

MEMORANDUM

To: Chairman Owens and Members of the Senate Judiciary Committee
From: Jason Thompson, Senior Assistant Revisor
Date: February 29, 2012
Subject: HB 2535

HB 2535 amends several statutes affected by 2011 ERO 34, which transferred the powers and duties of the Kansas parole board to the prisoner review board. Most of the amendments simply change "Kansas parole board" to "prisoner review board" and do not have any substantive effect.

The bill repeals K.S.A. 2011 Supp. 22-3707 and K.S.A. 22-3707a because they are no longer needed (see attached copy). There are also a few technical amendments, such as resolving the conflict in K.S.A. 2011 Supp. 21-6614.

Finally, the House Committee on Corrections and Juvenile Justice adopted an amendment at the request of the Department of Corrections. On page 25, K.S.A. 22-3710 is amended to require the prisoner review board to submit a report to the legislature and the governor, but allow such report to be part of the Department of Corrections' annual report.

22-3707. Kansas parole board; appointments; terms; vacancies; removal. (a) Except as otherwise provided by this section, the Kansas parole board shall consist of three members appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person shall exercise any power, duty or function as a member of the board until confirmed by the senate. No successor shall be appointed as provided in this section for the office of one of the members of the Kansas parole board whose term expires on January 15, 2003. No appointment to the board shall be made that would result in more than two members of the board being members of the same political party. The term of office of the members of the board shall be four years and until their successors are appointed and confirmed. If a vacancy occurs in the membership of the board before the expiration of the term of office, a successor shall be appointed for the remainder of the unexpired term in the same manner that original appointments are made. Each member of the board shall devote the member's full time to the duties of membership on the board.

(b) The governor may not remove any member of the Kansas parole board except for disability, inefficiency, neglect of duty or malfeasance in office. Before removal, the governor shall give the member a written copy of the charges against the member and shall fix the time when the member can be heard at a public hearing, which shall not be less than 14 days thereafter. Upon removal, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon, with a complete record of the proceedings.

History: L. 1970, ch. 129, § 22-3707; L. 1972, ch. 317, § 80; L. 1973, ch. 339, § 60; L. 1978, ch. 120, § 11; L. 1982, ch. 347, § 14; L. 1984, ch. 129, § 1; L. 1988, ch. 115, § 12; L. 1995, ch. 241, § 3; L. 1997, ch. 23, § 2; L. 2003, ch. 142, § 1; L. 2010, ch. 135, § 31; July 1.

22-3707a. Name of Kansas adult authority changed to Kansas parole board. (a) On January 1, 1986, the Kansas adult authority shall be and is hereby officially designated as the Kansas parole board.

(b) On and after January 1, 1986, whenever the Kansas adult authority, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall mean and apply to the Kansas parole board.

(c) Nothing in this section shall be construed as abolishing the Kansas adult authority or as re-establishing the same.

History: L. 1984, ch. 129, § 2; July 1.