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Testimony on HB 2535
to
The House Corrections and Juvenile Justice Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
January 31, 2012

HB 2535 substitutes the title of the "Prisoner Review Board" for the "Parole Board" throughout statutes. These changes reflect the changes caused by Governor's Executive Reorganization Order 34 enacted last session.

The department requests a technical amendment of HB 2535 at section 11 on page 25 by deleting on line 10 beginning with the phrase "at the close... through line 15. A proposed balloon amendment is attached.

This amendment reflects that the statistical data regarding the Prisoner Review Board will be included in the Department of Corrections' annual report and that research and disposition analysis of criminal cases are conducted by the Sentencing Commission of which the chair of the Prisoner Review Board is a member:

The department urges adoption of its proposed amendment and favorable consideration of HB 2535 as amended.

House Corrections and Juvenile Justice
Committee
2012 Session
Date 1-31-12
Attachment # 2-1

1 inmate's conditional release, upon hearing by one or more members of the
2 panel, and by a majority vote of the board.

3 Sec. 11. K.S.A. 22-3710 is hereby amended to read as follows: 22-
4 3710. The ~~Kansas parole prisoner review~~ board shall adopt an official seal
5 of which the courts shall take judicial notice. The orders of the ~~parole~~-
6 board shall not be reviewable except as to compliance with the terms of
7 this act or other applicable laws of this state. The ~~parole~~ board shall keep a
8 record of its acts and shall notify each institution and the secretary of
9 corrections of its decisions relating to the persons who are or have been
10 confined therein. ~~At the close of each fiscal year, the parole board shall~~
11 ~~submit to the governor and to the legislature a report with statistical and~~
12 ~~other data of its work, including research studies which it may make of~~
13 ~~probation, sentencing, parole, postrelease supervision or related functions,~~
14 ~~and a compilation and analysis of dispositions of criminal cases by district~~
15 ~~courts throughout the state or by executive authority.~~ ✓

Delete

16 Sec. 12. K.S.A. 22-3711 is hereby amended to read as follows: 22-
17 3711. The presentence report, the preparole report, the pre-postrelease
18 supervision report and the supervision history, obtained in the discharge of
19 official duty by any member or employee of the ~~Kansas parole prisoner~~
20 ~~review~~ board or any *other* employee of the department of corrections, shall
21 be privileged and shall not be disclosed directly or indirectly to anyone
22 other than the ~~parole prisoner review~~ board, the judge, the attorney general
23 or others entitled to receive the information, except that the ~~parole~~ board,
24 secretary of corrections or court may permit the inspection of the report or
25 parts of it by the defendant, inmate, defendant's or inmate's attorney or
26 other person having a proper interest in it, whenever the best interest or
27 welfare of a particular defendant or inmate makes the action desirable or
28 helpful.

29 Sec. 13. K.S.A. 22-3712 is hereby amended to read as follows: 22-
30 3712. As a condition of probation, parole or postrelease supervision, a
31 probationer, parolee or person on postrelease supervision may be placed in
32 a diagnostic, or treatment facility by order of the court or ~~parole prisoner~~
33 ~~review~~ board. Placement in a diagnostic or treatment facility shall not
34 exceed 90 days or the maximum period of the prison sentence that could
35 be imposed, but may be renewed for further ninety-day periods on
36 certificates presented to the court by the director of such facility.

37 Sec. 14. K.S.A. 22-3713 is hereby amended to read as follows: 22-
38 3713. (a) The ~~parole prisoner review~~ board may authorize one or more of
39 its members to conduct hearings on behalf of the ~~parole~~ board.

40 (b) The secretary of corrections shall provide the ~~Kansas parole~~-
41 ~~prisoner review~~ board with necessary personnel and accounting services.

42 Sec. 15. K.S.A. 2011 Supp. 22-3717 is hereby amended to read as
43 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.