

February 5, 2021

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151B-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2190 by House Committee on Corrections and Juvenile Justice

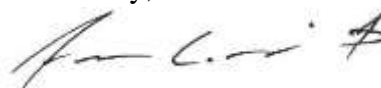
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2190 is respectfully submitted to your committee.

HB 2190 would clarify what is considered a successive habeas corpus motion. The bill would clarify that a motion is successive if it raises issues previously raised or issues that could have been raised in the first motion. Also, the bill states that a successive motion would have to be brought within one year of the district court denying the first motion, the opinion of the last Kansas appellate court to exercise jurisdiction, or the denial of a petition for review, whichever is latest. When a prior motion is on appeal, or during the time an appeal could be perfected, successive motions would not be filed.

For the purposes of finding manifest injustice, the bill specifies evidence would not be considered in successive motions if the prisoner previously based a claim on the evidence but failed to present the evidence in support or withdrew the prior claim.

The Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect on the operations of the Judicial Branch. The Kansas Sentencing Commission indicates enactment of the bill would have no effect on prison admissions or beds. The Department of Corrections states that the bill's enactment would have a negligible fiscal effect on agency operations. Any fiscal effect associated with HB 2190 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Randy Bowman, Corrections
Scott Schultz, Sentencing Commission