

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2093

As Amended by House Committee of the Whole

Brief*

HB 2093 would amend statutes governing the determination of criminal history by adding that no juvenile adjudication for an offense that would be a non-drug severity level 5 through 10 felony, drug felony, non-grid felony, or misdemeanor if committed by an adult would be considered and scored if the current crime was committed at least five years after the final discharge of the adjudication and the offender has no new adjudications or convictions during that period.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. In the House Committee hearing, a representative of the Kansas Sentencing Commission testified in favor of the bill, and the Kansas Association of Criminal Defense Lawyers provided written-only testimony in favor of the bill. No neutral testimony was presented. A representative of the Kansas County and District Attorneys Association testified in opposition to the bill.

The House Committee made a technical amendment to the bill.

*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>

The House Committee of the Whole adopted an amendment clarifying that a retroactivity provision within the statute applies only to amendments made by section 1 of chapter 5 of the 2015 Session Laws.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission determined the bill, as introduced, may affect adult prison beds and the agency's workload, but the Commission could not provide a precise estimate.