

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2462

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

HB 2462, as amended, would amend the crime of theft to increase the floor for a severity level 9, nonperson felony theft of property or services from \$1,000 to \$1,250. Accordingly, the ceiling for class A nonperson misdemeanor theft of property and services would be raised from “less than \$1,000” to “less than \$1,250,” as well as the ceilings for exceptions raising the severity level for such amounts to a severity level 9, nonperson felony when the property is taken from 3 separate mercantile establishments within a period of 72 hours as part of the same act or common scheme, or when the person committing the theft has been convicted of theft 2 or more times. The bill also would establish a floor of \$50 for the exception raising the severity level to a severity level 9, nonperson felony when the person committing the theft has been convicted of theft 2 or more times, and would add a 5-year lookback provision to this exception.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. In the hearing before the House Committee, a representative of the Kansas Sentencing Commission testified in support of the bill. A representative of the Kansas Association of Criminal Defense Lawyers (KACDL) also testified in support of the bill and proposed an amendment establishing a \$250 floor for the provision making theft a severity level 9, nonperson felony when committed by a person who has been convicted of theft 2 or more times.

*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>

The House Committee adopted the amendment proposed by the KACDL.

In the hearing before the Senate Committee on Corrections and Juvenile Justice, the same proponents testified. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association testified in opposition to the bill. A representative of the Capitol Lobby Group provided neutral testimony.

The Senate Committee adopted an amendment modified from a proposal by the KACDL and the law enforcement organizations lowering the floor for the multiple theft conviction exception to \$50 and adding a five-year lookback provision to this exception. The Senate Committee also reduced the amended overall floor from \$2000 to \$1250.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration (OJA) estimates the bill, as introduced, would increase its State General Fund expenditures by \$213,360 in FY 2017 for an additional 4.0 court services officers FTE positions. OJA also estimates lost correctional services fee revenues of \$5,500 to the State General Fund and \$7,700 to the Correctional Supervision Fund.

The Kansas Sentencing Commission estimated the bill, as introduced, would have resulted in a decrease of 32 adult prison beds needed in FY 2017 and a decrease of 36 adult prison beds needed in FY 2026, with a possible total cost avoidance of \$2.3 million between FY 2017 and FY 2026. The bill also would have decreased the number of journal entries by 220.

In an updated impact assessment reflecting the amendments by the Senate Committee, the Sentencing Commission estimates the bill would save 33 prison beds in FY 2017 and 37 prison beds in FY 2026, and would reduce the Commission's journal entry workload by 222 in FY 2017.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.