

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 58

As Recommended by Senate Committee on
Judiciary

Brief*

SB 58 would restructure (a) the penalties for unlawful manufacturing of a controlled substance, under KSA 2012 Supp. 21-5703, and (b) a special sentencing rule for a second or subsequent conviction of the same crime, under KSA 2012 Supp. 21-6805(e), to clarify the application of the penalties and the rule depending on whether methamphetamine was the controlled substance at issue in the current conviction, the prior conviction, both, or neither.

If both the current and prior convictions do not involve methamphetamine, the crime would be a drug severity level 1 felony and the special sentencing rule would not apply. If the prior conviction involved methamphetamine but the current conviction does not, the crime would be a drug severity level 2 felony and the special sentencing rule would apply, imposing a sentence of double the maximum duration of the presumptive term of imprisonment. If the prior conviction did not involve methamphetamine but the current conviction does, the crime would be a drug severity level 1 felony and the special sentencing rule would not apply. If both the current and prior convictions involve methamphetamine, the crime would be a drug severity level 1 felony and the special sentencing rule would apply, imposing a sentence of double the maximum duration of the presumptive term of imprisonment.

*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>

Background

SB 58 was introduced by the Senate Judiciary Committee at the request of the Kansas County and District Attorneys Association (KCDAA). The Senate Committee heard testimony supporting the bill from a representative of the KCDAA, who explained the bill would resolve a possible conflict between the penalty provisions and the special rule.

The Senate Committee recommended the bill be passed.

The fiscal note prepared by the Division of the Budget indicates the Office of Judicial Administration does not anticipate an increase in case filings. Any challenge to the bill's provisions could require judicial and non-judicial personnel time, but it is not possible to predict a precise fiscal effect. Any fiscal effect likely would be accommodated within existing court schedules.

The Kansas Sentencing Commission states the bill would have no effect on prison admissions or beds.