

Interference with Law Enforcement; Giving a False Alarm; Alternative Sentencing for Veterans in Certain Circumstances; Senate Sub. for HB 2655

Senate Sub. for HB 2655 amends the crimes of interference with law enforcement and giving a false alarm and establishes new law related to the sentencing of veterans.

Interference with Law Enforcement

The bill amends this crime to include falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency that a law enforcement officer has committed a crime or misconduct in the performance of the officer's duties, if the perpetrator knows this information is false and intends for the officer or agency to act upon such information.

The bill removes from the definition of this crime the act of falsely reporting to law enforcement that a crime has been committed or information concerning a crime, knowing that the information is false, and intending that law enforcement shall act in reliance on the information. The bill clarifies that the misdemeanor version of this crime may be committed by interfering with law enforcement in a non-criminal case.

Giving a False Alarm

The bill amends this crime to raise the penalty from a class A, nonperson misdemeanor to:

- A severity level 10, nonperson felony if the perpetrator uses an electronic device or software to alter, conceal, or disguise the identity of the person making the transmission or call; and
- A severity level 7, nonperson felony if the request for emergency assistance includes false information that violent criminal activity or immediate threat to a person's life or safety is taking place.

Sentencing of Veterans

The bill enacts new law and amends existing statutes to allow a defendant at the time of conviction or prior to sentencing 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 while in the U.S. Armed Forces. Under the provisions of the bill, the court must hold a hearing to determine the following:

- Whether the defendant served in a combat zone while in the U.S. Armed Forces, as proven by a certification by the executive director of the Kansas Commission on Veterans' Affairs;

- Whether the defendant has separated from the armed forces with an honorable discharge or a general discharge under honorable conditions;
- Whether the defendant suffers from a mental illness; and
- If present, whether the mental illness was caused or exacerbated by service in a combat zone.

If the court determines the defendant has met the criteria established by the bill and the defendant's current crime and criminal history fall within a presumptive non-prison category under the sentencing guidelines, the court may order the defendant to undergo treatment. The bill allows the court to order the defendant to undergo either inpatient or outpatient treatment at any treatment facility or program operated by the U.S. Department of Defense, the federal Veterans' Administration, and the Kansas National Guard.

If the court determines the defendant is eligible for treatment under the above provisions and that the defendant meets the requirements for treatment under the alternative sentencing provisions of 2003 SB 123, the SB 123 provisions would apply, except the court may order treatment by the providers listed above in lieu of participation in a certified drug abuse treatment program.