

HOUSE BILL No. 2463

By Committee on Corrections and Juvenile Justice

1-14

Proposed Amendments to HB 2463 - Pettey
Senate Committee on Corrections and Juvenile Justice
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Office of Revisor of Statutes
March 17, 2016

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to criminal history; juvenile adjudications; amending K.S.A. 2015
3 Supp. 21-6810 and 21-6811 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 21-6810 is hereby amended to read as
7 follows: 21-6810. (a) Criminal history categories contained in the
8 sentencing guidelines grids are based on the following types of prior
9 convictions: Person felony adult convictions, nonperson felony adult
10 convictions, person felony juvenile adjudications, nonperson felony
11 juvenile adjudications, person misdemeanor adult convictions, nonperson
12 class A misdemeanor adult convictions, person misdemeanor juvenile
13 adjudications, nonperson class A misdemeanor juvenile adjudications,
14 select class B nonperson misdemeanor adult convictions, select class B
15 nonperson misdemeanor juvenile adjudications and convictions and
16 adjudications for violations of municipal ordinances or county resolutions
17 which are comparable to any crime classified under the state law of
18 Kansas as a person misdemeanor, select nonperson class B misdemeanor
19 or nonperson class A misdemeanor. A prior conviction is any conviction,
20 other than another count in the current case which was brought in the same
21 information or complaint or which was joined for trial with other counts in
22 the current case pursuant to K.S.A. 22-3203, and amendments thereto,
23 which occurred prior to sentencing in the current case regardless of
24 whether the offense that led to the prior conviction occurred before or after
25 the current offense or the conviction in the current case.

26 (b) A class B nonperson select misdemeanor is a special classification
27 established for weapons violations. Such classification shall be considered
28 and scored in determining an offender's criminal history classification.

29 (c) Except as otherwise provided, all convictions, whether sentenced
30 consecutively or concurrently, shall be counted separately in the offender's
31 criminal history.

32 (d) Except as provided in K.S.A. 2015 Supp. 21-6815, and
33 amendments thereto, the following are applicable to determining an
34 offender's criminal history classification:

- 35 (1) Only verified convictions will be considered and scored.
36 (2) All prior adult felony convictions, including expungements, will

1 be considered and scored. Prior adult felony convictions for offenses that
2 were committed before July 1, 1993, shall be scored as a person or
3 nonperson crime using a comparable offense under the Kansas criminal
4 code in effect on the date the current crime of conviction was committed;

5 (3) *Except as provided in paragraph (5), there will be no decay factor*
6 *applicable for:*

7 (A) Adult convictions;

8 (B) a juvenile adjudication for an offense which would constitute a
9 person felony if committed by an adult. Prior juvenile adjudications for
10 offenses that were committed before July 1, 1993, shall be scored as a
11 person or nonperson crime using a comparable offense under the Kansas
12 criminal code in effect on the date the current crime of conviction was
13 committed;

14 (C) a juvenile adjudication for an offense committed before July 1,
15 1993, which would have been a class A, B or C felony, if committed by an
16 adult; or

17 (D) a juvenile adjudication for an offense committed on or after July
18 1, 1993, which would be an off-grid felony, a ~~non~~drug severity level 1, 2,
19 3, 4 or through 5 felony, a drug severity level 1, 2 or through 3 felony for
20 an offense committed on or after July 1, 1993, but prior to July 1, 2012, or
21 a drug severity level 1, 2, 3 or through 4 felony for an offense committed
22 on or after July 1, 2012, if committed by an adult.

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23 (4) Except as otherwise provided, a juvenile adjudication will decay
24 if the current crime of conviction is committed after the offender reaches
25 the age of 25, and the juvenile adjudication is for an offense:

26 (A) Committed before July 1, 1993, which would have been a class D
27 or E felony if committed by an adult;

28 (B) committed on or after July 1, 1993, which would be a nondrug
29 severity level 6, 7, 8, 9 or through 10, a non-grid felony or a drug severity
30 level 4 felony for an offense committed on or after July 1, 1993, but prior
31 to July 1, 2012, or a drug severity level 5 felony for an offense committed
32 on or after July 1, 2012, if committed by an adult; or

5

any

33 (C) which would be a misdemeanor if committed by an adult.

34 ~~(5) A juvenile adjudication will not be considered and scored:~~

35 ~~(A) If the current crime of conviction is committed at least five years~~
36 ~~after the date of final discharge of the adjudication;~~

37 ~~(B) the offender has no new adjudications or convictions during such~~
38 ~~five-year period; and~~

strike

39 ~~(C) the juvenile adjudication is for an offense which would be a~~
40 ~~nondrug severity level 5 through 10 felony, drug felony, non-grid felony or~~
41 ~~misdemeanor if committed by an adult.~~

42 (5) (6) All person misdemeanors, class A nonperson misdemeanors
43 and class B select nonperson misdemeanors, and all municipal ordinance