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Testimony on HB 2465
to
The Senate Judiciary Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
March 5, 2012

The Department of Corrections raised some operational concerns regarding HB 2465 before the House. Those concerns were fully addressed by the House in its amendment of HB 2465.

HB 2465 concerns the electronic monitoring of certain sex offenders sentenced pursuant to K.S.A. 21-4643 prior to its repeal and K.S.A. 2011 Supp. 21-6627 (the recodification of K.S.A. 21-4643). (Commonly referred to as "Jessica's Law" which provides a life sentence with a mandatory term of imprisonment of either 25 or 40 years dependant upon wither the offender is a 1st time or repeat offender).

While HB 2465 does not alter current law governing the obligation that Jessica's Law sex offenders be electronically monitored for the rest of their life if released from prison, it does change the entity that is to impose that mandatory obligation from the Prisoner Review Board to the sentencing court. The department supports that change since including that directive in a sentencing order creates a distinct record that aids in the tracking of the obligation and its eventual enforcement.

The House amended HB 2465 in regard to the determination of what portion of the cost of electronic monitoring the released offender should be obligated to pay. As introduced, HB 2465 provided that the sentencing court would make that determination at the time of sentencing. The House amended HB 2465 to provide that the determination of the extent of the offender's financial responsibility for electronic monitoring costs would be made by the Prisoner Review Board. The department supported that amendment. Since, the electronic monitoring of released Jessica's law offenders would not occur before at least 25 years of incarceration, the Prisoner Review Board is in a much better position than the sentencing court to know the cost of electric monitoring and the financial resources of the offender at the time of the offender's release in order to determine the offender's appropriate financial obligation.

Senate Judiciary
3-5-12
Attachment 9