
1620 SW Tyler
Topeka, KS 66612-1837

Fax number: 785-368-7162

Complete deletion of a submitted record. If you are requesting an arrest be deleted from the Central Repository, send the request on your agency's letterhead explaining in detail why the arrest should be deleted. Please include the name, date of birth, social security number, date of arrest, charges, and transaction number for the arrest and information on how to contact you if there are any questions. This additional documentation is required to get approval for the deletion.

For further assistance, contact KBI Records Management Section Program Consultant Sheri Sharp at: Sheri.Sharp@kbi.state.ks.us



News from the KBI Helpdesk

Tariq Azmi, Kansas Bureau of Investigation—Help Desk

KCJIS Web Portal User Suggestions:

The KBI Helpdesk staff has been working toward developing a frequently asked questions (FAQ) section. That will be added to the KCJIS Web Portal in the very near future. We continue to encourage you to submit any comments, suggestions or questions via the User Suggestions box on the KCJIS Web Portal. Below you will find a few of your submissions that have been developed into FAQ's and our responses to them. We hope the new FAQ section will develop into a very helpful knowledge base driven by your input.

1. Is there an archive of current and expired tags numbers the Counties issue?
2. Is there an archive of old DL photos and those surrendered to other States?
3. Is it possible to have the color of a vehicle added to the response when queried?
4. Is it possible to have the subject's race on the return of a DL photo search?

The above four FAQ's share the same response: this information is not available to KCJIS users from the current DMV system (s). KDOR is embarking on a DMV modernization project that is tentatively expected to take 18-24 months to be implemented. It is expected the new system will provide more comprehensive driver and vehicle records to KCJIS, including historical information. Several KCJIS representatives are participating on the project steering committee and will be involved in the design of the new interfaces.

5. How do I query a plate if a character is unknown?

*Run a ZQPL with a wildcard of * for the unknown character. Ex. I2*ABC or AB*123.*

6. What happened to the NCIC ORI Manual?

The NCIC ORI Manual has been out of hard copy print since the late 1980's. Since the inception of the NCIC ORI File and the ORION File via NLETS, A terminal user can look up who a specific ORI is assigned to and the contact information from the NCIC ORI File via the QO message key. The TQ message key allows the terminal user to search by location via the NLETS ORION File. The NCIC ORI Manual is no longer available.

Windows Vista:

We successfully tested Checkpoint VPN Securemote, OpenFox Messenger, KCJIS Web Portal and KSMART web sites for Windows Vista 32bit version. The KBI does not and has never **certified** Checkpoint VPN connections and currently Checkpoint reports they do not support the Vista 64 bit version for VPN Securemote. The Help desk will let you know if the 64 bit version is accepted by Checkpoint for future use.

OpenFox Messenger:

We have learned that some OpenFox users have a shortcut on their desktop that takes them directly to the log in screen in Messenger. Accessing Messenger in this manner will cause the users to miss updates we apply to Messenger. We advise you to delete this shortcut and recreate the short cut utilizing: <http://cpi.kcjis.state.ks.us:8080/KAN>

NCIC TOU:

KBI Help desk is working with vendors to implement TOU 8-6 and TOU 9-1. We will send a KCJIS message over the network once testing has been completed and implemented into production. Users can access the TOU's on the KCJIS web portal at <https://www.kcjis.state.ks.us/Information/ncic/PeakPerformanceManuals/index.html>

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Legislative Summary (continued)

and must record more information than in the past about the seller. Those logs are also available for inspection by any law enforcement officer. The Department of Revenue Division of Motor Vehicles can provide assistance in these investigations.

Transporting Illegal Drugs: Upon a finding by the court that a person possessing illegal drugs was transporting the drugs in a motor vehicle, the offenders driver's license may be suspended by the court for one year.

Towed Vehicle and the Property In The Vehicle: Any vehicle towed under the authority of a city ordinance or county resolution must be reported to the law enforcement agency within two hours. Additionally, the owner of any vehicle towed under that authority must be allowed access to and the opportunity to remove property from their vehicle during the 48 hours after the vehicle is towed. This also requires such ordinances to contain maximum charges for the towing and other provisions. If you have such ordinances or resolutions you might have them reviewed by legal staff for compliance with the new law.

Golf Carts and Work Site Utility Vehicles Operated on City Streets: The state law was amended to allow cities to pass an ordinance to permit the operation of golf carts or work site utility vehicles on city streets with certain restrictions. This takes an affirmative action on the part of the city to pass an ordinance permitting such operation. While the statute does not specifically state this, the intent was to allow cities to also establish additional equipment and safety restrictions within their ordinance.

Cell Phone Location Information: Cell phone companies are now required to provide cell phone location information without a court order in a timely fashion 24/7. The KBI has the emergency contact information for all cell phone companies operating in Kansas. That information is available from their dispatch center 24/7. For this requirement to apply there must be a need to respond to an emergency call or an apparent threat to the life or safety of a person. There is nothing in this law restricting requests in other circumstances, but the provisions of the new law will not apply in those requests.

Scrap Metal and Motor Vehicle Crushers and Recyclers: You may want to establish within your agency someone who will contact these types of businesses in your jurisdiction and make sure they are aware of the new laws and are keeping the appropriate records. You might also want to consider periodic contact by an officer to review their logs for potential suspect information and criminal activity.

Missing Adults: A law was passed requiring the attorney general to develop a "Silver Alert Plan" to be available for law enforcement use with missing elderly persons. Details are being worked on and will be disseminated by the Office of the Attorney General.

Open Records: The annual review of open records law was passed with no major revisions. However, a new law was passed to protect the victims of stalking, domestic violence, and sexual assault. Certain information on those victims is no longer required to be released. Locally, you may want to establish a policy regarding how your agency will deal with this new provision.

Concealed Carry: A law was passed allowing state and federal prosecutors to carry a concealed weapon. The county commission can opt out of this if they meet certain conditions. Two of those conditions can impact local law enforcement officers. One would restrict law enforcement officers from being armed in the court house; the other requires a place for officers to secure their firearms at the court house entrance. Some discussion with your county/district attorney and administrative judge might be in order.

Racial Profiling: The only change in law is an extension in the life of the Racial Profiling Task Force.



Cross reference tables for changes to drug statutes are available on pages 12-13 of this newsletter.



N-DEX Update

Captain Randy Moon, Kansas Highway Patrol—CJIS System Officer

So the question is: in an age where many crimes cross one or more jurisdictions, how can agencies share their information with each other...not only to catch criminals and terrorists but also to spot crime trends and patterns and help prevent attacks? After all, beyond a few national criminal justice systems like the National Crime Information Center and the Integrated Automated Fingerprint Identification System, most information-sharing between police agencies today is on a case-by-case basis or through local and regional information systems.

That's now changing, thanks to the **Law Enforcement National Data Exchange, or N-DEX.**

N-DEX is what you might expect: a national information-sharing system available through a secure Internet site for law enforcement and criminal justice agencies. N-DEX allows agencies to search and analyze data using some powerful automated capabilities, helping to connect the dots between people, places, and events.

The system includes several basic but vital capabilities, including searching and correlating incident/case report information and arrest data to help resolve entities (determining a person's true identity despite different aliases, addresses, etc.). N-DEX will also create link analysis charts to assist in criminal investigations and identify potential terrorist activity.

Once fully operational and fully deployed in 2010, N-DEX will include a full range of capabilities, including:

- Nationwide searches from a single access point;
- Searches by "modus operandi" and for clothing, tattoos, associates, cars, etc.—linking individuals, places, and things;
- Notifications of similar investigations and suspects;
- Identification of criminal activity hotspots and crime trends;
- Threat level assessments of individuals and addresses; and
- Visualization and mapping features.

Ownership of data shared through N-DEX will remain with the law enforcement agency that provided it. N-DEX will supply controls to allow law enforcement agencies to decide what data to share, who can access it, and under what circumstances. It will allow agencies to participate in accordance with applicable laws and policies governing dissemination and privacy.

What is the N-DEX development timeline?

Operational March 19, 2008, Increment 1 - Initial Deployment: provides sharing of incident/case report information; arrest information; search; entity correlation; entity resolution; visualization; analytical reporting; and connectivity to multiple agencies initially supporting 50,000 users.

Summer 2009, Increment 2 –Work continues for development of Increment 2, to be deployed in the summer of 2009, which will provide: added data sets for incarceration data and booking data; automated processing; collaboration; subscription; notification; and connection to multiple agencies supporting 100,000 users.

Winter 2010, Increment 3 – Full Operational Capacity: Increment 3 is expected to deploy in the winter of 2010 and will provide: addition of probation and parole data, expansion of web services, enhanced subscription, collaboration, and notification capabilities.

As of June 29, 2009, N-DEX contained over 60 million reports, over fourteen-hundred registered users, and fourteen contributing systems consisting of over 650 agencies.

What is the status of N-DEX in Kansas?

N-DEX **query** capability is now available to Kansas LEAs. Work is currently underway at the state level, to enable the Kansas repository to supply data to N-DEX on behalf of local agencies. The KBI plans to submit test data to N-DEX during the last week of July.

What must I do to use N-DEX?

For LEOs to obtain this valuable investigative tool, users must first have a LEO account. Once the LEO account is established, the applicant can access the required computer based training (CBT) for N-DEX. The user must complete specific levels of the CBT, sending verification those completed training levels along with the N-DEX application via fax to Linda Virtue, Kansas N-DEX Point of Contact (POC), Kansas Highway Patrol 785-296-0958 or US mail addressed to:

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Linda Virtue, Kansas Highway Patrol
122 SW 7th, Topeka, Ks 66603
Phone: (785)296-5980
lvirtue@khp.ks.gov

Once the application information has been received and processed at the state level by the CSA, it is forwarded to the FBI for final N-DEx approval.

For further information, visit the N-DEx website at http://www.fbi.gov/hq/cjisd/ndex/ndex_home.htm

KBI Helpdesk continued

Issues reported and status:

Issue: When a subject is queried using **KQMW or KCS** and if the sex is entered wrong the response will not generate a hit.

Status: When a subject is queried with Name, DOB, Sex and Race the Kansas Hot Files database will match all those identifiers with the base record and return the response. To get the optimum results, query the subject by just Name and DOB. Enter Sex and Race only when 100% positive the sex and race have been included in the base record.

Issue: When you right click on the AM message to “reply” a KAM form opens up and not the AM form

Status: *Issue resolved. Worked with CPI and made the appropriate changes. A “reply” to the AM message now opens an AM form.*

Issue: EPO-C form returns with an error message when entering Caution and Citizen Field

Status: *Issue resolved: Updated the form rolled to production. You should no longer get “MFC Format Error” when entering Caution and Citizen Field together*

Issue: Modify Protection Order (MPO) form when deleting the PCO information with option 8 code; it does not delete the information/code

Status: *Issue resolved. Per NCIC the user needs to use the MPO message key. Select the appropriate code in PCO field and enter a period (.) in the misc field to delete the previous entry. At this time there is no way to remove the misc field completely.*

Issue: When Entering Protection Order (EPO) it does not have the option for Stolen/Fraudulent Identifiers

Status: *Issue resolved. Per NCIC at this time the EPO does not require that information to be entered. If there is a case that requires Stolen/Fraudulent entry it is suggested to enter an “Enter Identity Theft” (EID form) with the same case number and enter the NIC numbers and other pertinent information in the Miscellaneous field in both EPO and EID entries.*

Issue: EPO form does not have any field to enter multiple protected person information.

Status: *Multiple Protected person information can be entered using the supplemental data form (ENPO)*

Issue: Corrupt mail box: The user may have 1 unread message in the Inbox but it indicates it has 8 unread messages and prompts the users to read those messages.

Status: Updated version of Messenger (2.01) has the fix for this issue. Helpdesk will be testing this new version over the next several weeks and will let you know once testing is complete so we can import the update into production.

Issue: Hit on the Kansas record does not give the option for the KYQ and KYR form to be generated.

Status: CPI is developing a fix for this issue. KBI Help Desk staff will test the resolution before moving it to production.

Did You Know...

OpenFox Messenger has a message key “MVIN” that can be used to query multiple VIN numbers at the same. This transaction queries a list of VIN numbers against the NCIC database.

If you receive an error message using one of the forms in OpenFox Messenger, you can forward the message to a KBI helpdesk associate’s terminal for further troubleshooting. Just open the form, right click, select forward and enter the KBI control terminal mnemonic TPKKB001D.



DUI Law Update

Leslie Moore—Kansas Bureau of Investigation—Records Section

Senate substitute for House Bill 2096 has many updates to the DUI law. One of the new requirements is for the prosecutors to request the criminal history records from the Kansas Bureau of Investigation. District or county attorneys must request the criminal history records prior to filing a complaint alleging the violation. City attorneys must request the criminal history records upon the filing of a complaint, citation or notice to appear alleging the violation.

Prosecutors can obtain the criminal history records from the KCJIS web portal. This will give you immediate access to the criminal history records that are in an automated state. If the record you are requesting is not automated you will be given the option to view a partial rapsheet and request the record to be automated by the KBI Records staff. The turnaround time to get a record automated is 1-5 business days.

If you currently do not have access to the KCJIS web portal please contact Bob Eckhardt with the Highway Patrol at 785-296-6800 to get a level 3 KCJIS access. You will also need to contact your agency Terminal Agency Coordinator (TAC) for an RSA SecurID token to sign on to the web portal.



KCJIS Statute File Release

Barbie Berggren—Kansas Bureau of Investigation—Statute File Editor-in-Chief

The 2009 KCJIS Statute File is now available on the KCJIS secure website at <https://www.kcjis.state.ks.us> and, as in the past, there are two different versions of the same file – one is for CCH use and the other is for livescan fingerprint record submissions. For each version there are two different formats – a delimited text file and an Access97 file. Please notify your IT department in order that proper security procedures can be conducted. Once the files are found to be secure they are available for download from the website.

Also available on the KCJIS website is the 2009 Change Document in .xls format listing all additions, adjustments, revisions, etc., made to the KCJIS Statute File since the last release in August 2008. Of special note is the new chapter and section assignment for all drug violations. The Recodification Commission caused the introduction of legislation that moved criminal drug violations from K.S.A. Chapter 65 to Chapter 21. In addition, two specific terms were defined in detail and should be of special note to all criminal justice agencies as they relate to drug related criminal offenses. Those two terms are “distribute” and “precursor”.

A generous thank you goes to Ed Klumpp, KACP/KSA Legislative Committee Chair, and to Laura Graham, General Counsel, KBI, for their help and guidance in preparing this file for release.

If you need additional information, have questions or experience problems, please contact Barbie Berggren at barbie.berggren@kbi.state.ks.us.

KIBRS Statute File Update

Janell Zeiler, Kansas Bureau of Investigation—KIBRS

The most recent version of the KIBRS statute file has been released. Agencies using a vendor to submit their data or testing to submit their data electronically to the KBI should have received the file via email from the KBI. If your agency did not receive this file you may access it at <http://www.kcjis.state.ks.us>. Go to *Services and Info*, then to *Statute Downloads*.

The **CJIS Law Application** update may be accessed at <http://ksmart.kcjis.state.ks.us/LAW/>.

The KIBRS gateway will be updated on September 2, 2009 with the latest statute file. We ask that your agency connect to the KBI with an “empty” gateway on your end in order to successfully update. This means that your agency should submit all KIBRS data that you have imported into your local gateway prior to August 28, 2009 and reconnect to KBI by 9:00 a.m. on Monday, August 31.

The KIBRS gateway will be off-line between 9:00 a.m. August 31 and 10:00 a.m. on September 2 to allow for the monthly FBI submission and the scheduled update.

If you have any questions regarding this process please contact the Incident-Based Reporting Section at (785) 296-8279 or (785) 296-8276, or the KBI Help Desk at (785) 368-6382.



Law Application Incompatible with Office 2007

Janell Zeiler—Kansas Bureau of Investigation—KIBRS Section

Agencies considering upgrading to the Microsoft Office 2007 suite of applications should be aware of potential problems with legacy software.

In particular, the CJIS law application is not compatible with Access 2007, the database program in the MS Office 2007 suite. The KIBRS Section of the KBI is aware of at least two law enforcement agencies that experienced significant problems with the Law Application, to include the loss of records, after upgrading to Access 2007.

If your agency upgrades to Office 2007, the KIBRS Section recommends Access 2003 be retained intact as the database back end for the Law Application.

Cross Reference for Kansas Drug Statutes

Old Chapter 65 to New Chapter 21

Old KSA	Subsection	2009 Kansas Session Laws Chapter 32 Sec. No.	New KSA	Subsection	HB2236 Sec. No.	Description
New		2	21-36a02		2	Prosecution of crimes committed prior to July 1, 2009
21-4214	(a)	8	21-36a08	(a)	8	Prescription drugs, unlawfully obtaining or distributing without intent to sell.
21-4215	(a)	8	21-36a08	(a)	8	Prescription drugs, unlawfully obtaining or distributing by selling, intent to sell, or offering for sale. NOTE: Sentencing enhancement in KSA 21-36a08(b)(2).
65-4101		1	21-36a01		1	Definitions
65-4105a		15	21-36a15		15	Controlled substance analog Board of Pharmacy determination
65-4141	(a)	7	21-36a07	(a)	7	Communication facility, using to arrange sales or purchases
65-4142	(a)	Chapter 143 Sec. 35	21-36a16	(a)	SB336 sec. 35	Proceeds derived from violations of the uniform controlled substance act
65-4142	(b)	Chapter 143 Sec. 35	21-36a16	(b)	SB336 sec. 35	Materially supporting a violation of the uniform controlled substance act
65-4142	(c)	Chapter 143 Sec. 35	21-36a16	(c)	SB336 sec. 35	Organizing or supporting violations of the uniform controlled substance act
65-4142	(d)	Chapter 143 Sec. 35	21-36a16	(d)	SB336 sec. 35	Conduct financial transaction involving proceeds derived from violations of the uniform controlled substance act
65-4150		1	21-36a01		1	Definitions
65-4151		11	21-36a11		11	Paraphernalia, factors to consider in determining if an item is
65-4152	(a)(1)	13	21-36a13	(b)	13	Simulated controlled substance, use or possess with intent to use
65-4152	(a)(2)	9	21-36a09	(b)(2)	9	Paraphernalia, possess with intent to store, contain, conceal, inject, ingest, inhale, or introduce into the body a controlled substance
65-4152	(a)(3)	9	21-36a09	(b)(1)	9	Paraphernalia, possess with intent to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance
65-4152	(a)(4)	9	21-36a09	(c)	9	Anhydrous ammonia in unapproved container
65-4153	(a)(1)	13	21-36a13	(a)	13	Simulated controlled substance, distribute or manufacture
65-4153	(a)(2)	10	21-36a10	(d)	10	Paraphernalia to be used to unlawfully possess illegal drugs in violation of KSA 21-36a06(b), distribute or market
65-4153	(a)(3)	10	21-36a10	(c)	10	Paraphernalia to be used to violate drug code except KSA 21-36a06(b), distribute or market
65-4153	(a)(4)	10	21-36a10	(b)	10	Paraphernalia to be used for manufacture or distribution, distribute or market
65-4155	(a)	14	21-36a14	(a)	14	Representing a non-controlled substance to be a controlled substance
65-4158		4	21-36a04		4	Meth clean up expenses
65-4159		3	21-36a03	(a)	3	Manufacturing/attempted manufacturing of controlled substance or controlled substance analog
65-4159a		2 & 3	21-36a02 21-36a03	(a) (e)	2 & 3	Manufacturing/attempted manufacturing of controlled substance or controlled substance analog - Offenses committed prior to amendments
65-4160	(a)	6	21-36a06	(a)	6	Possession of opiates, opium, narcotic drugs or designated stimulants
65-4161	(a)	5	21-36a05	(a)(1)	5	Sale/distribution/cultivation of opiates, opium, narcotic drugs or designated stimulants
65-4162	(a)(1)	6	21-36a06	(b)(1)	6	Possession of certain depressants
65-4162	(a)(2)	6	21-36a06	(b)(2)	6	Possession of certain stimulants
65-4162	(a)(3)	6	21-36a06	(b)(3)	6	Possession of certain hallucinogenic drugs
65-4162	(a)(4)	6	21-36a06	(b)(4)	6	Possession of certain other illegal drugs
65-4162	(a)(5)	6	21-36a06	(b)(5)	6	Possession of certain anabolic steroids
65-4163	(a)(1)	5	21-36a05	(a)(2)	5	Sale/distribution of certain depressants
65-4163	(a)(2)	5	21-36a05	(a)(3)	5	Sale/distribution of certain stimulants
65-4163	(a)(3)	5	21-36a05	(a)(4)	5	Sale/distribution of certain hallucinogenic drugs
65-4163	(a)(4)	5	21-36a05	(a)(5)	5	Sale/distribution of other certain illegal drugs
65-4163	(a)(5)	5	21-36a05	(a)(6)	5	Sale/distribution of certain anabolic steroids
65-4164	(a)	5	21-36a05	(b)	5	Distribute schedule V drug or analog
65-4165	(a)	12	21-36a12	(a)	12	Toxic vapors, abusing
65-4166		17	21-36a17		17	Uniformity of act
65-7003		1	21-36a01		1	Definitions
65-7006	(a)	9	21-36a09	(a)	9	Precursor material, possession with intent to manufacture
65-7006	(b)	10	21-36a10	(a)(1)	10	Precursor, distribute or market
65-7006	(c)	10	21-36a10	(a)(2)	10	Unapproved stimulant, distribute or market
65-7006	(d)	9	21-36a09	(d)	9	Pseudoephedrine/ephedrine purchase - Receive, acquire, receive any compound, mixture or preparation with more than 3.2 gm pseudoephedrine or ephedrine base in a single purchase or more than 9 gm in a month

Cross Reference for Kansas Drug Statutes Old Chapter 65 to New Chapter 21

Description	New KSA	Subse ction	Old KSA	Subse ction	2009 Kansas Session Laws Chapter 32 Sec. No.	HB2236 Sec. No.
Anhydrous ammonia in unapproved container	21-36a09	(c)	65-4152	(a)(4)	9	9
Communication facility, using to arrange sales or purchases	21-36a07	(a)	65-4141	(a)	7	7
Conduct financial transaction involving proceeds derived from violations of the uniform controlled substance act	21-36a16	(d)	65-4142	(d)	Chapter 143 Sec. 35	SB336 sec. 35
Controlled substance analog Board of Pharmacy determination	21-36a15		65-4105a		15	15
Definitions	21-36a01		65-4101		1	1
Definitions	21-36a01		65-4150		1	1
Definitions	21-36a01		65-7003		1	1
Distribute schedule V drug or analog	21-36a05	(b)	65-4164	(a)	5	5
Manufacturing/attempted manufacturing of controlled substance or controlled substance analog	21-36a03	(a)	65-4159		3	3
Manufacturing/attempted manufacturing of controlled substance or controlled substance analog - Offense committed prior to amendment	21-36a02	(a)	65-4159a		2 & 3	2 & 3
Materially supporting a violation of the uniform controlled substance act	21-36a03	(e)				
	21-36a16	(b)	65-4142	(b)	Chapter 143 Sec. 35	SB336 sec. 35
Meth clean up expenses	21-36a04		65-4158		4	4
Organizing or supporting violations of the uniform controlled substance act	21-36a16	(c)	65-4142	(c)	Chapter 143 Sec. 35	SB336 sec. 35
Paraphernalia to be used for manufacture or distribution, distribute or market	21-36a10	(b)	65-4153	(a)(4)	10	10
Paraphernalia to be used to unlawfully possess illegal drugs in violation of KSA 21-36a06(b), distribute or market	21-36a10	(d)	65-4153	(a)(2)	10	10
Paraphernalia to be used to violate drug code except KSA 21-36a06(b), distribute or market	21-36a10	(c)	65-4153	(a)(3)	10	10
Paraphernalia, factors to consider in determining if an item is	21-36a11		65-4151		11	11
Paraphernalia, possess with intent to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance	21-36a09	(b)(1)	65-4152	(a)(3)	9	9
Paraphernalia, possess with intent to store, contain, conceal, inject, ingest, inhale, or introduce into the body a controlled substance	21-36a09	(b)(2)	65-4152	(a)(2)	9	9
Possession of certain anabolic steroids	21-36a06	(b)(5)	65-4162	(a)(5)	6	6
Possession of certain depressants	21-36a06	(b)(1)	65-4162	(a)(1)	6	6
Possession of certain hallucinogenic drugs	21-36a06	(b)(3)	65-4162	(a)(3)	6	6
Possession of certain other illegal drugs	21-36a06	(b)(4)	65-4162	(a)(4)	6	6
Possession of certain stimulants	21-36a06	(b)(2)	65-4162	(a)(2)	6	6
Possession of opiates, opium, narcotic drugs or designated stimulants	21-36a06	(a)	65-4160	(a)	6	6
Precursor material, possession with intent to manufacture	21-36a09	(a)	65-7006	(a)	9	9
Precursor, distribute or market	21-36a10	(a)(1)	65-7006	(b)	10	10
Prescription drugs, unlawfully obtaining or distributing without intent to sell.	21-36a08	(a)	21-4214	(a)	8	8
Prescription drugs, unlawfully obtaining or distributing by selling, intent to sell, or offering for sale. NOTE: Sentencing enhancement in KSA 21-36a08(b)(2).	21-36a08	(a)	21-4215	(a)	8	8
Proceeds derived from violations of the uniform controlled substance act	21-36a16	(a)	65-4142	(a)	Chapter 143 Sec. 35	SB336 sec. 35
Prosecution of crimes committed prior to July 1, 2009	21-36a02		New		2	2
Pseudoephedrine/ephedrine purchase - Receive, acquire, receive any compound, mixture or preparation with more than 3.2 gm pseudoephedrine or ephedrine base in a single purchase or more than 9 gm in a month	21-36a09	(d)	65-7006	(d)	9	9
Representing a non-controlled substance to be a controlled substance	21-36a14	(a)	65-4155	(a)	14	14
Sale/distribution of certain anabolic steroids	21-36a05	(a)(6)	65-4163	(a)(5)	5	5
Sale/distribution of certain depressants	21-36a05	(a)(2)	65-4163	(a)(1)	5	5
Sale/distribution of certain hallucinogenic drugs	21-36a05	(a)(4)	65-4163	(a)(3)	5	5
Sale/distribution of certain stimulants	21-36a05	(a)(3)	65-4163	(a)(2)	5	5
Sale/distribution of other certain illegal drugs	21-36a05	(a)(5)	65-4163	(a)(4)	5	5
Sale/distribution/cultivation of opiates, opium, narcotic drugs or designated stimulants	21-36a05	(a)(1)	65-4161	(a)	5	5
Simulated controlled substance, distribute or manufacture	21-36a13	(a)	65-4153	(a)(1)	13	13
Simulated controlled substance, use or possess with intent to use	21-36a13	(b)	65-4152	(a)(1)	13	13
Toxic vapors, abusing	21-36a12	(a)	65-4165	(a)	12	12
Unapproved stimulant, distribute or market	21-36a10	(a)(2)	65-7006	(c)	10	10
Uniformity of act	21-36a17		65-4166		17	17



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Improved Support for KCJIS Law Application and KIBRS Gateway

Janell Zeiler—Kansas Bureau of Investigation—KIBRS Section

On September 1, 2009, installation and troubleshooting of the KCJIS Law Application and the Kansas Incident-Based Reporting System (KIBRS) Gateway will change. The KBI Help Desk will be responsible for technical support and the KBI Incident-Based Reporting (IBR) Section will be responsible for issues regarding record content and reporting requirements.

The Help Desk and the IBR Section will handle support and new installations as follows:

- Any agency requesting first time connectivity to the law application and gateway will apply to the IBR Section. Application forms, instructions, and an applicable memorandum of understanding will be provided by the IBR Section.
- Once approved, the connectivity paperwork and MOU will be forwarded to the Help Desk for installation services.
- The Help Desk will:
 1. Assist with connectivity.
 2. Install the Law Application and Gateway.
 3. Troubleshoot the gateway/law application errors that are related to networking, connectivity, and installation.
- The IBR Section will:
 1. Resolve questions regarding use of the application.
 2. Assist with issues of reporting and the content of the submitted records.
 3. Certify submitting agencies for use of the gateway.

The KBI hopes to make this transition to improved service as smooth as possible for the reporting agencies. Please feel free to contact Janell Zeiler, IBR Manager (785) 296-8279 or the KBI Help Desk (785) 368-6382 should you have questions.

Career Opportunities

The Kansas Bureau of Investigation is hiring positions in the Information Services Division.

Currently, the Incident-Based Reporting (KIBRS) Section is seeking to hire two program consultants and one senior administrative assistant. Other positions in ISD are expected to be announced as funding is determined.

Opportunities for employment with the KBI are posted on the State of Kansas website at:

<http://da.ks.gov/ps/pub/jobsearch.asp?agency=Kansas+Bureau+of+Investigation&county>