

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 7, 2023

Subject: Bill Brief on HB 2010

House Bill 2010, As Amended by House Committee, updates statutory cross-references to provide proper jury instruction in cases when a defendant lacks the required mental state to commit a crime.

Section 2 amends K.S.A. 22-3428, which is the statute related to persons found not guilty because of a mental disease or defect. Current law references K.S.A. 22-3220 to provide that mental disease or defect is a defense to prosecution. This statute was repealed and replaced by K.S.A. 21-5209, so this bill strikes the old cross-reference and replaces it with the new statute.

The amendments adopted by the House Committee on Judiciary added updates to the same cross-reference in K.S.A. 12-736 (Section 1) and K.S.A. 22-3428a (Section 3).