

Approved by the Judicial Council December 3, 2010

MEMORANDUM

To: Kansas Judicial Council
From: Criminal Law Advisory Committee
Date: December 3, 2010
Subject: Criminal Code Recodification Recommendations

In June, 2010, the Criminal Law Advisory Committee (committee) was asked to study some comments received regarding 2010 House Bill 2668. The comments included some concerns that the Recodification Commission had already addressed but also pointed out some apparent errors or omissions in the bill. The committee reviewed the comments and has prepared “clean-up” legislation to address a few unconstitutional provisions that were unintentionally left in statute during the recodification. The committee understands that a few provisions that had missing or incorrect penalty provisions are being addressed by the Revisor’s office in its follow-up bill.

The committee also reviewed the policy recommendations included in Vol. II of the Recodification Commission’s report. The committee considered and discussed the recommendations and has prepared draft legislation that would implement many of the Commission’s recommendations. In addition, the Revisor’s office asked the committee to review 2010 HB 2221 to ensure that the culpability standards in that new legislation were consistent with the standards in the revised criminal code. The attached draft legislation includes:

- Policy recommendations for the revised criminal code (including the two “clean-up” provisions and amendments to K.S.A. 21-4010 and 21-4012 as a result of HB 2221) along with the committee’s comments on each section.
- Policy recommendations for the revised drug code.