

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2271

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2271 would amend the statute governing sentencing for a person with an intellectual disability who is convicted of the crime of capital murder or first degree premeditated murder. Specifically, the bill would clarify that the existing prohibition in this statute against sentencing such person to a “mandatory term of imprisonment” means imposing a sentence under the “Hard 50” statute and the accompanying statutes setting forth the aggravating and mitigating factors used in imposing this sentence.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Attorney General. In the House Committee hearing, a representative of the Office of the Attorney General testified in support of the bill, stating the bill is intended to clarify the sentences that may and may not be imposed on a person with an intellectual disability convicted of the specified crimes. Recent legislative amendments and a Kansas Supreme Court case may have made application of the existing law ambiguous. Written-only proponent testimony was received from the Kansas County and District Attorneys Association. No opponent or neutral testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration, Kansas

*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>

Association of Counties, and Board of Indigents' Defense Services indicate enactment of the bill would have no fiscal effect. The Office of the Attorney General indicates enactment of the bill may affect current and future appeals but cannot estimate a fiscal effect. Any fiscal effect is not reflected in *The FY 2018 Governor's Budget Report*.