

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2336

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2336 would amend a Kansas Criminal Code statute governing imposition of multiple sentences to add a provision stating that, when a defendant is serving a previously-imposed sentence, or is on post-incarceration supervision for a previously-imposed sentence, and a later sentence is imposed on the defendant to be served consecutively to the previous sentence, the defendant is not entitled to credit for time served in custody on such sentence. The bill also would amend this statute to move the definition of "post incarceration supervision" so it would apply to the entire section, including the new provision.

The bill would amend a Kansas Criminal Code statute governing computation to specify that a judge sentencing a criminal defendant to confinement shall provide in the sentencing order of the journal entry of judgment the dates that reflect the time the defendant has spent incarcerated pending disposition of the case. The Secretary of Corrections (Secretary) would be required to determine whether or not a defendant is awarded credit toward post-incarceration supervision (pursuant to the statute governing arrest and incarceration for violations of conditions of release on parole, conditional release, or postrelease supervision) for time spent incarcerated for such dates. Current law requires the sentencing judge to direct that the sentence is to be computed from a date specifically designated by the court, established to reflect and computed as an allowance for the time the defendant has spent incarcerated pending

*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>

disposition of the case. The definition of “post incarceration supervision” also would be added to this statute.

The bill also would make technical amendments to ensure statutory consistency.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Department of Corrections (KDOC). In the House Committee hearing, a representative of KDOC testified in support of the bill, stating it addresses how time spent in jail should be credited when a person is both a defendant awaiting trial on new criminal charges while, at the same time, is an alleged postrelease supervision violator who has been arrested pursuant to a warrant issued by the Secretary. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission and KDOC indicate enactment of the bill could have an effect on prison bed space, but the effect cannot be estimated. Any fiscal effect is not reflected in *The FY 2020 Governor’s Budget Report*.