

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2568

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2568 would amend the penalty provisions of various crimes where the penalty level depends on monetary value to increase the ceiling for a misdemeanor from less than \$1,000 to less than \$1,500. The corresponding floors for the lowest felony penalties and floors or ceilings for applicable exceptions would be changed to \$1,500.

The crimes, along with the penalty levels that would be divided by the \$1,500 threshold, are as follows:

- Mistreatment of a dependent adult: class A person misdemeanor and severity level 7 person felony;
- Theft of property lost, mislaid, or delivered by mistake: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Criminal damage to property: class B nonperson misdemeanor and severity level 9 nonperson felony;
- Giving a worthless check: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Counterfeiting: class A nonperson misdemeanor and severity level 9 nonperson felony;

*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>

- Criminal use of a financial card: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Impairing a security interest: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Medicaid fraud: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Official misconduct: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Presenting or permitting a false claim: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Misuse of public funds: class A nonperson misdemeanor and severity level 9 nonperson felony; and
- Criminal desecration: class A nonperson misdemeanor and severity level 9 nonperson felony.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. In the House Committee hearing, a representative of the Kansas Sentencing Commission testified in support of the bill. 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 (OJA) indicates the bill would result in additional offenders being supervised by court services, but any additional

expenditures could be absorbed within existing resources. OJA estimates the bill would decrease revenues to the Correctional Supervision Fund and the State General Fund.

The Kansas Sentencing Commission estimates the bill would reduce prison bed needs by between three and four beds in FY 2019. Based on these estimates, the Kansas Department of Corrections estimates expenditures could be reduced by up to \$14,644 in FY 2019. Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2019 Governor's Budget Report*.