

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 334

As Amended by Senate Committee of the Whole

Brief*

SB 334, as amended, would amend the crime of interference with law enforcement by removing one of the means of committing the crime: falsely reporting to law enforcement that a crime has been committed or information concerning a crime, knowing that the information is false, and intending that law enforcement shall act in reliance on the information. The bill would clarify that the misdemeanor version of this crime may be committed by interfering with law enforcement in a non-criminal case.

The bill also would amend the crime of battery against a law enforcement officer to include battery against a judge engaged in the performance of the judge's duty, an attorney engaged in the performance of the attorney's duty, or a court services officer in the performance of such officer's duty. The bill would define "judge" to include appellate justices and judges, district court judges, district magistrate judges, and municipal judges. "Attorney" would be defined to include county and assistant county attorneys, district and assistant district attorneys, and the attorney general or assistant attorneys general. "Court services officer" would be defined to include an employee of the Judicial Branch or local judicial district who supervises, monitors, writes reports, or performs related duties as assigned by the court.

Finally, the bill would amend references to juvenile correctional facility officer or employee to reflect the reorganization of juvenile justice services within the Kansas Department of Corrections. Similarly, the bill would amend

*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>

provisions related to mental health employees to reflect the agency reorganization involving the Department for Aging and Disability Services (KDADS) and the former Department of Social and Rehabilitation Services. The definition of “mental health employee” would be amended to include KDADS contractors working at facilities listed in the existing definition.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator King. In the Senate Committee, a representative of the Kansas County and District Attorneys Association and the Office of Judicial Administration (OJA) testified in support of the bill. The OJA representative requested an amendment adding court services officers to the crime of battery against a law enforcement officer. A representative of the Kansas Association of Court Services Officer submitted written testimony supporting the bill and the amendment proposed by the OJA.

A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association testified in support of the provision amending the crime of interference with law enforcement, explaining the amendment would clean up the statute following multiple recent changes to the statute in previous legislation and requesting a further amendment to clarify the statute’s application in non-criminal situations.

The Senate Committee adopted the amendments suggested by the OJA and the law enforcement organizations.

The Senate Committee of the Whole amended the bill to clarify a reference to KDADS and to include KDADS contractors in the definition of “mental health employee.”

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the OJA indicates the bill could result in additional motions and jury trial requests, increasing the time required of court personnel, but a precise fiscal effect cannot be determined.

The Board of Indigents' Defense Services indicates the bill could have a fiscal effect, but the Board cannot estimate a specific effect.

The Kansas Sentencing Commission states the bill would add to the journal entry workload of the Commission, but additional resources would not be needed. The Commission estimates the bill would require an additional two to four adult prison beds in FY 2015 and an additional six to ten beds by FY 2014.

For all crimes, the Kansas Sentencing Commission estimates the number of inmates will be below available capacity (9,636 as of January 13, 2014) by 103 beds in FY 2014 and by 196 beds in FY 2015. However, starting in FY 2017, it is expected that adult correctional facilities will again be over capacity. The bed space requirements of this bill could be handled within existing capacity in the near term, but the bill will add to capacity challenges in the near future. Continued population increases will require new construction providing 512 beds at a construction cost of approximately \$24.4 million and operating costs of approximately \$8.4 million (\$45 per inmate per day). If utilized, bond financing for construction would need to be authorized in FY 2016.

Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.