

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**  
LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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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 2401 (As Introduced)

House Bill 2401 provides that prior convictions of a crime that is determined unconstitutional by an appellate court shall not be used for criminal history scoring purposes unless the basis of the determination of unconstitutionality by the appellate court is later overruled or reversed.

The bill amends K.S.A. 21-6810, the revised Kansas sentencing guidelines act statute that provides for calculation of a person's criminal history. Current law in subsection (d)(9) provides that prior convictions of a crime defined by a statute that has since been determined unconstitutional by an appellate court shall not be used for criminal history scoring purposes. The bill adds that such convictions will be used for criminal history scoring if the basis of the determination of unconstitutionality by the appellate court is later overruled or reversed by an order or opinion of the supreme court of the state of Kansas or the United States supreme court.

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