

March 13, 2013

The Honorable John Rubin, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2387 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2387 is respectfully submitted to your committee.

HB 2387 would specify that murder in the first degree in the commission of, attempt to commit, or flight from any inherently dangerous felony would be an alternative method of proving murder in the first degree and would not be a separate crime from intentional or premeditated murder in the first degree. Current laws relating to lesser included crimes and multiple prosecutions for the same acts would not be applicable to murder in the first degree as it relates to the commission of, attempt to commit, or flight from any inherently dangerous felony. Murder in the first degree in the commission of, attempt to commit, or flight from any inherently dangerous felony would not be a lesser included offense of capital murder. There would be no lesser included offenses of murder in the first degree as it relates to the commission of, attempt to commit, or flight from any inherently dangerous felony. The bill would establish a procedural rule for the conduct of criminal prosecutions and would be construed and applied retroactively to all cases currently pending.

According to the Office of Judicial Administration, passage of HB 2387 would have no fiscal effect on the Judicial Branch. The Board of Indigents Defense also indicates that the bill would have no effect on Board revenues or expenditures.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission  
Pat Scalia, Indigents Defense