

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2017

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2017, as amended, would amend the crime of aggravated battery to include knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck of another person or by blocking the nose or mouth of another person, when done in a rude, insulting, or angry manner. The penalty for this offense would be a severity level 7 person felony when it happens in a rude, insulting, or angry manner. The penalty for this offense would be a severity level 4 person felony when it causes great bodily harm or disfigurement. The provisions would not apply to legitimate medical procedures performed by physicians or other licensed medical professionals, or to accepted restraint practices performed by law enforcement officers.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Rubin. As introduced, the bill would have made the penalty for for the new provisions a severity level 6 person felony.

In the House Committee, a representative from the Attorney General's Office testified in favor of the bill, explaining it would address strangulation and suffocation cases, and requested the Committee amend the bill to make strangulation a level 4 felony when it causes great bodily

*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>

harm or disfigurement to another person. Representatives of the Johnson County District Attorney's Office, the Kansas County and District Attorneys Association, the Kansas Coalition Against Sexual and Domestic Violence, and the Shawnee Mission Medical Center, as well as a registered nurse, also testified in favor of the bill.

Written testimony in favor of the bill was received from a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association. Written proponent testimony also was received by a representative of SafeHome Overland Park and an individual.

The House Committee adopted the amendment proposed by the Attorney General's Office and further amended the bill to make strangulation in a rude, insulting, or angry manner a severity level 7 person felony.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration 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. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.

According to the Kansas Sentencing Commission's Prison Bed Income Assessment, the impact of this bill will result in one to three additional prison beds in FY 2016 and two to seven additional beds in FY 2025. The bill also would result in two to six additional journal entries each year for the workload of the Sentencing Commission.