

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2567

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2567 would amend a statute governing determination of criminal history to replace references to “another state” with “the convicting jurisdiction,” clarify the comparable offense to be used for comparison for misdemeanor crimes in another jurisdiction is the offense under the Kansas Criminal Code in effect on the date the current crime of conviction was committed, and standardize terminology.

The bill also would add a provision that if a crime is not classified as either a felony or misdemeanor in the convicting jurisdiction, the comparable offense under the Kansas Criminal Code in effect on the date the current crime of conviction was committed shall be used to classify the out-of-state crime as either a felony or misdemeanor. If Kansas does not have such comparable offense, the out-of-state crime would not be used in classifying the offender’s criminal history.

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

Background

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

*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>

Committee hearing, the executive director of the Commission testified in support of the bill, stating the bill was requested to address the recent Kansas appellate court decision in *State v. Horselooking*, 54 Kan. App. 2d 343 (2017), regarding classification of out-of-state convictions where the convicting jurisdiction does not designate crimes as felonies or misdemeanors.

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 cause no fiscal effect for the Judicial Branch. The Commission indicates enactment of the bill could affect prison bed space, but is unable to estimate an effect.