

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 60

As Recommended by Senate Committee on
Judiciary

Brief*

SB 60 would amend the statute governing jurisdictional application of the Kansas Criminal Code to define “proximate result” to mean any logical effect or consequence of an act regardless of whether the statute governing the charged offense considers the specific effect or consequence of such act. [Note: Under continuing law, a crime is considered to have been committed partly within the state if the proximate result of the person’s act occurs within the state.]

Background

The bill was introduced by the Senate Committee on Insurance at the request of the Office of Attorney General.

Senate Committee on Judiciary

In the Senate Committee hearing on February 3, 2021, the Deputy Solicitor General testified as a **proponent** of the bill, stating the bill is a response to a recent ruling of the Kansas Court of Appeals stating that 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.

*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>

A representative of the Kansas Association of Criminal Defense Lawyers provided written-only **opponent** testimony, stating the bill is premature because the litigation related to this issue is still pending.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the operations of the Judicial Branch.

Criminal procedure; jurisdiction; proximate result