

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 375**

As Amended by Senate Committee on  
Corrections and Juvenile Justice

**Brief\***

SB 375 would amend the statutory definition of “significantly subaverage general intellectual functioning” to require that a standardized intelligence test used to determine this condition must take into account the standard error or measurement. The bill also would provide that this condition could be established by means in addition to standardized intellectual testing. The definition of “intellectual disability” would be amended to remove the ages during which the condition must manifest. The bill would specify the amendments are to be construed and applied retroactively.

**Background**

The bill was introduced by the Senate Committee on Corrections and Juvenile Justice at the request of the Kansas Attorney General’s Office. In the hearing before the Senate Committee, a representative of the Attorney General’s Office testified in support of the bill, stating the bill is intended to respond to the U.S. Supreme Court’s decision in *Hall v. Florida*, 134 S. Ct. 1986 (2014), related to the use of a nearly-identical definition in a Florida death penalty case. A representative of the Disability Rights Center of Kansas and a law professor offered testimony requesting more extensive amendments related to intellectual disability and the death penalty. An attorney and parent of a child with an intellectual disability offered testimony opposing the bill and requested

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\*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>

the bill address additional concerns related to the death penalty and intellectual disability.

The Senate Committee adopted an amendment clarifying how subaverage general intellectual functioning may be established and removing age restrictions in the definition of "intellectual disability."

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would have no fiscal effect on the Kansas Department for Aging and Disability Services.