

MEMORANDUM

To: John Kirk, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: February 4, 2021
Re: Prison Bed Impact Assessment, **HB 2190 - Clarifying successive motions, new evidence and time limitations for habeas corpus claims.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill will have **no** impact on prison bed space.
- **Impact on the Workload of the Commission:** This bill will have **no** impact on the workload of the Commission.

SUMMARY OF THE BILL

Section 1. K.S.A. 60-1507 is amended to add language that a motion is a successive motion if it raises issues previously raised in a motion filed pursuant to this section or issues that could have been raised in a previous motion filed pursuant to this section. In addition, a successive motion shall not be filed while an appeal is pending separate motion filed pursuant to this section or during a time within which an appeal may be perfected.

Also included is that a motion filed pursuant to K.S.A. 60-1507 must be filed within one year of the decision of the district court denying a prior motion under this section, the opinion of the last appellate court in this state to exercise jurisdiction on such prior motion or the denial of the petition for review on such prior motion, whichever is later. Time limitation may only be extended if there is manifest injustice. Regarding such a claim, language is added that new evidence shall not be considered new evidence if the prisoner previously based a claim on such evidence but failed to present evidence in support of the prisoner's claim or withdrew the claim.

FINDINGS

- This bill addresses procedural issues related to motions and appeals.
- It does not directly address any criminal penalties.
- This bill will not directly impact prison admissions, bed space, or the workload of the commission.

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