

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2068**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2068 would amend special sentencing rules governing crimes committed while on release for a felony, unlawful manufacturing of a controlled substance, and felony possession of a controlled substance.

Specifically, the bill would amend a special sentencing rule governing persons who are convicted and sentenced for a crime while on release for a felony to allow a court to direct whether the sentences should be served either concurrently or consecutively. Current law directs that such sentences be served consecutively.

The bill would also amend a special sentencing rule governing unlawful manufacture of a controlled substance to specify that when a person has one or more prior felony convictions of the offense, or a substantially similar offense from another jurisdiction, and any of the prior convictions was for manufacture of methamphetamine or any analog substance defined in law, a subsequent conviction of the offense would result in the sentence being presumptive imprisonment of two times the maximum length.

The bill would amend the special sentencing rule governing unlawful possession of a controlled substance to specify that when a person has two or more prior felony convictions for the offense, a subsequent conviction would result in the sentence being presumptive imprisonment.

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\*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>

Current law imposes a presumptive imprisonment sentence for a third or subsequent conviction of the offense.

## **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Sentencing Commission.

### ***House Committee on Corrections and Juvenile Justice***

In the House Committee hearing on January 23, 2023, representatives of the Kansas Sentencing Commission and the Board of Indigents' Defense Services (BIDS) Legislative Committee testified as **proponents** of the bill. Their testimony stated the bill would restore judicial discretion in sentencing and make language consistent with sentencing practices.

Written-only **opponent** testimony was submitted by a representative of the Kansas Association of Chiefs of Police, Kansas Association of Peace Officers, and Kansas Sheriffs Association, stating the bill would be too lenient on repeat offenders and decrease public safety.

No other testimony was provided.

## **Fiscal Information**

According to the fiscal note prepared by the Division of Budget on the bill, the Kansas Sentencing Commission estimates enactment of the bill would have an impact on prison admissions and bed space, but the effect cannot be determined at this time.

The Department of Corrections indicates the bill would not have significant fiscal effect on its budget.

The Office of Judicial Administration indicates the bill would not have significant fiscal effect on its budget.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Special sentencing rule; manufacture of a controlled substance; possession of a controlled substance; methamphetamine