

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2050

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2050, as amended, would amend the authorized dispositions statute in the Kansas Criminal Code to remove the ability of the sentencing court to specifically withhold authority from supervising court services or community corrections officers to impose certain probation violation sanctions of confinement in a county jail for a two-day or three-day period. The bill also would require the sentencing court to authorize an additional 18 days of confinement in a county jail for the purpose of these and similar sanctions.

The bill would amend the statute governing probation violations to remove violation sanctions allowing the court to remand the defendant to the custody of the Secretary of Corrections for periods of 120 days or 180 days. The bill would remove procedural provisions related to or dependent on these sanctions, remove statutory references to the sanctions (including those in the statute governing postrelease supervision), and move provisions allowing revocation without first imposing remaining sanctions in certain situations. The bill would require a court that continues or modifies the probation, assignment to a community correctional services program, suspension of sentence, or nonprison sanction to authorize an additional 18 days of sanction time in a county jail for use in imposing the two-day and three-day sanctions.

The bill would make technical amendments to ensure consistency in statutory phrasing.

*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

HB 2170 (2013), representing the recommendations of the Justice Reinvestment Working Group, made numerous changes to sentencing, probation, and postrelease supervision statutes, including the creation of two-day and three-day jail sanctions (known as “quick dips”) and 120-day and 180-day prison sanctions for probation violations.

HB 2050 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (KSC). As introduced, the bill also would have added a 60-day county jail sanction in lieu of the 120-day and 180-day prison sanctions.

In the House Committee hearing, a representative of the KSC testified in support of the bill. Opponent testimony was presented by representatives of the Johnson County Sheriff’s Department, Kansas County and District Attorneys Association, Kansas Sheriffs’ Association, and Sedgwick County Division of Corrections. Written-only opponent testimony was provided by representatives of the Kansas Association of Counties and Kansas District Judges Association.

The House Committee amended the bill to remove the provisions that would have added the new 60-day county jail sanction.

According to the bed impact assessment prepared by the KSC, the bill would reduce prison admissions by 1,215 through FY 2020 and 1,389 through FY 2029. The bill would also reduce prison bed needs by 148 through FY 2020 and 158 through FY 2029 without having an impact on the workload of KSC.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Corrections states a 148-bed reduction in FY 2020 would avoid costs of \$268,176 from the State General Fund in FY 2020. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor’s Budget Report*.