

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2640

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2640, as amended, would amend the penalty for the crime of failure to register pursuant to the Kansas Offender Registration Act. The bill would change the penalty from a severity level 5, person felony, to a severity level 9, person felony for all offenders required to register, except for offenders convicted of kidnapping, aggravated kidnapping, criminal restraint, aggravated trafficking, or any sexually violent predator. Offenders convicted of kidnapping, aggravated kidnapping, criminal restraint, aggravated trafficking, or any sexually violent predator would remain subject to a severity level 5, person felony for failure to register.

The bill also would change the penalty for the crime of aiding a person required to register from a severity level 5, person felony, to a severity level 9, person felony.

Background

The proponents of the bill, as introduced, who testified at the House Committee were Representatives Bob Bethell, Janice Pauls, and Bob Brookens. A representative of the Kansas Association of Criminal Defense Lawyers also presented testimony.

There were no opponents of the bill who testified at the House Committee.

*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>

The House Committee amended the bill to clarify that offenders convicted of kidnapping, aggravated kidnapping, criminal restraint, aggravated trafficking, or any sexually violent predator would remain subject to a severity level 5, person felony for failure to register. This amendment would keep Kansas in conformity with the federal requirements of the Adam Walsh Act.

According to the fiscal note on the bill, as introduced, the Kansas Sentencing Commission estimates that passage of HB 2640 would result in a decrease of 28 adult prison beds in FY 2011 and a decrease of 118 adult prison beds by FY 2020. The bill would result in a reduction of approximately \$2,400 per inmate for basic support, including food service. Expenditure reductions for health care could also be incurred if the decrease in the inmate population required adjustments in the medical contract. The health care contract provides that whenever the inmate count at a facility changes by more than a specified percentage, an adjustment in contract payments is made. The amount of any adjustment would depend on the specific facility involved. If the population decrease is sufficient to allow a portion of the current capacity to be taken off-line, then additional cost reductions for staff and operations could be incurred. Additionally, if the bill reduces the inmate population sufficient to negate the need for capacity expansion, costs for reopening previously closed facilities, construction of new facilities, and annual operations could be avoided. Any fiscal effect associated with HB 2640 is not reflected in *The FY 2011 Governor's Budget Report*.