

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 80

As Amended by Senate Committee on Judiciary

Brief*

SB 80, as amended, would increase the penalty for criminal possession of a weapon by a convicted felon from a severity level 8, nonperson felony to a severity level 6, nonperson felony. The bill also would exclude an ordinary pocket knife having a blade no longer than four inches from the definition of “knife,” and clarify that the crime of criminal possession of a weapon would not apply when a knife is used as a tool in connection with lawful employment or when a kitchen knife is used as intended for food preparation or consumption. The bill also would make conforming technical amendments.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas County and District Attorneys Association (KCDAA). In the Senate Committee hearing, representatives of the KCDAA and the Johnson County Sheriff’s Office and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association testified in support of the bill. The Secretary of Corrections testified as a neutral conferee. A representative of the Kansas Association of Criminal Defense Lawyers testified in opposition to the bill. No other testimony was provided.

The Senate Committee amended the bill to remove “ammunition” from the definition of “weapon,” to clarify the

*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>

definition of “knife,” and to clarify circumstances in which the provisions of the bill would not apply.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would result in more offenders sentenced to prison instead of probation, resulting in fewer offenders being supervised by court service officers and paying into the supervision fee. Thus, enactment of the bill could result in decreased revenues to the Correctional Supervision Fund and the State General Fund (SGF).

The Kansas Sentencing Commission estimates enactment of the bill would increase prison admissions by 9, 19, or 28 by FY 2020 and 15, 29, or 44 by FY 2029 and would increase additional adult prison beds by 30, 39, or 49 by FY 2020 and 119, 144, or 167 by FY 2029. Based on these estimates, the Kansas Department of Corrections indicates an increase in expenditures of either \$54,360, \$70,668, or \$88,788 from SGF in FY 2020. Any fiscal effect associated with the bill is not reflected in *The FY 2020 Governor’s Budget Report*.