

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2459

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2459, as amended, would make unlawfully tampering with electronic monitoring equipment a class A misdemeanor if the underlying crime (for which electronic monitoring is being used pursuant to court-ordered supervision, postrelease supervision, or parole) is a misdemeanor. If the underlying crime is a felony, this offense would be a severity level 8 nonperson felony. Under current law, this offense is a severity level 6, nonperson felony, regardless of the severity level of the underlying crime.

Background

The House Committee on Corrections and Juvenile Justice introduced the bill at the request of the Kansas Sentencing Commission. As introduced, the bill would have amended the severity level for unlawfully tampering with electronic monitoring equipment to be a severity level 6, 8, or 10 felony, or a class A misdemeanor, depending on the severity level of the underlying crimes.

The House Committee heard this bill in a joint hearing with HB 2448, which was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight. HB 2448 would have lowered the severity level for the crime from severity level 6 to severity level 8.

*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>

In the House Committee, proponent testimony was provided by the director of the Kansas Sentencing Commission. Written proponent testimony was provided by the director of the Johnson County Department of Corrections. There was no neutral testimony. Opponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association.

The House Committee amended the bill to reduce the number of severity level tiers from four to two.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission indicated the bill, as introduced, would have an effect on adult prison beds in FY 2017; however, the Commission cannot determine what that effect would be at this time. The Department of Corrections estimates there could be savings resulting from the enactment of the bill; however, the Department cannot provide an accurate estimate of any savings at this time.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.