

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2494

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2494 would lower the criminal penalty for unlawfully tampering with electronic monitoring equipment from a severity level 6, nonperson felony in all cases to a severity level 8, nonperson felony when the equipment is used for court-ordered supervision, post-release supervision, or parole in relation to a felony, and to a class A nonperson misdemeanor when the equipment is used for court-ordered supervision, post-release supervision, or parole in relation to a misdemeanor or for court-ordered supervision in a civil case.

Background

This bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission.

In the House Committee hearing, representatives of the Kansas Sentencing Commission and the Kansas Association of Criminal Defense Lawyers testified in support of the bill, stating the bill would make violations more proportional with the underlying offenses.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would result in additional offenders being supervised by court services officers, but the

*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>

fiscal effect could be absorbed within existing resources. The Kansas Sentencing Commission estimates enactment of this bill would reduce six prison admissions each year during the ten-year forecasting period. Additionally, the bill would save nine prison beds in FY 2021 and ten prison beds in FY 2030. This bill would result in no additional workload of the Commission. The Department of Corrections indicates a reduction in the prison population is beneficial toward avoiding future costs but is not sufficient to reduce current prison expenditures. The Department of Corrections also notes any person who is convicted and not sent to prison would still be supervised in the community, which could require an increase in community supervision resources in the future. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.