

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE  
BILL NO. 2115**

As Recommended by House Committee on  
Judiciary

**Brief\***

Sub. for HB 2115 would be known as Mija Stockman's Law and would create a special sentencing rule for the crime of aggravated battery when a person is driving under the influence (DUI) and great bodily harm to another person or disfigurement of another person results from such act. The rule would provide that for the purposes of determining an offender's criminal history, the first prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI would count as one nonperson felony. Each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI would count as one person felony.

**Background**

In the House Judiciary Committee, Representatives Mason and Johnson, Senator Wilborn, friends and family of Mija Stockman, and the McPherson County Attorney offered testimony in support of the bill. There was no neutral or opponent testimony.

The House Committee adopted a substitute bill, which would create a special sentencing rule for the crime of aggravated battery when a person is DUI and great bodily harm to another person or disfigurement of another person results from such act. The bill, as introduced, would have

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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>

amended the definition of aggravated battery to include driving under the influence of alcohol or drugs when permanent disability of another person results from such act, which would have been a severity level 4, person felony.

The fiscal note prepared by the Division of the Budget indicates the bill, as introduced, would have an effect on adult prison admissions and prison beds, but the precise effect cannot be determined because victim information to define "permanent disability" is not available from which an estimate can be made. The Office of Judicial Administration indicates the bill, as introduced, could increase the number of cases and appeals filed, which could require additional judicial and non-judicial personnel time and also could increase docket fee revenue. A precise effect cannot be determined, however.