

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **SB 18** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2018 Supp. 21-5840 is hereby amended to read as follows: 21-5840.

(a) Counterfeiting currency is, ~~with the intent to defraud~~:

(1) Making, forging or altering any note, currency, obligation or security of the United States with the intent to defraud;

(2) distributing, or possessing with the intent to distribute, any note, currency, obligation or security of the United States knowing such note, currency, obligation or security has been ~~so~~ made, forged or altered with the intent to defraud; or

(3) possessing any paper, ink, printer, press, currency plate, computer or other item with the intent to ~~produce any counterfeit~~ make, forge or alter any note, currency, obligation or security of the United States.

(b) Counterfeiting currency as defined in:

(1) Subsection (a)(1) or (a)(2) is a:

(A) Severity level 7, nonperson felony, if the total face value of the notes, currency, obligations or securities ~~seized~~ is \$25,000 or more; and

(B) severity level 8, nonperson felony, if the total face value of the notes, currency, obligations or securities ~~seized~~ is less than \$25,000; and

(2) subsection (a)(3) is a severity level 9, nonperson felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2018 Supp. 21-6813 is hereby amended to read as follows: 21-6813. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence investigation report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block ~~which~~ that presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates

to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2018 Supp. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2018 Supp. 21-5706, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and amendments thereto.

(c) The presentence investigation report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to: The parties; the sentencing judge; the department of corrections; community correctional services; any entity required to receive the information under the interstate compact for adult offender supervision; and, if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220, and amendments thereto, to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence investigation report.

(e) The presentence investigation report will not include optional report components, which

would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) Except as provided in K.S.A. 2018 Supp. 21-6814, and amendments thereto, the court may take judicial notice in a subsequent felony proceeding of an earlier presentence investigation report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence investigation reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.";

On page 4, in line 17, after "Supp." by inserting "21-5840, 21-6813 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "crimes, punishment and"; also in line 1, after "to" by inserting "counterfeiting currency; sentencing; presentence investigation report;"; in line 2, after "Supp." by inserting "21-5840, 21-6813 and"; and the bill be passed as amended.

_____Chairperson