House Bill No. 2371

By Committee on Federal and State Affairs

An act concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in
K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in
the offender being required to serve any time for the sentence imposed or
which might originally have been imposed in a state facility in the
custody of the secretary of corrections;

(E) on and after January 1, 2011, for offenders who are expected to
be subject to supervision in Kansas, who are determined to be "high risk
or needs, or both" by the use of a statewide, mandatory, standardized risk
assessment tool or instrument which shall be specified by the Kansas
sentencing commission;

(F) placed in community correctional services programs as a
condition of supervision following the successful completion of a
conservation camp program; or

(G) who has been sentenced to community corrections supervision
pursuant to K.S.A. 21-4729, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the
availability of funding therefor, adult offenders sentenced to community
supervision in Johnson county for felony crimes that occurred on or after
July 1, 2002, but before January 1, 2011, shall be placed under court
services or community corrections supervision based upon court rules
issued by the chief judge of the 10th judicial district. The provisions
contained in this subsection shall not apply to offenders transferred by the
assigned agency to an agency located outside of Johnson county. The
provisions of this paragraph shall expire on January 1, 2013.

(4) Nothing in this act shall prohibit a community correctional
services program from providing services to juvenile offenders upon
approval by the local community corrections advisory board. Grants from
community corrections funds administered by the secretary of corrections
shall not be expended for such services.

(5) The court may require an offender for whom a violation of
conditions of release or assignment or a nonprison sanction has been
established, as provided in K.S.A. 22-3716, and amendments thereto, to
serve any time for the sentence imposed or which might originally have
been imposed in a state facility in the custody of the secretary of
corrections without a prior assignment to a community correctional
services program if the court finds and sets forth with particularity the
reasons for finding that the safety of the members of the public will be
jeopardized or that the welfare of the inmate will not be served by such
assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional
services to participate in the department of corrections annual budget
planning process, the secretary of corrections shall establish a community
corrections advisory committee to identify new or enhanced correctional
or treatment interventions designed to divert offenders from prison.
(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

(A) Efficiencies in the delivery of field supervision services;

(B) effectiveness and enhancement of existing interventions;

(C) identification of new interventions; and

(D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

(A) Goals and measurable objectives;

(B) projected costs;

(C) the impact on public safety; and

(D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 2. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as follows: 75-52,112. (a) As used in this section, "supervision success rate" means the percentage of those persons under supervision in a community corrections program whose supervision is not revoked and remanded to the custody of the department of corrections for imprisonment.

(b) On and after July 1, 2007, subject to the provision of appropriation acts, the secretary of corrections shall develop and implement a grant program with the goal of increasing public safety, reducing the risk of offenders on community supervision and reducing each community corrections program's revocations rate by at least 20% from such program's fiscal year 2006 revocation rate achieving and
maintaining a supervision success rate of at least 75% or improving such rate by at least 3% from the previous year.

(c) Any county or counties operating community correctional services may apply for the grant. The program shall give priority to a county or counties in which the revocation supervision success rate for offenders on community supervision is significantly higher or lower than the statewide average, which target a higher percentage of revocation reductions supervision success rate than the required minimum of 20% or supervision success rate of 75% or 3% annual supervision success rate improvement or which target the successful reentry of offenders who are considered medium or high risk for revocation.

(d) The secretary shall adopt grant requirements in accordance with this section. Proposals for grants under this program shall include, but not be limited to, provisions to:

1. Target offenders at medium and high risk for revocation utilizing risk assessment instruments approved by the secretary;
2. reduce and specialize caseloads for community corrections officers;
3. provide the offenders with the needed supervision and services to improve such offenders' opportunity to successfully complete community correctional services programs, resulting in a reduction in revocations to prison. Such services may include, but not be limited to, employment training and placement, educational assistance, transportation and housing. Such services shall be evidence-based and address offenders' criminogenic risks, needs and responsivity characteristics;
4. use an intermediate sanctions community supervision model;
5. provide staff training and skill development for community corrections officers in risk reduction and intervention. Such training and development shall be approved and certified by the secretary;
6. utilize treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders. For identified need areas, approved assessment and evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment and intervention;
7. use gang intervention strategies;
8. address safety concerns of the community;
9. implement a method of tracking and reporting revocations;
10. establish a goal of reducing the number of offenders, by a specified percentage, whose supervision is revoked and the offender sentenced to prison by providing a plan to: (A) A plan to reduce the revocation rate for offenders on community supervision by at least 20% from such program's fiscal year 2006 revocations rate; (B) a plan to reduce the revocation rate at a percentage greater than the 20% minimum
established to receive such grants; or Achieve and maintain a supervision success rate of at least 75% or improve such rate by at least 3% from the previous year; or (C) (B) a plan which targets the successful reentry of offenders who are considered medium or high risk for revocation;

(11) develop a specific accountability system for monitoring, tracking and utilizing the grant funds and to evaluate the effectiveness of the grant funds; and

(12) develop a consistent set of policies that will guide judges and community corrections officers in the supervision and revocation of offenders on community corrections supervision.

(e) The department of corrections shall establish a date for achieving goals based upon implementation time-lines and goals specific to each grant, which may include an overall reduction or a reduction for a specifically targeted population.

(f) The department of corrections shall evaluate the programs which received a grant using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as such program was designed. Continued funding shall be contingent on the program meeting the established goals.

(g) The secretary shall prepare a report which states the number of programs receiving grants pursuant to this section, specifically identifying each program, summarizing the provisions of each program and the success of the program in reducing revocations. Such report shall be delivered to the governor, the secretary of the senate, the chief clerk of the house of representatives and the Kansas reentry policy council on or before the first day of the regular legislative session each year in which the grant program is funded.

Sec. 3. K.S.A. 2010 Supp. 75-5291 and 75-52,112 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.