

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2319

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2319 would amend current law concerning house arrest. It would allow municipal judges to sentence a defendant convicted of violating an ordinance to house arrest. Further, it would allow a court to consider assigning a defendant to a house arrest program prior to imposing a sentence for nondrug-grid crimes. Defendants would not be eligible for a house arrest program if convicted of an off-grid felony, any nondrug crime ranked in severity levels 1 through 5, or any felony ranked in severity levels 1 through 3 of the drug grid.

The offender on house arrest would be required to consent to monitoring by one or more of the following:

- An electronic monitoring device on the offender's person or in the offender's home;
- A remote blood alcohol monitoring device;
- A home telephone verification procedure; or
- Radio frequency devices (only when there is no available means of global positioning system technology in such location at such time).

The Secretary of Corrections or the court would be authorized to contract for independent monitoring services which are able to provide monitoring 24 hours a day, every day of the year and any other services as determined by the Secretary.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill also would require the court to inform the offender and any other people residing with the offender at the time house arrest is entered of the nature and extent of house arrest monitoring and to obtain the written agreement of the offender to comply with all requirements. The offender would be required to remain within the property boundaries of the offender's residence at all times during the house arrest, except as allowed in the house arrest agreement. Additionally, an offender would be required to allow any law enforcement, community corrections, or court services officer or duly authorized agent of the Department of Corrections to enter the offender's residence to verify compliance with the conditions of the house release

Finally, it would define some of the key terms used in the bill.

Background

In the House Committee on Corrections and Juvenile Justice, a representative of the Kansas Alternative Corrections Association appeared in support of HB 2319. The Committee also received written testimony in support of the bill from Representative Kay Wolf; Vanguard Offender Management, Inc.; Private Home Detention, Inc.; and a local criminal defense attorney.

The Committee amended the bill by giving municipal judges the authority to sentence a defendant convicted of violating an ordinance to house arrest; making defendants convicted of an off-grid felony, any nondrug crime ranked in severity levels 1 through 5, or any felony ranked in severity levels 1 through 3 of the drug grid ineligible for house arrest; and providing that radio frequency devices would only be used when there is no available means of global positioning system technology in such location at such time.

The fiscal note for HB 2319 as introduced indicates it would have no fiscal effect on the Department of Corrections and that any impact on the Office of Judicial Administration would likely be accommodated within existing resources.