

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2448

As Amended by House Committee on Judiciary

Brief*

HB 2448, as amended, would amend the offense of fleeing or attempting to elude a police officer to add “operating a stolen motor vehicle” to the list of conduct making the offense a severity level 9 person felony. The bill also would amend the penalty for the offense to require the court to impose a fine of at least \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.

Additionally, the bill would provide that, in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer would be *prima facie* evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use, or benefit thereof.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs’ Association. As introduced, the bill also contained a provision requiring certain fleeing or attempting to elude offenses be sentenced consecutively to other offenses and adjusting the penalty level for theft if the property is a motor vehicle valued less than \$1,500.

In the House Committee hearing, a representative of those law enforcement organizations and a representative of

*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>

the League of Kansas Municipalities testified in support of the bill. Representatives of the Kansas Bureau of Investigation, Kansas Highway Patrol, and Wichita Police Department submitted written-only proponent testimony. No other testimony was provided.

The House Committee amended the bill to remove the consecutive sentencing and theft threshold provisions and to add the mandatory \$500 fine provision.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission indicates enactment of the bill could have an effect on prison admissions, prison bed space, and the workload of the agency, but the impact cannot be determined at this time.

The Department of Corrections indicates enactment of the bill could increase the number of inmates, who would be housed in county jails or out-of-state contract beds, due to capacity issues. The cost to house an inmate in a contract bed ranges from \$40.00 per day to \$74.76 per day, but a fiscal effect cannot be determined because the additional number of beds needed cannot be estimated.

The Office of Judicial Administration (Office) indicates enactment of the bill could increase the number of cases filed with the courts, requiring more time by judicial and nonjudicial personnel, as well as increasing the amount of supervision required of offenders on probation. Additional cases would increase revenues from docket fees, supervision fees, and fines. However, the Office is unable to determine the fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.