

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 37

As Amended by Senate Committee on
Judiciary

Brief*

Under current Kansas law, a prisoner in a municipal or county jail may work in public employment and be compensated by a credit of \$5 per day worked, applied to fines and costs. Persons in jail awaiting trial or held on civil process may be employed and paid at the rate of \$5 per day.

SB 37 would allow charitable employment in such situations as an alternative to public employment. It would increase the rate of compensation for prisoners to \$5 credit toward fines and costs per each full hour worked. Similarly, persons awaiting trial or held on civil process would be credited \$5 toward any fines and costs for each full hour worked, or paid in an agreed amount not less than \$5 per day.

The bill also would authorize a court to order community service in lieu of payment of fines. The person would receive a \$5 credit for each full hour worked and would be required to complete the community service within one year after the fine is imposed or one year after release from imprisonment or jail, whichever is later, unless the court required earlier completion.

Background

Judge Phillip Journey requested the Senate Judiciary Committee introduce SB 37. A similar bill was introduced at

*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>

Judge Journey's request in the 2010 Legislature as SB 520, but progressed only through the House Committee on Corrections and Juvenile Justice. The language of SB 37 reflects amendments that were made by the Senate Judiciary Committee, Senate Committee of the Whole, and the House Committee on Corrections and Juvenile Justice to 2010 SB 520.

In the Senate Judiciary Committee, Judge Journey testified in support of SB 37. No opponents appeared at the Committee hearing. The Committee made technical amendments to the bill and recommended it be passed as amended.

The fiscal note on the bill, as introduced, states the Office of Judicial Administration indicates SB 37 could require additional court service officer supervision hours and cause revenue declines to district courts through reduction of paid fines. However, the Office of Judicial Administration cannot determine a precise fiscal effect. Municipalities also could see revenue declines through reduction of paid fines, but the League of Kansas Municipalities indicates a precise fiscal effect for cities cannot be estimated. The Kansas Association of Counties indicates counties could experience additional costs, but such costs are difficult to predict. Any fiscal effect is not reflected in *The FY 2012 Governor's Budget Report*.