

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2389

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2389 would amend the law concerning notice required in capital murder cases that a county or district attorney intends to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. The bill would allow the Attorney General to file notice in cases where the county or district attorney or a court determines a conflict exists. The bill also would change “county or district attorney” to “prosecuting attorney” to reflect the Attorney General’s ability to file notice.

Background

In the House Committee on Corrections and Juvenile Justice, a representative of the Attorney General’s Office appeared in support of the bill and public defenders from the Capital Appeals and Conflicts Office appeared in opposition to the bill.

The fiscal note prepared by the Division of the Budget for the bill indicates passage may reduce the number of appeals handled by the Attorney General, resulting in agency savings. The precise fiscal impact is unknown.

*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>