

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **HB 2085**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 22-3504 is hereby amended to read as follows: 22-3504. (1) The court may correct an illegal sentence at any time. The defendant shall receive full credit for time spent in custody under the sentence prior to correction. Unless the motion and the files and records of the case conclusively show that the defendant is entitled to no relief, the defendant shall have a right to a hearing, after reasonable notice to be fixed by the court, to be personally present and to have the assistance of counsel in any proceeding for the correction of an illegal sentence.

(2) Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

(3) "Illegal sentence" means a sentence: Imposed by a court without jurisdiction; that does not conform to the applicable statutory provision, either in character or punishment; or that is ambiguous with respect to the time and manner in which it is to be served at the time it is pronounced. A sentence is not an "illegal sentence" because of a change in the law that occurs after the sentence is pronounced."

On page 13, in line 22, before "K.S.A" by inserting "K.S.A. 22-3504 and"; also in line 22, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "post-trial motions, correction of sentence;"; in line 3, after "amending" by inserting "K.S.A. 22-3504 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

_____Chairperson