

Landon State Office Building
900 SW Jackson Street, Room 504
Topeka, KS 66612



Phone: (785) 296-2436
Fax: (785) 296-0231
shawn.sullivan@ks.gov

Shawn Sullivan, Director of the Budget

Sam Brownback, Governor

January 18, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2035 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2035 is respectfully submitted to your committee.

HB 2035 would amend the Kansas Criminal Code concerning the process for correcting an illegal sentence. Under KSA 22-3504, a defendant is entitled to a hearing on the motion to correct the challenged sentence. HB 2035 would provide that the defendant has a right to a hearing unless the motion, files, and records of the case conclusively show that the defendant is not entitled to relief. The bill would add a definition for "illegal sentence," to clarify that a change in law that occurs after a sentence is pronounced does not create grounds for the sentence to be declared illegal.

The Office of Judicial Administration indicates the enactment of HB 2035 could decrease Judicial Branch expenditures by reducing the number of motions to correct illegal sentences. However, a precise estimate of any reduction in expenditures by the Judicial Branch cannot be provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary