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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: January 24, 2023

Subject: Bill Brief on HB 2068

HB 2068 modifies how certain prior convictions are counted for the special sentencing rule related to possession of a controlled substance and provides for concurrent or consecutive sentencing for persons convicted of new crimes while on release for a felony.

Section 1 amends K.S.A. 21-6606. Current law in subsection (d) provides that if a person is convicted for a new crime while on release for a felony, the sentence for the new crime shall be served consecutively. This bill would allow the sentence for the new crime to be served concurrently or consecutively, as the court directs.

Section 2 amends K.S.A. 21-6805 to amend the special sentencing rules in subsection (e) related to manufacturing of a controlled substance and subsection (f) related to possession of a controlled substance. The current law in those rules provides that “the sentence for a second or subsequent conviction” and “the sentence for a third or subsequent felony conviction” shall be enhanced. This bill would change that language to apply the special rules “when such person being sentenced has one or more prior felony convictions” in subsection (e) and “when such person being sentenced has two or more prior felony convictions” in subsection (f).