

STATE OF KANSAS

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HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2170**, as amended by House Committee, on page 4, in line 32, after "(2)" by inserting "(A)"; also in line 32, after "new" by inserting "nonperson"; following line 40, by inserting:

"(B) When a new person felony is committed while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.";

On page 5, in line 21, after "(5)" by inserting "(A)"; also in line 21, after "new" by inserting "nonperson"; following line 32, by inserting:

"(B) When a new person felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2012 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.";

On page 11, in line 39, by striking "subsection (c)"; also in line 39, before the period by inserting "subsections (c), (d) and (e)";

On page 12, in line 15, following following the stricken material by inserting "Any person who is convicted and sentenced for a person felony committed while on probation, assigned to a community correctional services program, on parole, on conditional release or on postrelease supervision for a felony shall serve the sentence consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release.

(d) Any person who is convicted and sentenced for a person felony committed while on release for a felony pursuant to article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, shall serve the sentence consecutively to the term or terms under which the person was released.";

Also on page 12, in line 16, before "(1)" by inserting "(e)"

On page 21, in line 2, following "(5)" by inserting "(A)"; also in line 2, following "new" by inserting "nonperson"; in line 4, following "imposed" by inserting "either concurrently or consecutively"; also in line 4, by striking "sentencing"; in line 5, by striking "requirements" and inserting "provisions"; following line 9 by inserting:

"(B) When a new person felony is committed while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2012 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure."

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