

February 21, 2014

The Honorable Mario Goico, Chairperson
House Committee on Veterans, Military and Homeland Security
Statehouse, Room 276-W
Topeka, Kansas 66612

Dear Representative Goico:

SUBJECT: Fiscal Note for HB 2655 by House Committee on Veterans, Military and Homeland Security

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2655 is respectfully submitted to your committee.

HB 2655 would amend existing law relating to the sentencing of veterans. At the time of conviction or prior to sentencing, a defendant convicted of a criminal offense would be allowed to assert that the offense was committed as a result of mental illness, including post-traumatic stress disorder, stemming from service in a combat zone. The court would then hold a hearing to determine whether the defendant has been certified as having served time in the military in a combat zone, had received an honorable discharge, and suffers from mental illness related to having served in a combat zone. The certification of combat service would be provided by the Kansas Commission on Veterans Affairs. If it is determined that the defendant meets the criteria established by the bill, and if the defendant's current crime and criminal history fall within a presumptive non-prison category under the sentencing guidelines, the court could order the defendant to undergo treatment in a defined treatment facility. Providing a sentencing judge with certification that a veteran had served in a combat zone would be added to the statutory duties of the Executive Director of the Kansas Commission on Veterans Affairs. The bill also makes a number of technical corrections.

The Kansas Commission of Veterans Affairs indicates that determining a veteran's service in a combat zone can be accomplished by looking at the veteran's discharge papers, which will also contain information about the veteran's discharge status. It appears that the certification required by HB 2655 could be provided with little time or effort on the part of the agency and could be accomplished within existing resources.

According to the Office of Judicial Administration, passage of HB 2655 could require additional time to be spent on cases filed in district courts and in the number of appeals related to

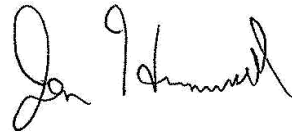
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sentencing of veterans convicted of criminal offenses. Requiring the court to hold additional hearings would increase the time spent by district and appellate court judicial and non-judicial personnel in processing, researching and hearing cases. Because it is not known in how many cases these hearings might be requested or whether this determination might present an additional issue on appeal, until the courts have had an opportunity to operate under the provisions of HB 2655, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. Any fiscal effect associated with HB 2655 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Kafer Peele, Veterans Affairs
Mary Rinehart, Judiciary