

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2741

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2741, as amended, would amend the Kansas Criminal Code to update the terms of supervision for certain offenders.

Conditions of Supervision

The bill would authorize the court and direct the Prisoner Review Board (Board) to require a person under supervision to:

- Obey all laws and ordinances and inform the supervision officer of any encounters with law enforcement;
- Refrain from engaging in or making threats of violence;
- Not purchase or possess any dangerous weapon, including a firearm, if the supervision is for a felony conviction;
- Report to the assigned supervision officer as directed and be truthful in all matters;
- Remain in Kansas or other areas as specified by the supervision officer;

*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>

- Inform the supervision officer of any sudden changes in residence or contact information within 24 hours of the change, and reside at the approved residence;
- Not possess, use, or distribute any controlled substance unless prescribed by a licensed medical professional;
- Abstain from alcohol or substance use and from entering an establishment where sale or consumption of alcohol is the primary business;
- Comply with alcohol or substance testing as directed by the supervision officer without tampering with the specimen or test;
- Participate in assessments, treatment, programs, and other directives mandated by the court or supervision officer; and
- Refrain from contacting victims unless authorized by the court as part of rehabilitation or therapy.

Probation and Community Corrections Supervision

The bill would replace the conditions of probation or community corrections in current law that a court may impose on a supervised person. Further, the bill would remove requirements the court issue, and instead give the court discretion regarding whether to issue, the following conditions upon a defendant:

- To obey all laws of the United States, the state of Kansas, and other jurisdictions to which the defendant may be subject;
- To be subject to searches by a court services officer and any law enforcement officer with a

reasonable suspicion of the defendant violating conditions of probation or criminal activity; and

- To be subject to random, reasonable tests for drug and alcohol consumption.

The bill would also direct the Office of Judicial Administration and the Kansas Department of Corrections (KDOC) to collaborate on developing appropriate documentation for conditions of supervision for probation and community corrections.

Parole or Postrelease Supervision

The bill would remove the required conditions of repaying transportation costs related to apprehension of the person for violation of a condition of release, pursuing a secondary education, and performing community service. The bill would retain required conditions of supervision for persons on parole or postrelease supervision regarding payment of fees and reimbursement for services.

Searches

Provisions regarding searches would be included in the conditions for persons on probation, community corrections, parole, or postrelease supervision. The person would be required to submit to searches of their person, belongings, vehicle, and property by:

- A court services officer or community correctional services officer for persons on probation or in community corrections;
- A parole or corrections officer for persons on parole or postrelease supervision, with or without a warrant or cause, although not for the sole purpose of harassment; and

- A law enforcement officer based on reasonable suspicion of probation, parole, or postrelease supervision violations or criminal activity.

Search Reporting

The bill would add a requirement that a law enforcement officer who conducts a search under the supervision terms submit a written report to the person's parole officer not later than the close of business the next day after the search is conducted. The bill would require the written report to include facts leading to the search, the scope of the search, and any findings of the search. [*Note:* Similar requirements are found in continuing law for searches of persons on probation and in community corrections.]

Technical Amendments

The bill would also make technical amendments.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of KDOC.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, the KDOC Deputy Secretary of Juvenile and Adult Community Based Services and the Director of Reno County Community Corrections provided **proponent** testimony. The proponents generally stated the bill is the result of the Kansas Criminal Justice Reform Commission's work, which took into account the Council of State Governments' recommended considerations: Is it realistic? Is it relevant? Is it research-supported?

Written-only proponent testimony was submitted by the Director of Riley County Community Corrections.

Neutral testimony was provided by a representative of the Office of Judicial Administration (OJA), and written-only neutral testimony was submitted by a representative of the Kansas Association of Court Service Officers.

No other testimony was provided.

The House Committee amended the bill to:

- Remove the requirement of OJA and KDOC to collaborate on appropriate documentation relating to parole supervision;
- Further specify allowable search and seizure as a condition of supervision;
- Require a law enforcement officer to submit a written report to the corresponding parole officer within one business day of conducting a search; and
- Make further technical amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KDOC estimates the bill would result in \$530 State General Fund expenditures to update the agency's data management system, and this expenditure could be accommodated within existing resources. The Judicial Branch indicates the bill has the potential to increase operating expenditures by a negligible amount.

Any fiscal effects associated with enactment of the bill are not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill has potential to increase expenditures; however, an exact estimate cannot be determined.

Probation; parole; conditions of supervision; Department of Corrections; community corrections