

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2656

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2656 would create the crime of engaging in a street stunt and would amend law related to the crime of fleeing or attempting to elude a police officer to add provisions to include the new crime.

Engaging in a Street Stunt

The bill would provide that engaging in a street stunt is operating a motor vehicle in a group of two or more vehicles while engaging in a course of conduct affecting other vehicular traffic in an intersection or roadway disrupting the normal flow of traffic while also including one of the following:

- Causing other drivers or persons on or near the roadway to remain stopped when they are otherwise legally entitled to proceed or to take evasive action to avoid being struck by a motor vehicle when a reasonable person would fear for the safety of themselves or others;
- Causing damage to another person's vehicle or property; or
- Causing injury to another person.

The term "course of conduct" would be defined to mean three or more listed vehicular violations (each of which is

*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>

defined in continuing law) over a period of time, evidencing a continuity of purpose:

- Failure to comply with a traffic control device;
- Improper lane use;
- Improper overtaking or passing;
- Driving left of center;
- Failure to yield the right-of-way;
- Stop or yield sign violation;
- Making an illegal turn;
- Failure to stop when exiting a driveway, alley, or building;
- Speeding or exhibition of speed;
- Impeding the flow of traffic;
- Reckless driving;
- Stopping, standing, or parking a vehicle in the driving lanes of a roadway to confront the occupants of another vehicle;
- Improper backing;
- Driving on a sidewalk;
- Violation of special rules for motorcycles;
- Violation of requirements for display of license plates;
- Failure to use lighted head lamps when required;

- Failure to have tail lamps or stop lamps;
- Disorderly conduct; and
- Driving in a circle in an intersection or near pedestrians or occupied vehicles on a roadway.

Constitutionally protected activity and conduct necessary to accomplish a lawful purpose would be specifically excluded from the definition of the term.

Criminal Penalty—Escalating Factors

Upon a first conviction, the crime would be classified as a class A person misdemeanor and subsequent convictions would be classified as a severity level 10, person felony.

However, if the crime involved damage to property or injury to another person, a first conviction would be classified as a severity level 9, person felony, and subsequent convictions would be classified as a severity level 5, person felony.

Fleeing or Attempting to Elude an Officer

Law regarding the crime of fleeing or attempting to elude an officer would be amended to include persons who are attempting to elude capture for the commission of engaging in a street stunt, which would be classified as a severity level 7, person felony.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the City of Wichita and the Wichita Police Department.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and a representative of the Wichita Police Department. The proponents stated street stunts have resulted in deaths of participants and bystanders and that such street stunts are becoming an issue nationwide. The proponents further stated their intent to distinguish traffic violations from street stunts due to the danger involved and the intentional course of conduct involved.

Written-only proponent testimony was provided by a representative of the Kansas Highway Patrol.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Board of Indigents' Defense Services indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. The Board estimates that, on average, severity level 9 or 10, person felony cases require 35 hours of direct work by an attorney to provide constitutionally adequate representation. The Board estimates a range of \$2,918 to \$4,200 in State General Fund expenditures per case, depending on whether the case is assigned to a public defender or assigned counsel. The Board estimates that, on average, severity level 5 or 7, person felony cases require 57 hours of defense attorney work. The Board estimates a range of \$4,752 to \$6,840 in State General Fund expenditures per case, depending on whether the case is assigned to a public defender or assigned counsel.

The Judicial Branch indicates the bill has potential to increase the number of cases filed in district courts, possibly resulting in increased expenditures due to additional staff time spent in processing, research, and hearing cases. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund. However, an exact estimate could not be calculated.

The Sentencing Commission indicates the bill could increase prison admissions and beds by an unknown amount. The Department of Corrections indicates the bill may increase agency operations expenditures, but an exact estimate could not be determined. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities indicate the bill has the potential to increase local government expenditures on law enforcement and legal proceedings, but an exact estimate could not be determined.

Crimes; motor vehicles; street stunt; fleeing; attempting to elude