

SESSION OF 2019

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 45**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 45, as amended, would amend the crime of involuntary manslaughter to raise the severity level of the crime to severity level 2 if the victim is a public safety sector employee, as defined by the bill. Under current law, such crime would be a severity level 4 or 5, depending on the circumstances.

The bill also would amend the crime of aggravated battery to raise the severity level of the crime to severity level 3 if the crime is committed against a public safety sector employee, as defined by the bill, or a person complying with a lawful order of a law enforcement officer by knowingly or recklessly causing great bodily harm or disfigurement or by committing a driving under the influence (DUI) offense when great bodily harm or disfigurement results. Under current law, such crime would be severity level 4 or 5, depending on the circumstances. The severity level of the crime would be raised to severity level 4 if the crime is committed against a public safety sector employee or a person complying with a lawful order of a law enforcement officer by knowingly or recklessly causing bodily harm to another person with a deadly weapon; knowingly causing physical contact when done in a rude, insulting, or angry manner with a deadly weapon or in a manner whereby great bodily harm, disfigurement, or death can be inflicted; or by committing a DUI offense when bodily harm results under circumstances whereby great bodily harm, disfigurement, or death can result. Under current law, such crime would be severity level 7 or 8, depending on the circumstances.

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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 <http://www.kslegislature.org>

The bill would define “public safety sector employee” to include an employee of any law enforcement office, sheriff’s department, municipal fire department, volunteer and non-volunteer fire protection association, emergency management department, emergency medical service provider, public works department, or other similar public or private agency, while actually engaged in official duties of the department or agency.

[*Note:* The bill also appears to make amendments regarding battery of federal law enforcement officers. However, these amendments were made by 2018 legislation and are included here only to reconcile different versions of the statute.]

## **Background**

The bill was introduced by the Senate Committee on Judiciary at the request of the Johnson County Sheriff’s Office. In the Senate Committee hearing, representatives of the Johnson County Sheriff’s Office, the Kansas Emergency Medical Services Association (EMS Association), and the League of Kansas Municipalities testified in support of the bill. Representatives of the Fraternal Order of Police—Kansas State Lodge and the Johnson County Sheriff’s Office and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs’ Association submitted written-only testimony supporting the bill. No neutral or opponent testimony was provided.

Pursuant to a request from the EMS Association, the Senate Committee amended the bill to include emergency medical service providers in the definition of public safety sector employee. The Senate Committee also amended the bill to raise the severity levels of aggravated battery if committed against a person complying with a lawful order of a law enforcement officer.

According to the prison bed impact assessment prepared by the Kansas Sentencing Commission, the bill, as introduced, would have no impact on prison admissions. The bill would have no impact on bed space in FY 2020, but could require 10-46 additional prison beds by FY 2029, depending on how many individuals are convicted of involuntary manslaughter or aggravated battery of a victim as defined by the bill.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission's projections indicate there would be no need for additional prison beds in FY 2020, but in future years the Department of Corrections would house any additional inmates over the capacity limit in contract jail beds, requiring additional expenditures.

The Office of Judicial Administration indicates enactment of the bill could decrease revenues to the Correctional Supervision Fund and the State General Fund because fewer offenders would be paying the supervision fee due to the change in severity levels. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.