

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2463

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

HB 2463 would allow a court to continue or modify conditions of release for or impose a 120- or 180-day prison sanction on an offender who absconds from supervision, without having to first impose a 2- or 3-day jail sanction.

The bill also would amend statutes governing the determination of criminal history to add non-grid felonies, nondrug severity level 5 felonies, and drug severity level 1 through 4 felonies committed on or after July 1, 2012, to the list of juvenile adjudications that will decay if the current crime of conviction is committed after the offender reaches the age of 25.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. As introduced, HB 2463 contained provisions regarding decay of juvenile adjudications from criminal history, including the non-grid felony provision still contained in the Senate Committee version, as well as a provision that no juvenile adjudication for an offense that would be a nondrug severity level 5 through 10 felony, drug felony, non-grid felony, or misdemeanor if committed by an adult will be considered and scored if the current crime was committed at least five years after the final discharge of the

*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>

adjudication and the offender has no new adjudications or convictions during that period.

In the hearing before the House Committee, representatives of the Kansas Sentencing Commission and the Kansas Association of Criminal Defense Lawyers testified in favor of the bill. There was no neutral or opponent testimony.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, a representative of the Kansas Sentencing Commission testified in favor of the bill. A representative of the Kansas Association of Criminal Defense Lawyers provided written testimony supporting the bill. A representative of the Kansas Association of Court Services Officers (KACSO) submitted written testimony requesting consideration of an amendment removing the five-year gap provision in the bill, as introduced, and instead allowing all juvenile adjudications to decay at age 25 except for off-grid and severity level 1 through 4 person felonies.

The Senate Committee adopted the amendment proposed in the KACSO testimony. The Senate Committee also amended the bill by adding the language of HB 2464, regarding prison sanction for absconders. Further background information for HB 2464 is provided below.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission states HB 2463 may affect adult prison beds and the agency's workload, but the Commission could not provide a precise estimate at the time the fiscal note was prepared. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

HB 2464 Background

The 2013 Legislature enacted HB 2170, which represented the recommendations of the Justice

Reinvestment Working Group and included, among other provisions, various intermediate sanctions for violations of the conditions of release on probation, community corrections supervision, suspended sentence, or nonprison sanction. These intermediate sanctions are structured to become increasingly severe.

HB 2464 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. [Note: 2015 HB 2050 contained the same provisions as HB 2464, but was stricken from the House Calendar in March 2015.]

At the House Committee hearing, the executive director of the Sentencing Commission testified in support of the bill, stating it would provide courts with greater flexibility in imposing intermediate sanctions on offenders who abscond from supervision. There was no other testimony.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, the same proponent testified. There was no other testimony.

According to the fiscal note prepared by the Division of the Budget on HB 2464, the Sentencing Commission indicates there would be an effect on prison admissions and bed space, but an estimate cannot be made at this time.

The Department of Corrections indicates it cannot provide an estimate of the fiscal effect at this time. Any fiscal effect of the bill is not reflected in *The FY 2017 Governor's Budget Report*.