

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2035

As Recommended by House Committee on
Judiciary

Brief*

HB 2035 would amend law governing the correction of an illegal sentence. The existing right to a hearing regarding an illegal sentence would be made inapplicable if the motion, files, and records of the case conclusively show that the defendant is entitled to no relief. The bill also would define "illegal sentence" and specify that a sentence would not fall within that definition due to a change in the law occurring after the sentence is pronounced.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Attorney General. In the House Committee hearing, a representative of the Attorney General testified in support of the bill, stating that the changes proposed by the bill, with the exception of the provision regarding a change in the law, reflected case law established by the Kansas Supreme Court. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates the bill could decrease expenditures by reducing the number of motions to correct illegal sentences, but a precise estimate cannot be provided.

*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>