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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 15, 2022

Subject: Bill Brief on HB 2657

HB 2657 enacts the reduce armed violence act to increase the criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms.

The bill amends K.S.A. 21-6804, which provides the sentencing guidelines for nondrug crimes. This bill adds a new special sentencing rule when a person is sentenced for a violation of criminal possession of a weapon by a convicted felon. The sentence for such violation would be presumptive imprisonment, served consecutively to any other term of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that (1) the weapon the offender possessed during the violation was a firearm and (2) such firearm was possessed by the offender during the commission of any violent felony.

For the purposes of this special sentencing rule, a “violent felony” includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, aggravated assault, aggravated assault of a law enforcement officer, aggravated battery, aggravated battery against a law enforcement officer, kidnapping, aggravated kidnapping, robbery, aggravated robbery, rape, aggravated criminal sodomy, abuse of a child, burglary, aggravated burglary, arson, aggravated arson, treason, any drug felony, felony criminal discharge of a firearm, fleeing or attempting to elude a police officer, aggravated endangering a child, mistreatment of a dependent adult or mistreatment of an elder person, any felony that includes a domestic violence designation and any attempt, conspiracy or criminal solicitation of an offense listed above.