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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 12, 2024

Subject: Bill Brief on HB 2666

HB 2666 increases the criminal penalties for certain violations of fleeing or attempting to elude a police officer when the person has a prior conviction of the offense.

The bill amends K.S.A. 8-1568, the statute that criminalizes fleeing or attempting to elude a police officer. Current law in subsection (b) provides that a driver of a motor vehicle violates this statute when such driver knowingly fails or refuses to bring such driver's vehicle to a stop or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle when given visual or audible signal to bring the vehicle to a stop and (1) commits certain other offenses during the pursuit, (2) is attempting to elude capture for the commission of a felony; or (3) knowingly drives the wrong way into an opposing lane or travel, knowingly departs the appropriate lane, knowingly drives through an intersection or causes a collision with another driver. A violation of paragraph (1) or (2) is a severity level 9, person felony and a violation of paragraph (3) is a severity level 7, person felony.

This bill keeps the elements of the offense the same but changes the penalty on subsequent convictions. Violation of paragraph (1) or (2) will remain a severity level 9, person felony on a first offense, and it will be a severity level 5, person felony on a second offense and a severity level 3, person felony on a third or subsequent offense. Violation of paragraph (3) will remain a severity level 7, person felony on a first offense, and it will be a severity level 5, person felony on a second offense and a severity level 3, person felony on a third or subsequent offense.