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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 14, 2023

Subject: Bill Brief on HB 2329

HB 2329 increases the additional time for the special sentencing rule related to possessing a firearm during the commission of a drug felony.

The bill amends K.S.A. 21-6805, the sentencing grid for drug crimes. Current law in that section has a special sentencing rule that provides that if the trier of fact makes a finding that an offender carried a firearm to commit a drug felony or, in furtherance of a drug felony, possessed a firearm, then in addition to the sentence imposed, the offender has an additional six months of imprisonment added to the sentence. If the trier of fact makes a finding that the firearm was discharged, then the offender has an additional 18 months of imprisonment added to the sentence. The sentence is presumptive imprisonment and not considered a departure or subject to appeal.

This bill would amend the rule to the apply when an offender possesses a firearm during the drug felony or in furtherance of the drug felony. The additional sentence would go from six months of imprisonment to 36 months of imprisonment when the firearm is possessed and from 18 months of imprisonment to 60 months of imprisonment when the firearm is discharged.