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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 12, 2025
Subject: Bill Brief for HB 2389 (As Introduced)

House Bill 2389 requires certain prior convictions to be considered in determining bond when a person is arrested for certain sex offenses.

Section 1 amends K.S.A. 22-2802, the criminal procedure statute that provides for a person charged with a crime to be released on an appearance bond. The bill would add a new subsection (p) to provide that if a defendant is charged with rape (K.S.A. 21-5503), criminal sodomy or aggravated criminal sodomy (K.S.A. 21-5504), sexual battery or aggravated sexual battery (K.S.A. 21-5505), or indecent liberties with a child or aggravated indecent liberties with a child (K.S.A. 21-5506), when setting the amount of an appearance bond and conditions of release, the magistrate shall consider prior convictions of such offenses or comparable out-of-state convictions.

Section 2 amends K.S.A. 22-2803 to update a cross-reference to K.S.A. 22-2802.

The bill would take effect from and after publication in the statute book, July 1, 2025.