

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 640**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 640 would move the drug crimes from Chapter 65 (Public Health) to Chapter 21 (Crimes and Punishment) of the *Kansas Statutes Annotated*. Additionally, the existing statutes would be grouped into the core offenses of manufacture, distribution, and possession.

**Background**

The 2007 Legislature passed House Substitute for Senate Bill 14 which created the Kansas Criminal Code Recodification Commission (Commission). The Commission was charged with the responsibility of:

- Making recommendations concerning proposed modifications, amendments, and additions to the code;
- Analyzing and reviewing criminal statutes and making recommendations for legislation to ensure that sentences are appropriate and proportionate to other sentences, with emphasis on the sentencing guidelines grid for drug crimes;
- Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and to review possible adjustments that may relieve or eliminate prison capacity issues; and
- Studying and making recommendations concerning

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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>

statutory definitions of crimes and criminal penalties and evaluate if certain criminal conduct may be combined into one statute.

The bill is a product of the work of the Commission.

The proponents of the bill that appeared at the hearing were Professor Tom Stacy, Professor of Law at the University of Kansas and Chairperson of the Commission; Ed Klumpp, Vice-Chairperson of the Commission; and John W. White, Reporter of the Commission. Judge White testified that the changes are not intended to be substantive.

Other members of the Commission include Senator John Vratil, Senator David Haley, Representative Lance Kinzer, Representative Paul Davis, Representative Jan Pauls, Honorable Christel Marquardt, Honorable Richard M. Smith; Ed Collister, Professor Michael Kaye; Timothy Madden, Kansas Department Of Corrections; Steve Opat, Geary County Attorney; Kim Parker, Sedgwick County District Attorney's Office; Jacqie Spradling, Attorney General's Office; and Debra Wilson, Appellate Defender's Office.

There was no testimony in opposition to the bill at the Committee hearing.

The Kansas Sentencing Commission estimates that passage of the bill would not require additional adult prison beds in FY 2009. For the section of the bill regarding state imprisonment for felony DUI violations, the Secretary of Corrections would be able to make the determination that prison capacity is not available; therefore, additional beds would not be required. Information regarding the effect of the bill has been requested from the Attorney General's office and the Office of Judicial Administration; however, responses to the requests had not been received at the time this fiscal note was prepared. A revised fiscal note will be completed if specific information regarding the bill's fiscal effect is received.