

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2049**

As Agreed to April 30, 2016

**Brief\***

Senate Sub. for HB 2049 would amend the statutory definition of “significantly subaverage general intellectual functioning” to require that a standardized intelligence test used to determine this condition must take into account the standard error or measurement. The bill also would provide that this condition could be established by means in addition to standardized intellectual testing. The definition of “intellectual disability” would be amended to remove the ages during which the condition must manifest. The bill would specify the amendments are to be construed and applied retroactively.

**Conference Committee Action**

The Conference Committee agreed to replace the contents of Senate Sub. for HB 2049, as it entered conference, with the contents of SB 375, as amended by Senate Committee, regarding significantly subaverage general intellectual functioning and intellectual disability.

[*Note:* The contents of Senate Sub. for HB 2049 regarding penalties for possession of marijuana and amending the crimes of burglary and aggravated burglary were included in the conference committee report for HB 2462.]

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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>

## Background

SB 375 was introduced by the Senate Committee on Corrections and Juvenile Justice at the request of the Kansas Attorney General's Office. In the hearing before the Senate Committee, a representative of the Attorney General's Office testified in support of the bill, stating the bill is intended to respond to the U.S. Supreme Court's decision in *Hall v. Florida*, 134 S. Ct. 1986 (2014), related to the use of a nearly identical definition in a Florida death penalty case. A representative of the Disability Rights Center of Kansas and a law professor offered testimony requesting more extensive amendments related to intellectual disability and the death penalty. An attorney and parent of a child with an intellectual disability offered testimony opposing the bill and requested the bill address additional concerns related to the death penalty and intellectual disability.

The Senate Committee amended the bill to clarify how subaverage general intellectual functioning may be established and remove age restrictions in the definition of "intellectual disability."

In the hearing before the House Committee on Corrections and Juvenile Justice, a representative of the Attorney General's Office testified in support of the bill. A representative of the Disability Rights Center of Kansas and a law professor testified as neutral conferees. The House Committee recommended the bill be passed, but the bill was stricken from the House calendar in March 2016.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would have no fiscal effect on the Kansas Department for Aging and Disability Services.

significantly subaverage general intellectual functioning; intellectual disability

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