

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 12

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

SB 12 would amend the crime of battery against a law enforcement officer to include battery against a judge engaged in the performance of the judge's duty, an attorney engaged in the performance of the attorney's duty, or a court services or community corrections officer in the performance of such officer's duty. The bill would similarly amend the crime of aggravated battery against a law enforcement officer.

The bill would define "judge" to include appellate justices and judges, district court judges, district magistrate judges, and municipal judges. "Attorney" would be defined to include county, assistant county, and special assistant county attorneys; district, assistant district, and special assistant district attorneys; the attorney general, assistant attorneys general, and special assistant attorneys general; and public defenders, assistant public defenders, State Board of Indigents' Defense Services contract counsel, or attorney appointed to represent indigent persons. "Court services officer" would be defined to include an employee of the Judicial Branch or local judicial district who supervises, monitors, writes reports, or performs related duties as assigned by the court. "Community corrections officer" would be defined to include an employee of a community correctional services program who supervises adults or juveniles as assigned by the court or provides enhanced supervision of offenders.

*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 bill would amend references to juvenile correctional facility officer or employee to reflect the reorganization of juvenile justice services within the Kansas Department of Corrections. The bill would strike a reference to the Rainbow Mental Health Facility and clarify that the definition of “mental health employee” includes Kansas Department for Aging and Disability Services (KDADS) contractors.

Background

The bill was introduced by the Senate Judiciary Committee at the request of Senator King. In the Senate Committee on Corrections and Juvenile Justice, Representatives of the Kansas District Judges Association, Office of Judicial Administration, Kansas Community Corrections Association (KCCA), and KDADS testified in support of the bill. A Kansas attorney submitted written testimony opposing the bill and requested that criminal defense attorneys be added to the definition of attorney.

The Senate Committee adopted an amendment proposed by the KCCA adding community corrections officers; amendments proposed by KDADS adding special assistant county and district attorneys and special assistant attorneys general to the definition of “attorney”, clarifying the definition of “mental health employee,” and removing a reference to the Rainbow Mental Health Facility; and an amendment adding public defenders and related defense counsel to the definition of “attorney.”

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill could increase the number of cases in courts, increasing the time required of court personnel but also resulting in in the collection of additional docket fee revenue, but a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission states the bill would add to the journal entry workload of the Commission,

but additional resources would not be needed. The Commission estimates the bill would require an additional 3 to 5 prison beds in FY 2016 and an additional 8 to 11 prison beds by FY 2017.

As of January 12, 2015, available prison bed capacity is 9,636. Based upon the Sentencing Commission's most recent ten-year projection, the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. It may cost the Department of Corrections an additional \$43,800 to \$73,000 in FY 2016, and \$73,000 to \$102,200 in FY 2017, to house the additional inmates created by this bill in contract beds until additional capacity could be constructed. Construction costs would depend on severity level and timing of construction. Additional prison commitments could require additional staff and resources to supervise parolees.

Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.