

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 255**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 255 would amend criminal and sentencing statutes to impose a life sentence with a mandatory minimum term of imprisonment of 25 years (the Hard 25 sentence) for a conviction of attempted capital murder, unless the defendant's criminal history classification would subject the defendant to presumptive imprisonment in a range exceeding 300 months, in which case the defendant would be required to serve a mandatory minimum term equal to the sentence established under the sentencing range.

The bill also would amend various statutes to provide consistency and clarify that inmates sentenced to life without the possibility of parole are not eligible for sentence commutation, functional incapacitation release, parole, or out-of-state travel as a material witness. The Governor's commutation power would be limited in death penalty cases to imprisonment for life without the possibility of parole. A person under sentence of death would not be eligible for functional incapacitation release. Finally, the bill would require the presence of the defendant at every stage of trial in a prosecution for a crime punishable by life without the possibility of parole.

**Background**

The bill was introduced by the Senate Judiciary Committee at the request of Attorney General Derek Schmidt. In the Committee, Attorney General Schmidt testified in

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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>

support of the bill. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association submitted written testimony supporting the bill. There was no opponent testimony.

The Senate Committee amended the bill to allow a presumptive guidelines sentence to control in cases where such sentence would be longer than the Hard 25 sentence and to modify or clarify certain provisions related to the sentence of life without the possibility of parole, the death sentence, and the governor's commutation power.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates it would have no fiscal effect. The Kansas Sentencing Commission states the bill would have no effect on prison admission or bed needs.