

January 29, 2015

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 2053 by 2014 Special Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2053 is respectfully submitted to your committee.

HB 2053 would clarify the way in which prior adult felony convictions and prior juvenile adjudications may be scored for criminal history purposes. Offenders who were committed before July 1, 1993, would be scored as person or nonperson crimes using an existing comparable offense under the Kansas Criminal Code.

The bill would also clarify the way in which out-of-state convictions and juvenile adjudications may be scored for criminal history purposes. When designating whether a crime is a nonperson or person offense, existing comparable offenses under the Kansas Criminal Code would be used. If there is no existing comparable offense, an out-of-state conviction would be classified as a nonperson crime.

HB 2053 would amend the procedure by which a motion to correct an illegal sentence is taken. Current law allows a court to correct an illegal sentence at any time. The bill would require any motion to be brought within a year of (1) the final order of the last appellate court in Kansas to exercise jurisdiction on a direct appeal or the termination of such appellate jurisdiction; or (2) the denial of a petition for "writ of certiorari" to the U. S. Supreme Court or issuance of that court's final order following the granting of such petition. The time limitations may be extended by the court only to prevent a manifest injustice concerning why the motion was not timely filed. Manifest injustice does not include a sentence that is imposed in compliance with the appellate case law existing at the time of sentencing.

The Office of Judicial Administration indicates that it is possible that the provisions of HB 2053 could have a fiscal effect on the Judicial Branch but the specific fiscal effect is difficult to determine.

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The Kansas Sentencing Commission states that the bill would have no effect on prison admissions, prison bed space, or the workload of the agency. Any fiscal effect associated with HB 2053 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, DOC