

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2666**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2666 would increase the criminal penalty for the felony-level crime of fleeing or attempting to elude a police officer for persons with a prior conviction of the crime.

***Felony Fleeing or Attempting to Elude a Police Officer***

Under continuing law, a motor vehicle driver who commits the offense of fleeing or attempting to elude a police officer, while committing other specified offenses or when the person is trying to elude capture for the commission of a felony is classified as a severity level 9 person felony. Additionally, the offense of fleeing or attempting to elude a police officer when knowingly driving the wrong direction into opposing traffic, causing other drivers to take evasive actions in an intersection, or causing a collision is classified as a severity level 7 person felony.

***Escalated Penalties—Subsequent Conviction***

The bill would escalate the penalty for persons who have previously been convicted of any felony fleeing or attempting to elude violations.

For a person with one prior felony fleeing and eluding conviction, a second conviction of the crime would be classified as a severity level 5 person felony for sentencing

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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>

purposes. Upon a third or subsequent conviction, the crime would be classified as a severity level 3 person felony.

### ***Technical Amendments***

The bill would make technical amendments to implement the provisions of the bill.

### **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association.

### ***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, the Kansas Peace Officers Association, and the Kansas Sheriffs Association. The conferee indicated under current law, there is no increase in penalties for repeat offenders of the felony-level crime. The conferee further stated that persons who are in the process of fleeing or attempting to elude place themselves, pursuing police, and other motorists pose a great risk of being involved in an accident and that the severity level of the crime should be escalated for persons who continue to place others at great risk.

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 that enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that a severity level 9 person felony requires 35 hours of attorney work on average, and an average of 57 hours of work for a severity level 5 person felony. This results in an estimate of additional State General Fund (SGF) expenditure of \$1,834 to \$2,640 per case.

The Board also estimates that a severity level 7 person felony requires 57 hours of attorney work on average, and an average of 99 hours of work for a severity level 3 person felony. This results in an estimate of additional SGF expenditures of \$3,501 to \$5,040 per case. The Board further indicates it may require 1.00 new FTE attorney position and possibly additional support staff, depending on the amount of work required by enactment of the bill.

The Judicial Branch indicates that by increasing criminal penalties, enactment of the bill has the potential to decrease the number of offenders eligible for court supervision, which would decrease the amount of supervision fee revenue that is collected and deposited into the SGF. However, an exact estimate cannot be determined.

According to the Prison Bed Impact Statement prepared by the Kansas Sentencing Commission, enactment of the bill may increase prison admissions, the number of prison beds needed, and the workload of the Commission, but an exact effect could not be determined. The Kansas Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on the bill's effect on prison admissions and beds. Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Crimes; fleeing; attempting to elude; prior conviction; motor vehicles