

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2085

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2085, as amended, would amend provisions regarding postrelease supervision for persons convicted of sexually violent crimes. The bill would clarify that lifetime postrelease supervision is to be imposed on offenders sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, if the offender was 18 years of age or older when the crime was committed. It would further establish a mandatory period of 60 months postrelease supervision, plus good time and program credit earned and retained, for offenders sentenced to imprisonment for a sexually violent crime committed on or after the effective date of the bill, if the offender was under 18 years of age when the crime was committed. Current statute provides for lifetime postrelease supervision for all persons convicted of a sexually violent crime committed on or after July 1, 2006, regardless of the offender's age.

The bill would also clarify that a separate provision regarding postrelease supervision for persons sentenced to a term of imprisonment for a sexually violent crime applies only to such crimes committed on or after July 1, 1993, but prior to July 1, 2006.

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

*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>

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. In the House Committee hearing, representatives of the Sentencing Commission and the Department of Corrections testified in support of the bill, stating the bill was intended to establish a postrelease supervision period for juveniles convicted of a sexually violent offense, in light of the Kansas Supreme Court's decision in *State v. Dull*, 302 Kan. 32 (2015), which held mandatory lifetime postrelease supervision for juveniles to be unconstitutional. A representative of the Attorney General's Office also testified in support of the bill and offered a proposed amendment to clarify the application of a separate provision regarding postrelease supervision for persons convicted of sexually violent crimes, following the rationale of the Kansas Court of Appeals in *State v. Herrman*, ___ Kan. App. 2nd ___, 384 P.3d 1019 (2016).

The House Committee adopted the amendment proposed by the Attorney General's Office.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration states the bill, as introduced, would not have a fiscal effect on the Judicial Branch, and the Sentencing Commission estimates the bill would not affect prison admissions or beds.