

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 112

As Amended by Senate Committee on Judiciary

Brief*

SB 112 would amend the penalties for possession of drug paraphernalia and burglary. The bill would reduce the severity level for unlawful possession of drug paraphernalia from a Class A to a Class B nonperson misdemeanor when the drug paraphernalia was used to cultivate fewer than five marijuana plants or used to store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body. Additionally, the bill would change burglary of a dwelling with intent to commit a felony, theft, or sexually motivated crime therein to a severity level 7 person felony, rather than a severity level 7 nonperson felony.

Background

SB 112 was introduced at the request of the Kansas County and District Attorneys Association (KCDAA). In the Senate Committee on Judiciary hearing, representatives of the KCDAA and the Kansas Association of Criminal Defense Lawyers provided testimony in support of the bill and explained the change would make the sentence proportional to the sentence for possession of marijuana, which was made a Class A misdemeanor during the 2016 Legislative Session. A private citizen was an opponent of the bill.

The Committee agreed to amend the bill by adding the contents of SB 113, to make residential burglary a person felony.

*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>

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates the bill would have no fiscal effect on Judicial Branch operations. The Kansas Sentencing Commission indicates the bill would have no fiscal effect on prison admissions or bed space or the Commission's journal entry workload.

SB 113

SB 113 was introduced at the request of the KCDAA. In the Senate Committee on Judiciary hearing, representatives of the KCDAA and the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association appeared in support of the bill. The proponents explained residential burglary was made a nonperson felony in the 2016 Legislative Session; however, because of the invasive and potentially dangerous nature of the crime, it is important to victims that it be a person felony. Additionally, the person felony classification would result in a longer sentence for a person convicted of subsequent crimes. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates the bill would have no fiscal effect on Judicial Branch operations. The Kansas Sentencing Commission indicates the bill would have no fiscal effect on prison admissions or bed space or the Commission's journal entry workload.