

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2027

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2027, as amended, would lower the criminal penalty for unlawfully tampering with electronic monitoring equipment. (The penalty contained in current law is a severity level 6, nonperson felony in all cases.)

The bill would lower the criminal penalty for unlawfully tampering with electronic monitoring equipment from a severity level 6, nonperson felony to a severity level 8, nonperson felony when the equipment is used for court-ordered supervision, post-release supervision, or parole in relation to a felony, or one of the following misdemeanor crimes:

- Interference with parental custody;
- Criminal restraint;
- Domestic battery;
- Stalking;
- Intimidation of a witness or victim; or
- Violation of a protective order.

The bill would also lower the criminal penalty for unlawfully tampering with electronic monitoring equipment from a severity level 6, nonperson felony to a class A

*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>

nonperson misdemeanor when the equipment is used for court-ordered supervision, post-release supervision, or parole in relation to a misdemeanor or for court-ordered supervision in a civil case.

Background

HB 2027 was prefiled for introduction by the Joint Committee on Corrections and Juvenile Justice Oversight on December 31, 2020.

[*Note: 2021 HB 2027 contains provisions similar to 2020 HB 2492, as recommended by the House Committee on Corrections and Juvenile Justice.*]

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, a representative of the Kansas Sentencing Commission testified as a **proponent** of the bill, indicating the bill is a proportionality measure to align the penalties with the underlying offense. Written-only **proponent** testimony was provided by a representative of the Kansas Association of Criminal Defense Lawyers.

Neutral testimony was provided by a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association.

The House Committee on Corrections and Juvenile Justice amended the bill to add specific misdemeanor crimes that would be subject to a severity level 8, nonperson felony when unlawfully tampering with electronic monitoring equipment while being on supervision for such misdemeanor crimes.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would result in additional offenders being supervised by court services officers, but the fiscal effect could be absorbed within existing resources.

The Kansas Sentencing Commission (Commission) estimates enactment of the bill would save nine prison beds in FY 2022 and ten prison beds in FY 2031. The Commission stated the current estimated available bed capacity is 9,420 for males, and 948 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2020 Adult Inmate Prison Population Projections report, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

The Department of Corrections (KDOC) indicates a reduction in the prison population is beneficial toward avoiding future costs, but is not sufficient to reduce current prison expenditures. The KDOC also indicates the reduction would improve the ability to socially distance inmates to help mitigate the spread of the coronavirus in the facility, staff working at the facility, and inmates released into the community.

Any fiscal effect associated with enactment of the bill, as introduced, is not reflected in the *The FY 2022 Governor's Budget Report*.

Electronic monitoring equipment; tampering; supervision; parole