

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2264**

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

Sub. for HB 2264 would amend law concerning mandatory minimum terms of imprisonment (mandatory minimum sentences) for persons who receive life sentences. In the statutes imposing the mandatory minimum sentence, the bill would specify those provisions would not apply if, based on the defendant's criminal history classification, the defendant would be subject to presumptive imprisonment and the sentencing range for a severity level 1 crime is greater than the mandatory minimum sentence. The bill would clarify further that, in such case, the defendant would be required to serve a mandatory minimum sentence equal to the sentence established for a severity level 1 crime. Additionally, in such case, the bill would state the defendant would not be eligible for parole prior to serving such mandatory minimum sentence and would prohibit such mandatory minimum sentence from being reduced by the application of good time credits. No other sentence would be permitted. The bill would also clarify the applicable dates of a sentencing provision for first degree premeditated murder.

Background

As introduced and heard by the House Committee on Corrections and Juvenile Justice, HB 2264 would have added a special sentencing rule for juvenile offenders who use a firearm in the commission of a felony offense. It also would

*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>

have consolidated redundant categories in the juvenile placement matrix.

The House Committee adopted amendments making further changes to the juvenile justice system and placed this language into House Sub. for SB 42.

The House Committee then recommended the original contents of HB 2264 be replaced with a substitute bill containing the language of SB 42, as introduced. Further background information regarding SB 42 is provided below.

No fiscal note was available for the substitute bill as of the House Committee action. Fiscal note information regarding SB 42 is provided below.

SB 42

SB 42 was introduced at the request of the Office of the Attorney General. In the Senate Committee on Judiciary hearing, representatives of the Office of the Attorney General and the Kansas County and District Attorneys Association provided testimony in support of the bill. The proponents explained the bill would clarify sentencing provisions so that persons convicted of the most serious crimes are punished appropriately and consistently with their actions and criminal history. No other testimony was provided.

In the House Committee on Corrections and Juvenile Justice hearing, a representative of the Office of the Attorney General testified in support of the bill. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission indicates SB 42, as introduced, would have no fiscal effect on prison admissions or bed space as the sentence lengths are beyond the ten-year forecasting period. Additionally, the Office of Judicial Administration indicates the bill would have no fiscal effect on the revenues or expenditures of the Judicial Branch.