

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 72**

As Amended by House Committee of the Whole

**Brief\***

SB 72 would amend the crime of giving a worthless check to make changes mirroring somewhat the amendments made to the theft statute in 2004. The bill would raise the threshold amount for a felony offense from \$500 to \$1,000 and make other changes as follows:

- ! giving a worthless check is a severity level 7 nonperson felony if the check, draft, or order is \$25,000 or more (current law);
- ! giving a worthless check more than once within a seven day period is a severity level 7 nonperson felony if the combined total of the checks, drafts, or orders is \$25,000 or more;
- ! giving a worthless check is a severity level 9 nonperson felony if the check, draft, or order is at least \$1,000 but less than \$25,000;
- ! giving a worthless check more than once within a seven day period is a severity level 9 nonperson felony if the combined total of the checks, drafts, or orders is at least \$1,000 but less than \$25,000;
- ! giving a worthless check is a class A nonperson misdemeanor if the check, draft, or order is less than \$1,000; and
- ! giving a worthless check is a severity level 9 nonperson felony if the check is for less than \$1,000 if committed by a person who has been convicted of giving a worthless check two or more times within five years immediately preceding the commission of the crime.

SB 72 would also direct the State to pay for the cost of medical care and treatment of a prisoner who is injured (and determined to have

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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>

no other resources) while in the custody of a law enforcement officer employed by the State. The bill also would allow the State to seek reimbursement of such expenditures from prisoners. If the prisoner is covered by health insurance, the State may require the prisoner or the health care provider to file a claim in accordance with the contract.

In addition, when a prisoner is admitted to a county jail in a criminal action, the Board of County Commissioners would have to allow the sheriff reasonable charges for maintaining such a prisoner. Further, the bill would establish a retroactive provision whereby a non-prison sanction of drug abuse treatment would be available for certain offenders convicted of possession of opiates or hallucinogenic drugs. These provisions are from SB 89.

## **Background**

The original bill was supported by Senator Journey and the National Federation of Independent Business—Kansas. Proponents said the increased penalties provided by SB 72 may make persons who pass worthless checks think twice before they commit this crime and may enhance the prosecution of these offenders.

The fiscal note on the original bill states that the impact of the bill will result in the need for 1-2 fewer prison beds by FY 2006 and 1-3 fewer prison beds by FY 2015.

Senator Roger Reitz testified in support of SB 89.

The House Committee inserted the provisions of SB 89 dealing with the payment of costs for treatment and medical care of a prisoner.

The House Committee of the Whole inserted the retroactivity provisions to those inmates who committed the specific drug offenses on or after July 1, 1993, the date when the Kansas Sentencing Guidelines were enacted.

The fiscal note on SB 89 submitted by the Division of the Budget indicates that the impact of the bill could not be determined.

