

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 345**

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

House Sub. for SB 345 would amend current law on securities crimes and property crimes to differentiate the penalty levels based upon the amount of loss.

Securities Crimes

The bill would amend the securities code to:

- Make an intentional securities violation pursuant to KSA 17-12a508 a severity level 8, nonperson felony;
- Make an intentional securities violation pursuant to KSA 17-12a501 or 17-12a502 a felony, as follows:
 - Loss of less than \$25,000 is a severity level 8, nonperson felony;
 - Loss of \$25,000 but less than \$50,000 is a severity level 7, nonperson felony;
 - Loss of \$50,000 but less than \$75,000 is a severity level 6, nonperson felony;
 - Loss of \$75,000 but less than \$100,000 is a severity level 5, nonperson felony;

*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>

- Loss of \$100,000 but less than \$250,000 is a severity level 4, nonperson felony;
 - Loss of \$250,000 but less than \$1,000,000 is a severity level 3, nonperson felony;
 - Loss of \$1,000,000 or more is a severity level 2, nonperson felony; and
- Make an intentional violation of a cease and desist order pursuant to KSA 17-12a508 a severity level 6, nonperson felony.

Property Crimes

The bill would amend the penalty on numerous property crimes by differentiating the penalty levels based upon the amount of loss, as follows:

- Loss less than \$500 is a class B, nonperson misdemeanor;
- Loss of at least \$500 but less than \$1,000 is a class A, nonperson misdemeanor;
- Loss of at least \$1,000 but less than \$2,000 is a level 10, nonperson felony;
- Loss of at least \$2,000 but less than \$25,000 is a level 9, nonperson felony;
- Loss of at least \$25,000 but less than \$50,000 is a level 8, nonperson felony;
- Loss of at least \$50,000 but less than \$75,000 is a level 7, nonperson felony;

- Loss of at least \$75,000 but less than \$100,000 is a level 6, nonperson felony; and
- Loss of \$100,000 or more is a level 5, nonperson felony.

Background

SB 345, as introduced, would have increased the probation services fee amount offenders is required to if convicted of a misdemeanor from \$25 to \$50. For felony convictions, the probation or community correctional services fee would have increased from \$50 to \$100. The increase would have paid for the statewide mandatory use of risk assessments of offenders (Level of Services Inventory-Revised or the LSI-R) for the Judicial Branch. This same concept has passed the House in HB and has been referred to the Senate Committee on Judiciary.

SB 345, as introduced, was heard in the Senate Committee on Judiciary. The proponents of the bill who presented testimony in the Senate Committee hearing were representatives of the Kansas Sentencing Commission and the Office of Judicial Administration. There were no opponents of the bill who presented testimony in the Senate Committee hearing. The Senate Committee and the Senate Committee of the Whole passed the bill favorable, as introduced.

SB 345, as introduced, was heard in the House Committee on Corrections and Juvenile Justice. There were no proponents or opponents to the bill. The House Committee, without objection, took emergency final action on the bill. A substitute bill, containing only the provisions amending the crimes regarding securities and property from 2010 HB 2518 (the proportionality bill), was distributed to the House Committee. The House Committee deleted the provisions of SB 345, as introduced, and inserted the provisions of the substitute bill.

The fiscal note on the bill, as introduced, is not applicable.