

## **Departure Sentence Hearings in Felony Cases**

**HB 2038** amends 2010 Session Laws Ch. 136, Sec. 298, concerning hearings to consider a departure sentence in felony cases. (2010 Session Laws Ch. 136 recodifies the Kansas Criminal Code, and will go into effect July 1, 2011.) The bill makes clear that when a court determines it is in the interest of justice to impose a departure sentence, which requires a separate departure sentence proceeding, the proceeding must take place in front of a jury, unless the jury is waived.