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REVISOR of STATUTES

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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 3, 2021
Subject: Bill Brief for SB 60

Senate Bill 60 defines proximate result for purposes of determining when a crime is committed partly within this state.

The bill amends K.S.A. 21-5106, the provision in the criminal code relating to jurisdictional application. Under current law, one of the ways a person is subject to prosecution and punishment under Kansas law is if the person commits a crime wholly or partly within this state. One of the ways a crime is committed partly within this state is if the proximate result of such act occurs within the state. The bill would define “proximate result” as “any logical effect or consequence of such act regardless of whether the statute governing the charged offense considers the specific effect or consequence of such act.”

This language would directly overturn a contrary statement by a Kansas Court of Appeals panel in *State v. Rozell*, 58 Kan.App.2d 570, 583 (2020): “When determining proximate result jurisdiction, Kansas courts may consider the negative consequences of a person’s out-of-state criminal acts within Kansas *only if* the statutory language of that person’s charged crime considered such negative consequences.” The panel affirmed the district court’s dismissal of charges for lack of jurisdiction, holding that Kansas did not have proximate result jurisdiction to prosecute the defendant for making false information or committing a fraudulent insurance act because the statutory language did not consider the alleged negative consequences of intending to defraud a Kansas insurance policy.