

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 372

As Recommended by Senate Committee on
Judiciary

Brief*

SB 372 would amend the definition of “possession” in the Kansas Criminal Code’s definition section. The bill would revise the phrase “having joint or exclusive control over an item with knowledge or intent to have such control” to remove “with knowledge of or intent to have such control.” Instead, the definition would require “knowingly” having joint or exclusive control. The bill would also replace “a” with “any” to state “knowingly keeping some item in *any* place where the person has some measure of access and right of control.”

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas County and District Attorneys Association (KCDAA). In the Senate Committee hearing, a representative of the KCDAA appeared in support of the bill and explained the bill is intended to bring clarity to the definition, which currently includes two different culpability terms, intentional and knowing, with their own definitions. She indicated this can become confusing for jurors and make it difficult for them to determine which culpability term to apply in a trial. No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

*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>

According to the fiscal note prepared by the Division of the Budget, enactment of the bill would have a negligible fiscal effect upon the Judicial Branch.

The Kansas Sentencing Commission states the bill would not have a fiscal effect on prison admissions or bed space.