

SENATE BILL No. 394

By Committee on Judiciary

2-7

Proposed Amendments for SB 394
For House Committee on Corrections
March 13, 2012
Prepared By: Jason Thompson
Office of Revisor of Statutes

1 AN ACT concerning the secretary of corrections; relating to transfer or
2 discharge of certain offenders; amending K.S.A. 2011 Supp. 75-5220
3 and repealing the existing section.
4

establishing the justice reinvestment working group;

Insert New Section 1. Redesignate sections accordingly.

5 *Be it enacted by the Legislature of the State of Kansas:*
6 Section 1. K.S.A. 2011 Supp. 75-5220 is hereby amended to read as
7 follows: 75-5220. (a) Except as provided in subsections (d), (e) and (f),
8 within four business days of receipt of the notice provided for in K.S.A.
9 75-5218, and amendments thereto, the secretary of corrections shall notify
10 the sheriff having such offender in custody to convey such offender
11 immediately to the department of corrections reception and diagnostic unit
12 or if space is not available at such facility, then to some other state
13 correctional institution until space at the facility is available, except that in
14 the case of first offenders who are conveyed to a state correctional
15 institution other than the reception and diagnostic unit, such offenders
16 shall be segregated from the inmates of such correctional institution who
17 are not being held in custody at such institution pending transfer to the
18 reception and diagnostic unit when space is available therein. The
19 expenses of any such conveyance shall be charged against and paid out of
20 the general fund of the county whose sheriff conveys the offender to the
21 institution as provided in this subsection.

22 (b) Any female offender sentenced according to the provisions of
23 K.S.A. 75-5229, and amendments thereto, shall be conveyed by the sheriff
24 having such offender in custody directly to a correctional institution
25 designated by the secretary of corrections, subject to the provisions of
26 K.S.A. 75-52.134, and amendments thereto. The expenses of such
27 conveyance to the designated institution shall be charged against and paid
28 out of the general fund of the county whose sheriff conveys such female
29 offender to such institution.

30 (c) Each offender conveyed to a state correctional institution pursuant
31 to this section shall be accompanied by the record of the offender's trial
32 and conviction as prepared by the clerk of the district court in accordance
33 with K.S.A. 75-5218, and amendments thereto.

34 (d) If the offender in the custody of the secretary is a juvenile, as
35 described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, such
36 juvenile shall not be transferred to the state reception and diagnostic center

1 until such time as such juvenile is to be transferred from a juvenile
2 correctional facility to a department of corrections institution or facility.

3 (e) Any offender sentenced to a facility designated by the secretary of
4 corrections to participate in an intensive substance abuse treatment
5 program shall not be transferred to the state reception and diagnostic
6 center but directly to such facility, unless otherwise directed by the
7 secretary. The secretary may transfer the housing and confinement of any
8 offender sentenced to a facility to participate in an intensive substance
9 abuse treatment program to any institution or facility pursuant to K.S.A.
10 75-5206, and amendments thereto.

11 (f) If the offender has ~~10~~ 20 or less days remaining to be served on
12 the prison portion of the sentence at the time the notice provided for in
13 K.S.A. 75-5218, and amendments thereto, is received by the secretary of
14 corrections, the secretary may order the offender discharged from the
15 prison portion of the sentence.

16 (g) All costs incurred for medical care and treatment of the offender
17 while in the actual physical custody of the secretary of corrections shall be
18 the responsibility of the secretary of corrections.

19 Sec. 2. K.S.A. 2011 Supp. 75-5220 is hereby repealed.

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

Amendment to SB 394 – March 13, 2012

(Prepared by Jason Thompson, Senior Assistant Revisor)

New Section 1. (a) The secretary of corrections shall establish the justice reinvestment working group.

(b) The working group shall consist of the following members:

- (1) One senator appointed by the president of the senate;
- (2) one representative appointed by the speaker of the house of representatives;
- (3) one senator appointed by the minority leader of the senate;
- (4) one representative appointed by the minority leader of the house of representatives;
- (5) one member appointed by the governor;
- (6) one member appointed by the attorney general;
- (7) one member appointed by the chief justice of the supreme court;
- (8) one member shall represent court services officers, appointed by the chief justice of the supreme court;
- (9) the secretary of corrections;
- (10) the director of victims services of the department of corrections;
- (11) one member shall represent community corrections, appointed by the secretary of corrections;
- (12) one member of the prisoner review board, appointed by the secretary of corrections;
- (13) one member shall be a prosecuting attorney, appointed by the Kansas county and district attorneys association;
- (14) one member shall represent public defenders, appointed by the executive director of the state board of indigents' defense services;
- (15) one member shall represent mental health providers, appointed by the secretary for aging and disability services;
- (16) one member shall be a sheriff, appointed by the Kansas sheriff's association; and
- (17) one member shall be a law enforcement officer, appointed by the Kansas association of chiefs of police.

(c) The member appointed by the attorney general shall serve as chairperson of the working group. The working group shall meet on call of the chairperson or on the request of nine members of the working group. Nine members of the working group shall constitute a quorum. All actions of the working group shall be taken by a majority of all members of the working group.

(d) The working group shall undertake a study of the data-driven, fiscally responsible policies and practices that can increase public safety and reduce recidivism and spending on corrections in Kansas.

(e) On or before January 1, 2013, the working group shall submit a report of the working group's activities and recommendations regarding increased public safety and reducing recidivism and spending on corrections in Kansas to the secretary of the senate and the chief clerk of the house of representatives.

(f) The members of the working group attending meetings of such working group, or attending a subcommittee meeting thereof authorized by such working group, shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the secretary of corrections or a person or persons designated by the secretary.