

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 366

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

SB 366, as amended, would amend the definition of the crime of burglary by expanding the locations in which a person may not, without authority, enter or remain within to include any locked or secured portion of any dwelling or building, manufactured home, mobile home, tent, or other structure which is not a dwelling, with intent to commit a felony, theft, or sexually motivated crime therein. The bill would also amend the definition of the crime of aggravated burglary to prohibit the same conduct when there is a human being present in the locations specified by the bill.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced in the Senate Committee on Judiciary at the request of a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association (law enforcement organizations).

Senate Committee on Judiciary

In the Senate Committee hearing on January 31, 2022, a representative of the three law enforcement organizations referenced above provided proponent testimony, stating the

*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>

purpose of the bill is to address a gap in the burglary statute identified in *State v. Glover*, 56 Kan. App. 2d 1234 (2019). A representative of the Kansas County and District Attorneys Association provided written-only proponent testimony. No other testimony was provided.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on March 7, 2022, a representative of the Kansas County and District Attorneys Association and a representative of the three law enforcement organizations referenced above provided **proponent** testimony. A representative of the Kansas Association of Criminal Defense Attorneys provided written-only opponent testimony. No other testimony was provided.

The House Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) states enactment of the bill could increase the number of cases filed in district court, which could result in more time spent by court employees and judges processing and deciding those cases. OJA indicates additional supervision of offenders could be required of court services officers, and could result in the collection of additional docket and supervision fees assessed. However, a fiscal effect cannot be estimated.

The Kansas Sentencing Commission states enactment of the bill could have an effect on prison admissions and beds; however, the Commission does not have enough information to estimate what that effect could be. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; punishment; burglary