

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2029

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2029 would amend law related to the calculation of criminal history for purposes of sentencing a person convicted of domestic battery.

The bill would amend the current definition of “conviction” that is found in the domestic battery statute in the Kansas Criminal Code by adding a provision that would require a sentencing court to consider any criminal offense that includes a domestic violence designation as a prior conviction for the purposes of escalating the penalty.

Current law provides that a first conviction of domestic battery is a class B person misdemeanor, a second conviction within five years is a Class A person misdemeanor, and a third or subsequent conviction in the immediately preceding five years is a nongrid person felony.

The bill would also make technical amendments to remove outdated language regarding previously required consideration of crimes for criminal history purposes and to ensure consistency in statutory phrasing.

*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>

Background

The bill was prefiled for introduction on December 31, 2020, at the request of the Joint Committee on Corrections and Juvenile Justice Oversight.

[*Note:* 2021 HB 2029 contains provisions similar to 2020 HB 2518, as recommended by the House Committee on Corrections and Juvenile Justice.]

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on January 25, 2021, **proponent** testimony was presented by a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association, and the District Attorney of Sedgwick County, who stated the testimony was presented on behalf of the County Attorney for Smith County, who had provided written-only **proponent** testimony.

Written-only neutral testimony was provided by the Kansas Coalition on Sexual and Domestic Violence. Written-only **opponent** testimony was provided by the Kansas Association of Criminal Defense Lawyers.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission estimates enactment of the bill may have an impact on prison admissions and bed space, but the fiscal effect cannot be determined at this time. The current estimated available bed capacity is 9,420 for males and 948 for females. Based upon the Commission's most recent 10-year projection, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in fiscal year (FY) 2021 and 1,241 inmates in FY 2022.

The Office of Judicial Administration and the Department of Corrections indicate enactment of the bill would have no fiscal effect.

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

Domestic violence; domestic battery