

**House Corrections and Juvenile Justice Committee
House Bill 2494
February 6, 2020**

**Kansas Association of Criminal Defense Lawyers
Proponent**

Chairman Jennings and Members of the Committee:

The Kansas Association of Criminal Defense Lawyers supports HB 2494, which would reduce the penalties for tampering with electronic monitoring equipment from a severity level 6 felony to either a severity level 8 felony or a class A misdemeanor, depending on the level of the crime the person was originally being supervised for.

Electronic monitoring can be ordered by a court for relatively minor offenses. It can also be ordered as a condition of bond, meaning before a person is convicted of any criminal offense. A person on bond or probation for a class B misdemeanor, like a first time DUI, who tampers with their electronic monitoring device would currently be charged with a severity level 6 felony. A severity level 6 felony carries a penalty range of 17-46 months in prison depending on the person's prior criminal history, and for those with prior felonies on their record or who were on probation or bond for a felony, it could result in a presumption of imprisonment.

Reducing the severity levels would bring the punishment more in line with the original offense requiring the electronic monitoring. Furthermore, it puts it more in line with what is arguably a more serious offense -- escape from prison or jail -- which is a misdemeanor or a severity level 8 nonperson felony, with the more serious escapes being severity level 5 or 6.

We urge this Committee to pass House Bill 2494 reducing the penalties for tampering with electronic monitoring equipment.

Thank you for your consideration,

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