

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2463**

As Agreed to April 28, 2016

**Brief\***

HB 2463 would amend the law concerning sentencing and crimes. The bill would amend statutes governing the determination of criminal history to add non-grid felonies, nondrug severity level 5 felonies, and any drug severity level 1 through 4 felonies committed by an adult to the list of juvenile adjudications that will decay if the current crime of conviction is committed after the offender reaches age 25.

The bill also would allow a court to continue or modify conditions of release for or impose a 120- or 180-day prison sanction on an offender who absconds from supervision, without having to first impose a 2- or 3-day jail sanction.

Finally, the bill would make a violation or an aggravated violation of the Kansas Offender Registration Act a person offense if the underlying crime (for which registration is required) is a person crime. If the underlying crime is a nonperson crime, the registration offense would be a nonperson crime. If there are multiple underlying crimes, which include both a nonperson crime and a person crime that require compliance with the Kansas Offender Registration Act, the registration offense would be a person crime. Under current law, a violation or aggravated violation of the Kansas Offender Registration Act is a person crime regardless of the designation of the underlying crime.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **Conference Committee Action**

The Conference Committee agreed to the Senate amendments to HB 2463 with additional technical amendments and language suggested by the Revisor to resolve a conflict. The Committee also agreed to add the contents of HB 2460, concerning violations of the Kansas Offender Registration Act, and changed the effective date of that bill to publication in the statute book.

## **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. As introduced, HB 2463 contained provisions regarding decay of juvenile adjudications from criminal history, including the non-grid felony provision continued in the Senate Committee version, as well as a provision that no juvenile adjudication for an offense that would be a nondrug severity level 5 through 10 felony, drug felony, non-grid felony, or misdemeanor if committed by an adult will be considered and scored if the current crime was committed at least five years after the final discharge of the adjudication and the offender has no new adjudications or convictions during that period.

In the hearing before the House Committee, representatives of the Kansas Sentencing Commission and the Kansas Association of Criminal Defense Lawyers testified in favor of the bill. There was no neutral or opponent testimony.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, a representative of the Kansas Sentencing Commission testified in favor of the bill. A representative of the Kansas Association of Criminal Defense Lawyers provided written testimony supporting the bill. A representative of the Kansas Association of Court Services Officers (KACSO) submitted written testimony requesting

consideration of an amendment removing the five-year gap provision in the bill, as introduced, and instead allowing all juvenile adjudications to decay at age 25 except for off-grid and severity level 1 through 4 person felonies.

The Senate Committee adopted the amendment proposed in the KACSO testimony. The Senate Committee also amended the bill by adding the language of HB 2464, regarding prison sanctions for absconders. Further background information for HB 2464 is provided below.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission states HB 2463 may affect adult prison beds and the agency's workload, but the Commission could not provide a precise estimate at the time the fiscal note was prepared. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

### ***HB 2464 Background***

The 2013 Legislature enacted HB 2170, which represented the recommendations of the Justice Reinvestment Working Group and included, among other provisions, various intermediate sanctions for violations of the conditions of release on probation, community corrections supervision, suspended sentence, or nonprison sanction. These intermediate sanctions are structured to become increasingly severe.

HB 2464 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. [*Note: 2015 HB 2050 contained the same provisions as HB 2464, but was stricken from the House Calendar in March 2015.*]

At the House Committee hearing, the executive director of the Sentencing Commission testified in support of the bill, stating it would provide courts with greater flexibility in

imposing intermediate sanctions on offenders who abscond from supervision. There was no other testimony.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, the same proponent testified. There was no other testimony.

According to the fiscal note prepared by the Division of the Budget on HB 2464, the Sentencing Commission indicates there would be an effect on prison admissions and bed space, but an estimate cannot be made at this time.

The Department of Corrections indicates it cannot provide an estimate of the fiscal effect at this time. Any fiscal effect of the bill is not reflected in *The FY 2017 Governor's Budget Report*.

### ***HB 2460 Background***

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

In the hearing before the House Committee, proponent testimony was provided by the Director of the Kansas Sentencing Commission. Neutral testimony was provided by a representative of the Kansas Association of Criminal Defense Lawyers. There was no opponent testimony.

The House Committee adopted an amendment proposed by a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association to clarify that a violation of the Kansas Offender Registration Act would be a person crime if the underlying crimes include both a person crime and a nonperson crime that require registration.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, the director of the Kansas

Sentencing Commission testified in support of the bill. A representative of the Kansas Association of Criminal Defense Lawyers testified in support of the bill and offered a proposed amendment. There was no neutral or opponent testimony.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*. (The Conference Committee report would not retain this amendment.)

According to the fiscal note prepared by the Division of the Budget, the Kansas Department of Corrections indicated it cannot provide a fiscal effect for the bill, as introduced, because the number of people who would be incarcerated or who would commit a registration violation is unknown. The Kansas Sentencing Commission indicated the bill, as introduced, would not have an effect on adult prison admissions or bed space.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

crimes and sentencing; decay of juvenile adjudications; sanctions for offenders absconding from supervision; violations of the Kansas Offender Registration Act

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