

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 174

As Amended by Senate Committee on Judiciary

Brief*

SB 174 would amend the crime of interfering with law enforcement to add conduct constituting the crime. The crime would include knowingly fleeing from a law enforcement officer who has reason to stop the person under continuing law in the Kansas Code of Criminal Procedure, by a means other than operation of a motor vehicle.

The offense would be classified as one of the following:

- A Class A misdemeanor, in the case of a misdemeanor or civil case;
- A severity level 7 nonperson felony, in the case of a felony, or while on parole, any authorized disposition for a felony; or
- A severity level 5 nonperson felony if the offender discharged or used a firearm while fleeing.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative on behalf of the Kansas Peace Officers Association, Kansas Sheriffs Association, and Kansas Association of Chiefs of Police.

*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>

Senate Committee on Judiciary

In the Senate Committee hearing on February 14, 2023, **proponent** testimony was provided by a representative of the Kansas Peace Officers Association, Kansas Sheriffs Association, and Kansas Association of Chiefs of Police, who stated the objective of the bill is to update the Kansas Criminal Code to reflect the increasing number of foot pursuits that are occurring on a regular basis in which injury is occurring to the law enforcement officers.

No other testimony was provided.

The Senate Committee amended the bill to clarify the severity level 5 nonperson felony would apply when a firearm is discharged or used, rather than possessed, while fleeing.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission estimates that enactment of the bill would result in an increase of one adult prison bed needed by the end of FY 2024. By the end of FY 2033, one additional bed would also be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2023 Adult Inmate Prison Population Projections report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases.

Since the crime carries misdemeanor and felony penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Fleeing from a law enforcement officer; interference with law enforcement; crimes and punishment