

SESSION OF 2004

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 422

As Amended by House Committee on  
Corrections and Juvenile Justice

### **Brief\***

SB 422 would establish a new sentencing option for persons convicted of capital murder but not sentenced to death or life without the possibility of parole. This new sentence would replace the current "Hard 50" sentence which can now be imposed for persons convicted of a capital crime but not sentenced to death.

The bill would apply to all adults including those found to be mentally retarded.

The Senate Committee struck provisions of the bill which would have made the sentence of life without parole apply to juveniles tried and convicted as an adult of capital murder. Other amendments were technical.

Note: The "Hard 50" sentence could still be imposed on defendants convicted of first degree murder.

The House Committee amended the bill by deleting the exception regarding the functionally impaired in KSA 22-3728. Other amendments prohibit the sentence of life without parole for juveniles and for the mentally retarded. In addition, in cases involving capital murder, there would be only two sentencing options available, *i.e.*, death or life without parole.

### **Background**

The bill was recommended by the Kansas Judicial Council Death Penalty Advisory Committee. The Advisory Committee was appointed

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\*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>

by the Judicial Council following a request that the Council study costs in death penalty cases. The request was made by the 2003 Legislature. Representatives of the Judicial Council and the Advisory Committee said SB 422 would save costs since fewer defendants convicted of capital murder would be sentenced to death and therefore there would be a reduction in the number of lengthy and costly death penalty appeals.

SB 422 also reflects the conclusions and recommendations of legislative post audit report issued in December, 2003. See the audit report entitled "Costs Incurred for Death Penalty Cases: A K-Goal Audit of the Department of Corrections."

Other supporters of SB 422 included representatives of the Sedgwick County District Attorney's Office.

The fiscal note states the bill would increase the need for prison beds after 2015, although a precise fiscal effect cannot be determined.