

January 20, 2017

The Honorable Russell Jennings, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2049 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2049 is respectfully submitted to your committee.

HB 2049 would enact the Law Enforcement Protection Act. When a trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy to commit a nondrug felony offense, against a law enforcement officer while the officer is on duty or because of the officer's status as a law enforcement officer the offender's sentence would be:

1. If the offense is classified as a severity level two through ten, one severity level above the appropriate level for the offense; or
2. If the offense is classified as severity level one, life imprisonment without eligibility for probation, suspension, modification, or reduction of sentence. In addition, the offender would not be eligible for parole before serving 25 years' imprisonment and the 25 years could not be reduced by good time credits. The sentence would not apply if the court finds the offender is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In that case, the offender would be required to serve a mandatory minimum equal to the sentence established under the sentencing range.

Under the provisions of HB 2049, a sentence imposed would not be considered a departure and would not be subject to appeal.

According to the Office of Judicial Administration, passage of HB 2049 would not increase the number of case filings related to a nondrug felony offense against a law enforcement officer. It is possible that the provisions which elevate severity levels could increase the number

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of appeals filed because severity levels are relevant to an offender's criminal history, which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. The bill could also result in the collection of docket fees from those cases filed under the provisions of HB 2049. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission estimates that passage of HB 2049 would result in additional prison beds, but the Commission cannot determine an exact number since the new crimes created by the bill are not in the Commission's database. Any fiscal effect associated with HB 2049 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Brianna Landon, Corrections  
Pat Scalia, Indigents Defense Services  
Scott Schultz, Sentencing Commission  
Ashley Michaelis, Judiciary  
Brock Ingmire, League of Municipalities  
Melissa Wangemann, Association of Counties