



Kansas County & District Attorneys Association

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To: Chairman Jennings and Members of the House Corrections and Juvenile Justice Committee
From: Kim T Parker
Prosecutor Coordinator
Kansas County and District Attorneys Association
Date: February 4th, 2019
Re: Opponent Testimony House Bill 2046

Good Afternoon Chairman Jennings and Committee Members,

Thank you for the opportunity to provide opponent testimony HB2046. I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent.

This house bill seeks to change K.S.A. 21-6606(d) to allow a court to allow a new felony sentence run concurrently to a previously imposed sentence when a person who is convicted and sentenced for a crime committed while on release for a felony crime. The law currently requires the sentence for the felony crime committed while on release for a felony crime to be serve consecutively.

HB2046 is identified as a clarification bill. Our association fails to see any need for clarification. The Kansas Sentencing Commission includes this Special Rule in the Desk Reference Manual and the rule of K.S.A. 21-6606(d) is also part of the standardized sentencing journal entry used for every criminal sentencing in the state of Kansas. The rule of K.S.A. 21-6606(d) is similar to the sentencing rules of 21-6606 (c) and (e). These three rules reflect a clear statement of long-standing public policy for criminal sentencing.

Simply stated when an individual is released by a court on bond for a felony crime and the individual commits another felony while on bond the public expects the individual will face additional penalty. This amendment is inconsistent with the public's expectation of fair and just sentencing. It encourages recidivism and denies our courts the ability to effectively enforce the conditions of release and the rule of law.

While this measure is designed to free up bed space and save costs of incarceration, the cost to Kansas businesses, Kansas citizens who are crime victims remains unmeasured.

We urge your rejection of this change to our Kansas sentencing law.

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