

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2475

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2475, as amended, would amend the Kansas Offender Registration Act (KORA) as it relates to persons convicted of certain drug offenses.

The bill would lower the required 15-year KORA registration period to 5 years for persons convicted of:

- Possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia, or phenylpropanolamine, or their salts, isomers, or salts of isomers with the intent to use the product to manufacture a controlled substance;
- Cultivation, distribution, or possession with the intent to distribute opiates, opium, narcotic drugs, or certain other scheduled stimulants defined in continuing law; or
- Attempt, conspiracy, or criminal solicitation of the previously listed offenses.

The bill would specify registration for such offenses would expire 5 years after the date of conviction, unless the offender is not confined at that time. Further, the bill would state any period of time during which the offender is incarcerated in any jail or correctional facility, or during which

*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>

the offender is not compliant with KORA, shall not count toward the duration of the registration.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Judicial Council.

In the House Committee hearing, representatives of the Kansas Association of Criminal Defense Lawyers and the Kansas Judicial Council testified in support of the bill, stating the bill arose out of a recommendation by the Judicial Council Advisory Committee on Sex Offenses and Registration as a result of a legislator-requested study.

A representative of the Kansas Sheriffs' Association and a representative of the Kansas Association of Chiefs of Police and Kansas Peace Officers Association testified in opposition to the bill, stating their concern with the potential removal of public drug registry information.

The Kansas Department of Corrections (KDOC) provided neutral written-only testimony.

The House Committee amended the bill by removing a provision that would have made certain drug registry information only available to law enforcement.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Bureau of Investigation (KBI) indicates enactment of the bill would increase the number of registrations it would have to immediately review. KBI indicates review currently takes 26 weeks with a current staff of 5 to complete the reviews and notify offenders by mail of the status of their registry requirements. The KBI indicates the fiscal effect on the agency would be negligible and could be absorbed within existing resources.

The Kansas Sentencing Commission (Commission) indicates enactment of the bill would result in a decrease of adult prison beds, admissions, and the workload of the Commission. However, it indicates the fiscal effect cannot be estimated due to a lack of probation revocation data for violations that occur during years 5 through 15 of registration. Additionally, the Commission indicates a reduction of prison beds and admissions could reduce expenditures for the KDOC.

The Office of Judicial Administration indicates enactment of the bill would have no fiscal effect on the agency. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.