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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 23, 2023

Subject: Bill Brief on HB 2010

HB 2010 updates a statutory cross-reference to provide proper jury instruction in cases when a defendant lacks the required mental state to commit a crime.

The bill amends K.S.A. 22-3428, which is the statute related to persons found not guilty because of a mental disease or defect. Current law references K.S.A. 22-3220 to provide that mental disease or defect is a defense to prosecution. This statute was repealed and replaced by K.S.A. 21-5209, so this bill strikes the old cross-reference and replaces it with the new statute.