

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2329

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2329 would increase the penalty under a special sentencing rule related to possessing a firearm during the commission of a drug felony. The bill would increase the penalty for an offender who possessed a firearm to commit or further a drug felony from 6 months of additional imprisonment to 36 months, and from 18 months additional imprisonment to 60 months if the firearm is discharged.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Wichita Police Department.

House Committee on Corrections and Juvenile Justice

At the bill hearing on February 14, 2023, representatives of the Johnson County Sheriff Department, the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs Association, and the Wichita Police Department presented **proponent** testimony. The proponents generally stated drug sales and guns are connected, so the bill could decrease violent crimes.

A private citizen presented written-only **opponent** testimony, stating the bill would have a positive impact

*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>

overall, but cultivation of marijuana should not be included as a drug felony. Written-only opponent testimony also was provided by a representative of the Kansas State Board of Indigents' Defense Services Legislative Committee, which raised concerns about not requiring the firearm to be used in the felony for the rule to be applied.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission indicates no additional prison beds would be needed by the end of FY 2024, and 21 additional beds would be needed by the end of FY 2033. The Department of Corrections and the Office of Judicial Administration indicate the enactment of the bill would have no fiscal effect on the agency or on the operations of the Judicial Branch. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Firearm possession; drug felony; sentencing grid; special sentencing rule; additional imprisonment