

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2086

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2086, as amended, would amend the Kansas Offender Registration Act (Act) by removing from the Act's definition of "drug offender" (required to register under the Act) persons convicted of unlawful cultivation or distribution of opiates, opium, narcotic drugs, or certain specified stimulants.

The bill also would amend the penalty for failing to pay registration fees under the Act. Under current law, failure to remit 2 or more registration fees within 15 days of the most recent registration constitutes a severity level 9 felony and failure to remit a single fee is a class A misdemeanor. Such offenses are classified as person or nonperson crimes depending on the underlying crime for which the offender must register. The bill would make any failure to remit registration fees a class A nonperson misdemeanor.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (Commission). In the House Committee hearing, representatives of the Commission and the Kansas Association of Criminal Defense Lawyers testified in support of the bill. The Kansas County and District Attorneys Association (KCDAA) submitted written-only testimony supporting the bill and requesting an amendment

*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>

making failure to remit registration fees a nonperson crime in all cases. A representative of the Kansas Sheriffs' Association testified in opposition to the bill. No neutral testimony was provided.

The House Committee adopted the amendment requested by the KCDAA.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates the bill would not have a fiscal effect on the Judicial Branch. The Commission states the bill would affect prison beds and admissions, but the Commission cannot provide an estimate of the effect. The Kansas Association of Counties indicates the bill could result in increased expenditures for counties if additional violators are placed in county jails instead of in a state correctional facility. Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.