

SENATE BILL No. 330

By Committee on Judiciary

1-29

1 AN ACT concerning the secretary of corrections; relating to custody and
2 confinement of certain inmates; amending K.S.A. 2013 Supp. 75-5210
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 75-5210 is hereby amended to read as
7 follows: 75-5210. (a) Persons committed to the institutional care of the
8 secretary of corrections shall be dealt with humanely, with efforts directed
9 to their rehabilitation and return to the community as safely and promptly
10 as practicable. For these purposes, the secretary shall establish programs of
11 classification and diagnosis, education, casework, mental health,
12 counseling and psychotherapy, chemical dependency counseling and
13 treatment, sexual offender counseling, prerelease programs which
14 emphasize re-entry skills, adjustment counseling and job placement,
15 vocational training and guidance, work, library, physical education and
16 other rehabilitation and recreation services; the secretary may establish
17 facilities for religious worship; and the secretary shall institute procedures
18 for the study and classification of inmates. The secretary shall maintain a
19 comprehensive record of the behavior of each inmate reflecting
20 accomplishments and progress toward rehabilitation as well as charges of
21 infractions of rules and regulations, punishments imposed and medical
22 inspections made.

23 (b) (1) Programs of work, education or training shall include a system
24 of promotional rewards entitling inmates to progressive transfer from high
25 security status to a lesser security status. *Except as provided by subsection*
26 *(b)(2) and (b)(3)*, the secretary shall have authority at any time to transfer
27 an inmate from one level of status to another level of status. Inmates may
28 apply to the secretary for such status privileges. The secretary shall adopt a
29 custody classification manual establishing standards relating to the transfer
30 of an inmate from one status to another, and in developing such standards
31 the secretary shall take into consideration progress made by the inmate
32 toward attaining the educational, vocational and behavioral goals set by
33 the secretary for the individual inmate. In order to facilitate the
34 reintegration into the community of some inmates who are scheduled for
35 release within the next 90 days, there shall be a presumption of minimum
36 security status for those offenders who have been returned to prison for

1 violating conditions of their postrelease supervision not involving a new
2 criminal conviction and whose last facility security custody status was not
3 either special management or maximum. Inmates sentenced to a state
4 facility designated by the secretary to participate in an intensive substance
5 abuse treatment program, shall have a presumption of minimum security
6 status. These presumptions of minimum security status shall be applied to
7 the initial security custody upon readmission into a correctional facility or
8 admission into a state facility to participate in an intensive substance abuse
9 treatment program, unless the security custody status is increased pursuant
10 to policies adopted by the secretary. The security custody status designated
11 by the department shall not be subject to judicial review.

12 (2) *All inmates under sentence of death or life without the possibility*
13 *of parole shall be at maximum security status for the duration of such*
14 *inmate's sentence. All such inmates shall be confined in administrative*
15 *segregation and separated from other inmates who are not under sentence*
16 *of death, life without the possibility of parole or life.*

17 (3) *All inmates under sentence of life shall be at maximum security*
18 *status until such inmate is eligible for parole. All such inmates shall be*
19 *confined in administrative segregation and separated from other inmates*
20 *who are not under sentence of death, life without the possibility of parole*
21 *or life until such inmate is eligible for parole.*

22 (c) The secretary, with the cooperation of the department of health
23 and environment, shall adopt rules and regulations establishing and
24 prescribing standards for health, medical and dental services for each
25 institution, including preventive, diagnostic and therapeutic measures on
26 both an outpatient and a hospital basis, for all types of patients. An inmate
27 may be taken, when necessary, to a medical facility outside the institution.

28 (d) Under rules and regulations adopted by the secretary, directors of
29 institutions may authorize visits, correspondence and communication,
30 under reasonable conditions, between inmates and appropriate friends,
31 relatives and others.

32 (e) The secretary shall adopt rules and regulations under which
33 inmates, as part of a program anticipating their release from minimum
34 security status, may be granted temporary furloughs from a correctional
35 institution or contract facility to visit their families or to be interviewed by
36 prospective employers.

37 (f) The secretary shall adopt rules and regulations for the maintenance
38 of good order and discipline in the correctional institutions, including
39 procedures for dealing with violations. Disciplinary rules and regulations
40 may provide a system of punishment including segregation, forfeitures of
41 good time earned, fines, extra work, loss of privileges, restrictions and
42 payment of restitution.

43 The secretary and any persons designated by rules and regulations of

1 the secretary may administer oaths for the purpose of conducting
2 investigations and disciplinary proceedings pursuant to rules and
3 regulations adopted by the secretary under this subsection and under
4 K.S.A. 75-5251, and amendments thereto. For this purpose, the secretary
5 shall adopt rules and regulations designating those persons who may
6 administer oaths in such investigations and proceedings and the form and
7 manner of administration of the oaths.

8 (g) A copy of the rules and regulations adopted pursuant to subsection
9 (f) shall be provided to each inmate. Other rules and regulations of the
10 secretary which are required to be published pursuant to K.S.A. 77-415
11 through 77-437, and amendments thereto, shall be made available to
12 inmates by placing a copy in the inmate library at the institution or by
13 some other means providing reasonable accessibility to inmates.

14 (h) Any inmate participating in work and educational release
15 programs under the provisions of K.S.A. 75-5267, and amendments
16 thereto, shall continue to be in the legal custody of the secretary of
17 corrections, notwithstanding the inmate's absence from a correctional
18 institution by reason of employment, education or for any other purpose
19 related to such work and educational release programs, and any employer
20 or educator of that person shall be considered the representative or agent
21 for the secretary.

22 (i) The secretary shall establish administrative and fiscal procedures
23 to permit the use of regional or community institutions, local governmental
24 or private facilities or halfway houses for the placement of inmates
25 released for the purposes of this act and for the work and educational
26 release programs under K.S.A. 75-5267, and amendments thereto.

27 (j) The secretary may establish correctional work facilities and select
28 inmates to be assigned to such facilities.

29 (k) The secretary may acquire, in the name of the state, by lease,
30 purchase or contract additional facilities as may be needed for the housing
31 of persons in the secretary's custody.

32 (l) The secretary is hereby authorized to use any of the inmates
33 assigned to the secretary's custody in the construction and repair of
34 buildings or property on state owned or leased grounds.

35 (m) For the purposes of establishing and carrying out the programs
36 provided for by subsection (a) and by K.S.A. 75-5267, and amendments
37 thereto, the secretary may contract with qualified individuals, partnerships,
38 corporations or organizations; with agencies of the state; or with the
39 United States or any political subdivision of the state, or any agency
40 thereof.

41 Sec. 2. K.S.A. 2013 Supp. 75-5210 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.