

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2121

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2121, as amended, would add a definition of “absconds from supervision” to the Kansas Code of Criminal Procedure. The bill would define the term to mean knowingly avoiding supervision or knowingly making the defendant’s whereabouts unknown to the defendant’s supervising court services officer or community correctional services officer.

The bill would also add a definition of “absconded from supervision” in a statute relating to parole. The bill would define the term to mean knowingly avoiding supervision or knowingly making the defendant’s whereabouts unknown to the defendant’s supervising parole officer, court services officer, or community correctional services officer.

The bill would make technical amendments to ensure consistency in statutory phrasing.

Background

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

*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>

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was presented by a representative of the Commission, who stated the bill would codify the holding in *State v. Dooley*, 308 Kan. 641, 423 P.3d 469 (2018) and would result in a more consistent application of the term “absconds from supervision” statewide.

Written-only **proponent** testimony was provided by the Kansas County and District Attorneys Association. No other testimony was provided.

The House Committee amended the bill to replace all references to the term “intentionally” with “knowingly” in both definitions that would be created by the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Corrections indicates enactment of the bill would have no fiscal effect. The Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

According to the prison bed impact statement prepared by the Commission on the bill as introduced, enactment of the bill may have an impact on prison admissions and bed space, but the effect could not be determined. The current estimated available bed capacity is 9,420 for males and 948 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Abscond; absconds from supervision; community corrections; court services; parole; supervision