

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2177

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2177 would increase the criminal penalty for the felony-level crime of fleeing or attempting to elude a police officer for persons with a prior conviction of the crime.

Felony Fleeing or Attempting to Elude a Police Officer

Under continuing law, the offense of a motor vehicle driver fleeing or attempting to elude a police officer while committing other specified offenses, or trying to elude capture for the commission of a felony, is classified as a severity level 9 person felony. Additionally, the offense of fleeing or attempting to elude a police officer when knowingly driving the wrong direction into opposing traffic, causing other drivers to take evasive actions in an intersection, or causing a collision, is classified as a severity level 7 person felony.

Escalated Penalties—Subsequent Conviction

The bill would escalate the penalty for persons who have previously been convicted of any felony fleeing or attempting to elude violations.

*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 <https://klrd.gov/>

For a person with one prior felony fleeing and eluding conviction, a second conviction of the crime while committing certain driving offenses, or while trying to elude capture for the commission of a felony, would be classified as a severity level 7 person felony for sentencing purposes. A third or subsequent conviction involving these actions would be classified as a severity level 5 person felony for sentencing purposes.

For a person with one prior conviction, if the second offense involves knowingly driving the wrong direction into opposing traffic, causing other drivers to take evasive actions in an intersection, or causing a collision, the offense would be a severity level 6 person felony for sentencing purposes. A third or subsequent conviction involving these actions would be classified as a severity level 4 person felony for sentencing purposes.

Technical Amendments

The bill would make technical amendments to implement the provisions of the bill.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Barrett.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association; and a representative of the Coffey County Sheriff's Office. The conferees indicated under current law, there is no increase in penalties for repeat offenders of the felony-level crime. The conferees further

stated that persons who are in the process of fleeing or attempting to elude police officers place themselves, the pursuing police, and other motorists at a great risk of being involved in an accident, and that the severity level of the crime should be escalated for persons who place others at great risk.

Written-only proponent testimony was provided by a representative of the Kansas Highway Patrol.

Opponent testimony was provided by a representative of the Board of Indigents' Defense Services, who stated their concern with persons convicted of the crime being subject to a recidivist special sentencing rule that could result in disproportionate punishment for third-time offenders. The conferee also noted other felony crimes that would be classified at the same level as repeat flee and elude offenders under the bill, noting other comparable classifications are for violent crimes.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Board of Indigents' Defense Services indicates that enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that a severity level 9 person felony requires 35 hours of attorney work on average at a cost of \$2,918 to \$4,375 in additional State General Fund (SGF) expenditures per case; and an average of 57 hours of work for a severity level 5 person felony, resulting in an estimate of additional SGF expenditures of \$1,834 to \$2,750 per case.

The Board also indicates it may require 1.00 new FTE attorney position and possibly additional support staff,

depending on the amount of work required by enactment of the bill.

The Judicial Branch indicates that by increasing criminal penalties, enactment of the bill has the potential to decrease the number of offenders eligible for court supervision, which would decrease the amount of supervision fee revenue that is collected and deposited into the SGF. However, an exact estimate cannot be determined.

According to the Prison Bed Impact Statement prepared by the Kansas Sentencing Commission, enactment of the bill may increase prison admissions and the number of prison beds needed, but an exact effect could not be determined. The Kansas Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on the bill's effect on prison admissions and beds. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties and League of Kansas Municipalities indicate that the bill has the potential to increase local government expenditures on legal proceedings and enforcement by unknown amounts.

Crimes; fleeing; attempting to elude; prior conviction; motor vehicles