

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 42

As Recommended by Senate Committee on
Judiciary

Brief*

SB 42 would amend law concerning mandatory minimum terms of imprisonment (mandatory minimum sentences) for persons who receive life sentences. In the statutes imposing the mandatory minimum sentence, the bill would specify those provisions would not apply if, based on the defendant's criminal history classification, the defendant would be subject to presumptive imprisonment and the sentencing range for a severity level 1 crime is greater than the mandatory minimum sentence. The bill would clarify further that, in such case, the defendant would be required to serve a mandatory minimum sentence equal to the sentence established for a severity level 1 crime. Additionally, in such case, the bill would state the defendant would not be eligible for parole prior to serving such mandatory minimum sentence and would prohibit such mandatory minimum sentence from being reduced by the application of good time credits. No other sentence would be permitted.

Background

The bill was introduced at the request of the Office of the Attorney General. In the Senate Committee on Judiciary hearing, representatives of the Office of the Attorney General and the Kansas County and District Attorneys Association provided testimony in support of the bill. The proponents explained the bill would clarify sentencing provisions so that persons convicted of the most serious crimes are punished

*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>

appropriately and consistently with their actions and criminal history. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission indicates the bill would have no fiscal effect on prison admissions or bed space as the sentence lengths are beyond the ten-year forecasting period. Additionally, the Office of Judicial Administration indicates the bill would have no fiscal effect on the revenues or expenditures of the Judicial Branch.