

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2518

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2518 would amend law related to the calculation of criminal history for purposes of sentencing a person convicted of domestic battery.

The bill would amend the current definition of “conviction” that is found in the domestic battery statute in the Kansas Criminal Code by adding a provision that would require a sentencing court to consider any criminal offense that includes a domestic violence designation as a prior conviction for the purposes of escalating the penalty.

Current law provides that a first conviction of domestic battery is a class B person misdemeanor, a second conviction within five years is a Class A person misdemeanor, and a third or subsequent conviction in the immediately preceding five years is a nongrid person felony.

The bill would make technical amendments to remove outdated language regarding previously required consideration of crimes for criminal history purposes and to ensure consistency in statutory phrasing.

*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>

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Criminal Justice Reform Commission.

In the House Committee hearing, written-only proponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association, and a representative of the Kansas Coalition Against Sexual and Domestic Violence. A representative of the Kansas Association of Criminal Defense Lawyers testified in opposition to the bill. No other testimony was provided.

According to the fiscal note prepared by the Division of Budget on the bill, the Kansas Sentencing Commission indicates the bill could have an effect on prison admissions, bed space, and the workload of the Commission. The Department of Corrections states, due to the capacity challenges facing the Department, if the bill did increase prison utilization, it would house any additional inmates in a combination of county jails and out-of-state contract beds depending on the custody level and gender. The Department cannot estimate a fiscal effect because the effect on prison admissions and bed space cannot be estimated. The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the agency. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.