

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 73

As Recommended by Senate Committee on
Judiciary

Brief*

SB 73 would amend the elements of the crimes of burglary and aggravated burglary to add domestic battery and violation of a protection order to the list of crimes that a person can have the intent to commit when they enter or remain in one of the locations specified in the crimes of burglary and aggravated burglary. [Note: Under current law, the crimes of burglary and aggravated burglary require a person have the intent to commit a felony, theft, or sexually motivated crime within a protected location.]

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas County and District Attorneys Association.

Senate Committee on Judiciary

In the Senate Committee hearing on January 31, 2023, a representative of the Office of the Johnson County District Attorney, the Deputy District Attorney of Sedgwick County, and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association testified as **proponents** of the bill. The proponents stated the bill intends to address a gap in the law that makes it difficult for prosecutors to charge an offender

*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>

with the crime of burglary or aggravated burglary in certain circumstances. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates that enactment of the bill could have a fiscal effect on the Judicial Branch because the bill would expand the crimes of burglary and aggravated burglary, which could increase the time spent by judges and court staff in processing, researching, and hearing the cases. In addition, more supervision from court services officers may be required. There could be a change in the amount of docket fees, fines, and supervision fees that are collected which would be credited to the State General Fund (SGF). The Office states that a fiscal effect cannot be estimated until the Judicial Branch has operated under the bill's provisions.

The Kansas Sentencing Commission estimates enactment of the bill would result in an increase of 27, 57, or 87 beds needed by the end of FY 2023 depending on the scenario. By the end of FY 2033, 42, 77, or 120 additional beds would be needed, depending on the scenario.

The Department of Corrections states enactment of the bill would result in additional expenditures of between \$93,819 for 27 beds and up to \$302,307 for 87 beds from SGF, depending on the scenario in FY 2024.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Burglary; aggravated burglary; domestic battery; protection order