

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2747**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2747 would require courts to consider certain factors in determining whether a prior violation of law is comparable to any act described in certain driving under the influence (DUI) crimes when calculating a person's criminal history score under the Kansas Sentencing Guidelines.

***Criminal History Considerations When Current Crime of Conviction is for Involuntary Manslaughter by DUI or Aggravated Battery by DUI***

Current law provides that certain prior adult convictions or juvenile adjudications for DUI and similar laws are scored as felonies for criminal history purposes if the current crime of conviction is for a violation of involuntary manslaughter by DUI or aggravated battery by DUI.

The bill would add a provision specifying for the purposes of determining whether a violation of a law of another state, an ordinance of any city, or resolution of any county prohibits any act described in the crimes of DUI or commercial DUI, the bill would require the court to consider the following factors found in continuing law:

- The name of the out-of-jurisdiction offense;
- The elements of the out-of-jurisdiction offense; and

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\*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/>

- Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

### ***Criminal History Considerations When Current Crime of Conviction is for Leaving the Scene of Certain Vehicle Accidents***

Current law provides that certain prior convictions are scored as person felonies for criminal history purposes if the current crime of conviction is for a violation of leaving the scene of certain vehicle accidents.

The bill would add a provision specifying for the purposes of determining whether a violation of a city ordinance of law of another state would also constitute a violation of DUI, the bill would require the court to consider the factors described above.

The bill would be in effect upon publication in the *Kansas Register*.

### **Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Ward.

### ***House Committee on Judiciary***

In the House Committee hearing, the Sedgwick County District Attorney, a private citizen, and a representative of the Kansas Sheriffs Association provided **proponent** testimony on the bill. Proponents stated the purpose of the bill is to close a gap in statute to enhance punishment for those who kill or seriously injure others while driving under the influence or who flee the scene from such crashes.

No other testimony was provided.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Sentencing Commission states that enactment of the bill would increase prison admission and beds, but that the total effect cannot be determined at this time. The agency notes that the bill would result in additional prior offenses being scored as felonies for the purpose of determining a criminal history classification. Classification into a more severe criminal history category would increase sentence length and change presumptive probation to presumptive prison for certain crimes. However, a precise effect cannot be estimated.

The Department of Corrections indicates enactment of the bill could have a fiscal effect on the correctional system, but that a precise estimate cannot be determined.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the Judicial Branch that could be absorbed within existing resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Crimes; penalties; criminal procedure; Sentencing Guidelines; driving under the influence; criminal history