

UPDATED
SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2442**

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

Sub. for HB 2442 would establish a special sentencing rule for a third or subsequent violation of fleeing or eluding police. The sentence for such violation would be presumptive imprisonment and would be served consecutively to any prison sentence. The sentence would not be considered a departure and would not be subject to appeal.

The bill also would amend the fleeing and eluding statute to clarify, within the definition of "conviction," that it is irrelevant in determining whether a conviction is a first, second, or third or subsequent conviction for sentencing purposes whether an offense occurred before or after conviction for a previous offense.

Finally, the bill would make non-substantive amendments reorganizing the fleeing and eluding penalty provisions.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas County and District Attorneys Association (KCDAA). As introduced, the bill would have increased severity levels for fleeing and eluding 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 <http://www.kslegislature.org>

In the House Committee, representatives from the Leavenworth County Attorney's Office and KCDA, and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association spoke in support of the bill. There was no neutral or opponent testimony.

The House Committee recommended a substitute bill establishing a new special sentencing rule instead of increasing the severity levels for fleeing and eluding.

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) could not determine a precise fiscal effect, but noted possible increases in costs associated with court actions and court service officer workloads. Additional court actions could result in added revenue from docket fees and penalties. The Board of Indigents' Defense Services estimated that the bill would add 437 additional cases, requiring \$348,276 from the State General Fund in FY 2015, with the expectation that the elevated caseloads would continue, with the associated costs, into the out-years.

The Kansas Sentencing Commission estimated the original bill would increase the amount of prison beds needed by FY 2015 by 56, 76, or 96 beds, based on three different scenarios.

For all crimes, the Kansas Sentencing Commission estimates the number of inmates will be below available capacity (9,636 as of January 13, 2014) by 103 beds in FY 2014 and by 196 beds in FY 2015. However, starting in FY 2017, it is expected that adult correctional facilities will again be over capacity. Continued population increases will require new construction providing 512 beds at a construction cost of approximately \$24.4 million and operating costs of approximately \$8.4 million (\$45 per inmate per day). If utilized, bond financing for construction would need to be authorized in FY 2016. Because the bill increases the number

of beds needed, passage of the bill could require earlier construction or additional funds for contract beds.

Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.

There is no fiscal note available for the substitute bill. However, the Kansas Sentencing Commission provided a bed impact assessment for the substitute bill, estimating the substitute bill would require an additional 25 prison beds by FY 2015 and an additional 30 prison beds by FY 2024.