

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2654**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2654, as amended, would create and amend provisions in sentencing law regarding computation of time served.

Under continuing law, at sentencing, a judge is required to designate a date to be used when computing a defendant's sentence, parole eligibility, and conditional release dates. The date must be designated in a journal entry after considering the time the defendant has been incarcerated while awaiting disposition of their criminal case.

The bill would specify that the defendant is entitled to have credit applied for each day spent incarcerated while awaiting disposition of their criminal case

A court would not be able to consider the following in designating a date in the sentencing journal entry:

- Time awarded as credit in another case when consecutive sentences are imposed on a defendant; or
- Time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced.

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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 would also make technical amendments to ensure consistency in statutory phrasing and to remove obsolete references to conservation camps.

The bill would be effective upon publication in *The Kansas Register*.

## **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas County and District Attorneys Association.

### ***House Committee on Corrections and Juvenile Justice***

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas County and District Attorneys Association, who stated the bill was introduced to address a recent Kansas Supreme Court decision, *State v. Hopkins*, which has caused a significant disruption to sentencing decisions, and the bill would prevent duplicative credit in consecutive sentences.

Neutral testimony was provided by a private citizen who stated concerns that the bill would not make a notable difference in recidivism and would make the sentencing process more complicated.

**Opponent** testimony was provided by a representative of the Board of Indigents' Defense Services' Legislative Committee, who stated its concern the bill would be contrary to other provisions of sentencing law and would not address "dead time" in a meaningful way. The opponent also stated the provisions of the bill regarding duplicative credit are already in the Kansas Administrative Regulations of the Kansas Department of Corrections (KDOC).

The House Committee amended the bill to:

- State the defendant shall be entitled to have credit applied for each day spent incarcerated; and
- Clarify that no credit is to be awarded when consecutive sentences are imposed (and credit has already been awarded), and for time spent incarcerated in another jurisdiction.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDOC indicates enactment could result in increased costs if additional prison beds were needed. However, an estimate could not be determined. The Judicial Branch indicates the bill would not have an effect on expenditures. Any fiscal effect associated with enactment of the bill is not included in *The FY2025 Governor's Budget Report*.

According to the prison bed impact statement prepared by the Sentencing Commission on the bill, as introduced, the Commission indicates enactment of the bill would have no impact on prison admissions or the workload of the Commission. The bill may impact prison beds needed, but the total cannot be determined.

Sentencing; credit; time served; incarceration