

SESSION OF 2002

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 487**

As Amended by Senate Committee of the Whole

**Brief\***

SB 487 would establish a special sentencing rule of presumptive imprisonment for repeat burglary offenders (three prior burglary offenses) who commit burglary of a building or other structure that is not a dwelling or of a vehicle, aircraft, watercraft, or railroad car.

The Senate Committee of the Whole added comparable out-of-state convictions or juvenile adjudications.

**Background**

The bill was supported by the Kansas County and District Attorney's Association, the Geary County and the Sedgwick County District Attorneys offices, to address the problem of repeat burglary offenders of non-dwelling buildings and vehicles where the sentence is presumptive probation. The current sentence for second and subsequent burglaries of a dwelling is presumptive prison.

A violation of KSA 21-3715(b) (burglary of a non-dwelling) is presently severity level 7, nonperson felony offense. A violation of KSA 21-3715 (burglary of a vehicle, watercraft, etc.), is presently a severity level 9, nonperson felony offense. A violation of KSA 21-3716 (aggravated burglary) is presently a severity level 5, person felony offense. The net affect of the amendment proposed by SB 487 would be to bypass the presumption for probation for a subsection (b) or (c) violation of KSA 21-3715 when the offender has three or more prior burglary convictions.

The Kansas Sentencing Commission estimates the bill would impact between 13 to 51 prison beds over a ten-year period. The bill

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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/cgi-bin/fulltext/bills.cgi>

would also require an update of the *Sentencing Commission Desk Reference Manual* at a cost of \$5,000 to \$7,000.