

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2444

As Amended by House Committee on Judiciary

Brief*

HB 2444, as amended, would amend provisions in sentencing laws regarding computation of time served for persons who have had consecutive sentences imposed; require bond for misdemeanor and felony offenses unless certain conditions are met or findings are made; set minimum appearance bond amounts for certain persons charged with a subsequent felony offense while under supervision for a prior felony; and create a new special sentencing rule for persons convicted of a subsequent felony offense while in custody or under supervision for a prior felony.

Consecutive Sentences — Jail Credit Application

[*Note:* Under continuing law, a judge generally has discretion to sentence persons convicted of multiple crimes in the same case to either serve terms of imprisonment consecutively or concurrently. During the sentencing hearing, a convicted offender may receive credit for days spent in jail prior to being transferred to custody of the Department of Corrections (KDOC). This credit may be applied to reduce the imprisonment portion of the offender's sentence.]

The bill would specify that when consecutive sentences are imposed on a person, credit for days spent in custody prior to sentencing could only be credited once against the term of the aggregated consecutive sentences. The court would also be allowed to allocate the credited days toward one case or apportion the credit amongst the cases, but it

*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 <https://klrd.gov/>

would be prohibited from applying the credit for a particular day served more than once to reduce multiple portions of consecutive terms.

Furthermore, the bill would specify that the limits on jail credit application would apply to:

- All sentences, whether pronounced before, on, or after July 1, 2026, and to all computations of jail credit by KDOC and the courts; and
- Any case posture, including, but not limited to, direct appeals, probation revocation proceedings, motions to correct illegal sentence, and habeas corpus actions pending on, or filed after, July 1, 2026.

The bill would supersede any judicial interpretation regarding application of jail time credit to consecutive sentences in conflict with or inconsistent with its provisions.

Appearance Bonds

The bill would amend law related to appearance bonds for misdemeanor offenses, felony offenses, and for new felony offenses committed while in custody or under supervision.

[*Note:* Currently, a court may release a person charged with a crime upon their own recognizance by guaranteeing the bound amount set by the court, which would be due in full if the person does not comply with the court's requirements or appear in court. No cash deposit is currently required for such release. Persons who are not released on their own recognizance must execute a bond or make a cash deposit with the court prior to release.]

Appearance Bond — Misdemeanor Offense

The bill would require that an appearance bond for a misdemeanor offense be set and executed as provided under continuing law unless the court determines that requiring an appearance bond is not necessary to assure public safety or to assure the person's appearance in court.

Appearance Bond — Felony Offense

The bill would require that an appearance bond for a felony offense be set and executed as provided under continuing law, unless the court determines at a hearing with the person present by clear and convincing evidence that requiring an appearance bond is not necessary to assure public safety or to ensure the person's appearance in court.

During the bond hearing, and prior to releasing a person without requiring a bond, the court would be required to determine whether the person meets the following qualifications:

- Is a lawful resident of Kansas;
- Has no prior felony conviction;
- Has no prior history of failure to appear for any court appearances;
- Has no detainer or hold from any other jurisdiction;
- Has not been extradited from, and is not awaiting extradition to, another state;
- Has not been detained for an alleged violation of probation;
- Has not been charged with a felony violation of driving under the influence; and

- Has not been charged with a drug severity level 1, 2, or 3 felony.

The bill would specify that if the person does not meet one or more of the listed qualifications, there is a presumption that the person is a flight risk or a danger to public safety. Such presumption could only be overcome by clear and convincing evidence. Prior to releasing the person without requiring bond, the court would be required to make a written finding on the record that the person is not a public safety risk or a flight risk, while specifying which of the listed qualifications are met.

Appearance Bond — New Felony Offense

The bill would set a minimum secured appearance bond amount for offenders whose criminal history is classified as E or higher who are charged with a new felony offense while on probation, assigned to community corrections, under a suspended sentence, or on parole or postrelease supervision for a prior felony offense.

Minimum appearance bond amounts would be set at the following amounts:

- \$50,000 if the most serious new charge against the person is a severity level 7–10 felony or a drug severity level 4 or 5 felony;
- \$100,000 if the most serious new charge against the person is a severity level 4–6 felony or a drug severity level 3 felony; and
- \$250,000 if the most serious new charge against the person is a severity level 1–3 felony or a drug severity level 1 or 2 felony.

The court would not be allowed to set a lower amount for the secured appearance bond by reducing or modifying the amount downward unless it determines by a preponderance of the evidence during an evidentiary hearing and makes a written finding that the person is not a flight risk. Further, the bill would specify that at such hearing, the person would be presumed to be both a public safety risk and a flight risk.

Sentencing — New Felony Offense

The bill would create a new special sentencing rule that would apply to offenders who are sentenced for a new felony offense while such person is in custody for a prior felony, on probation, assigned to community corrections, under a suspended sentence, or on parole or postrelease supervision for a prior felony offense to override the sentencing grid recommendation to result in presumptive imprisonment. It would specify that if the offender's criminal history is classified as E or higher, the sentence for the subsequent felony offense would be classified as presumptive imprisonment, regardless of the sentencing grid box recommendation.

Furthermore, the bill would require the new sentence be served consecutive to that of the prior felony sentence for which the offender is under supervision and that it would not be considered a departure or be subject to an appeal based on such departure.

The bill would also prohibit the sentencing judge from imposing a downward dispositional or durational departure when imposing the sentence for the subsequent felony offense.

Background

HB 2444 was introduced by Representative McNorton and 38 other Representatives.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by Representative McNorton, the Shawnee County District Attorney, the Shawnee County Sheriff, and a representative of the Office of the Attorney General. The proponents indicated a desire to ensure one day of jail credit is not multiplied by applying it to more than one related sentence and expressed a desire to address repeat offender sentences by limiting judicial discretion to sentence persons to probation.

Written-only proponent testimony was provided the Johnson County District Attorney and a representative of the Kansas County and District Attorneys Association.

Neutral testimony was provided by representatives of KDOC and the State Board of Indigents' Defense Services (BIDS), who expressed concern with calculating duplicative credit and stated that the bill's provisions are duplicative and that nearly all recently sentenced persons who would have qualified under the bill received an imprisonment sentence under current law.

Opponent testimony was provided by a representative of Kansas Community Corrections Association and three private citizens. The opponents stated the bill would limit the availability of community treatment options, and that it would be unfair to apply the bill's provisions retroactively due to recent changes in sentencing law.

No other testimony was provided.

The House Committee amended the bill to:

- Include persons in custody for a prior felony offense for the special sentencing rules for a subsequent felony offense;
- Require an appearance bond for a misdemeanor offense unless a court finds it is unnecessary;
- Require an appearance bond for a felony offense unless a court makes a determination that it is unnecessary;
- Add a list of qualifications regarding the public safety or flight risk of a person;
- Require a court to list which risk qualifications are met by a person before releasing without bond on a felony charge;
- Lower the minimum bond amount for persons charged with a subsequent felony offense while in custody or under supervision; and
- Specify that a subsequent felony offense bond may not be reduced or modified downward unless a court finds the person presents no public safety or flight risk.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Sentencing Commission (Commission) estimates enactment of the bill would result in an increase of 106 adult prison beds needed by the end of FY 2027, with 225 additional beds needed by the end of FY 2036. This estimate is based on an estimated available bed capacity of 9,924 for males and 968 for females. The Commission notes that although changes to jail credit calculations for consecutive sentences and the minimum bond requirements would likely increase prison bed

space needs, the impact of those provisions cannot be estimated.

KDOC estimates enactment of the bill would increase SGF expenditures by \$612,957 in FY 2027 and by \$723,437 in FY 2028. These estimates are based on the Commission's bed impact projections and a marginal cost of \$5,729 per inmate in FY 2027, which includes the cost to add one resident to the correctional system and includes variables such as postage, incentive pay, and food service, but excludes other administrative overhead and housing unit staffing. Assuming 3.0 percent inflation, the marginal cost would increase to \$5,985 per inmate in FY 2028. KDOC further notes that its FY 2026 population projections indicate the resident population would exceed capacity by FY 2029, and that capacity expansion options are included in its five-year capital improvements plan.

BIDS estimates enactment of the bill would increase SGF expenditure by \$811,290 to \$880,000 in FY 2027 and subsequent fiscal years. Its workload would significantly increase under the presumptive imprisonment provisions of the bill because more defendants would choose to take their cases to trial rather than accept plea agreements. The range in the cost estimate reflects whether cases are handled by public defenders at an average rate of \$83 per hour or by private assigned counsel at an average rate of \$125 per hour. BIDS estimates it would need an additional 3.00 attorney positions and 3.00 support staff positions to handle the increased caseload with an additional \$200,000 to \$300,000 annually for related services like transcript fees, interpreters, and expert costs.

The Judicial Branch indicates enactment of the bill could have a fiscal effect on its operations because the bill's provisions would require the court to make findings and determinations, and there could be an increase in cases as defendants challenge the new sentencing computation rules and their retroactive application. This could increase the time spent by judicial and nonjudicial district court personnel in

processing, researching, and hearing cases. A precise fiscal estimate cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. Enactment of the bill could result in the collection of docket fees, which would be deposited in the SGF. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill would increase city government expenditures to fulfill the requirement for municipal courts to develop and implement new procedures related to sentencing guidelines; however, a precise fiscal effect cannot be determined. The Kansas Association of Counties indicates that enactment of the bill would increase county government expenditures because it would increase incarceration time and potentially the number of people held in county jails; however, a precise fiscal effect cannot be determined.

Sentencing; bond; time served