

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 134

As Amended by Senate Committee on Judiciary

Brief*

SB 134, as amended, would amend the crime of counterfeiting currency to:

- Add the term “currency” to the first (making, forging, or altering) and second (distributing or possessing with the intent to distribute) means of committing the crime;
- Add the term “note” to the second means;
- Add the term “computer” and replace the phrase “produce any counterfeit” with “make, forge, or alter any” in the third means (possessing certain items with the intent to counterfeit);
- Remove the “intent to defraud” element currently applicable to all three means of committing the crime, add this intent to the first means, and add knowledge of this intent to the second means; and
- Remove the term “seized” and add the terms “notes” and “currency” to the penalty provisions.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Wilborn on behalf of Senator Berger. In the Senate Committee hearing, Senator

*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>

Berger testified in support of the bill. The Reno County deputy district attorney and a representative of the League of Kansas Municipalities submitted written-only proponent testimony. The proponents stated the bill would clarify the crime of counterfeiting, which was created by 2018 legislation.

The Senate Committee adopted an amendment to further clarify terms and the required intent and provide consistency.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. The Kansas Sentencing Commission indicates enactment of the bill could affect prison admissions, but the Commission cannot estimate an effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.