

SESSION OF 2017

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2092**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2092 would amend the penalty provisions of various crimes where the penalty level depends on monetary value to increase the ceiling for a misdemeanor from less than \$1,000 to less than \$1,500. The corresponding floors for the lowest felony penalties and floors or ceilings for applicable exceptions would be changed to \$1,500.

The crimes, along with the penalty levels that would be divided by the \$1,500 threshold, are as follows:

- Mistreatment of a dependent adult: class A person misdemeanor and severity level 7 person felony;
- Theft of property lost, mislaid, or delivered by mistake: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Criminal damage to property: class B nonperson misdemeanor and severity level 9 nonperson felony;
- Giving a worthless check: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Counterfeiting: class A nonperson misdemeanor and severity level 9 nonperson felony;

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\*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>

- Criminal use of a financial card: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Impairing a security interest: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Medicaid fraud: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Official misconduct: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Presenting or permitting a false claim: class A nonperson misdemeanor and severity level 9 nonperson felony;
- Misuse of public funds: class A nonperson misdemeanor and severity level 9 nonperson felony; and
- Criminal desecration: class A nonperson misdemeanor and severity level 9 nonperson felony.

## **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. In the House Committee hearing, a representative of the Kansas Sentencing Commission testified in support of the bill. The Kansas Association of Criminal Defense Lawyers provided written-only testimony supporting the bill. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration (OJA) indicates the bill would result in additional offenders being supervised by court services, but any additional expenditures could be absorbed within existing resources. OJA estimates the bill would decrease revenues to the Correctional Supervision Fund by approximately \$560 and to the State General Fund by approximately \$400.

The Kansas Sentencing Commission estimates the bill would reduce prison bed needs by up to three beds each year over the next ten years. Based on these estimates, the Kansas Department of Corrections estimates expenditures could be reduced by up to \$20,586 each year.

The Attorney General's Office states the agency prosecutes certain crimes affected by the bill and there could be a fiscal effect, but the Office cannot estimate an amount. Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.