

HOUSE BILL No. 2274

By Committee on Judiciary

2-8

1 AN ACT concerning the department of corrections; relating to the
2 qualifications of the secretary of corrections; amending K.S.A. 2012
3 Supp. 75-5203 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 75-5203 is hereby amended to read as
7 follows: 75-5203. (a) There is hereby established the department of
8 corrections, the chief executive officer of which shall be the secretary of
9 corrections. The secretary shall be appointed by the governor, subject to
10 confirmation by the senate as provided in K.S.A. 75-4315b, and
11 amendments thereto, and shall serve at the pleasure of the governor.
12 Except as provided by K.S.A. 46-2601, and amendments thereto, no
13 person appointed as secretary shall exercise any power, duty or function as
14 secretary until confirmed by the senate. In case of a vacancy in the office
15 of secretary, the governor shall appoint a successor in the manner that the
16 original appointment was made. The secretary shall receive an annual
17 salary fixed by the governor, which shall be payable in equal monthly
18 installments. In addition, the secretary shall be entitled to receive actual
19 and necessary traveling and subsistence expenses incurred in the
20 performance of the secretary's official duties.

21 (b) Except as provided by subsection (c), no person shall be eligible
22 for appointment to, or hold the position of, secretary of corrections unless
23 such person *has a minimum of three years' experience in the field of*
24 *juvenile justice and:*

25 (1) Has had at least five years' experience in the field of corrections
26 or as an executive officer in the administration of federal or state penal or
27 correctional institutions; or

28 (2) (A) has had at least three years' experience in the field of
29 corrections or as an executive officer in the administration of federal or
30 state penal or correctional institutions; and (B) has a degree from an
31 accredited college or university, which degree is based on penology or a
32 related field as a major of study; or

33 (3) (A) has had at least five years' experience as a federal, appellate
34 or district judge or federal, district or county prosecutor, five years'
35 experience in military administration or administration of a criminal
36 justice agency or five years' administrative experience treating criminal

1 offenders through programs involving penal custody, parole, probation and
2 sentencing; (B) has a degree from an accredited college or university,
3 which degree is in a social or behavioral science, penology, corrections,
4 criminal justice, police science, criminology, public administration, local
5 corrections programs or a related field; and (C) has demonstrated
6 administrative ability and leadership.

7 (c) If the governor is unable to appoint a person as secretary who
8 possesses the qualifications required by subsection (b), the governor may
9 appoint a person without such qualifications as acting secretary, who shall
10 be subject to confirmation by the senate as provided in K.S.A. 75-4315b,
11 and amendments thereto, and shall serve at the pleasure of the governor.
12 Except as provided by K.S.A. 46-2601, and amendments thereto, no
13 person appointed as acting secretary shall exercise any power, duty or
14 function as acting secretary until confirmed by the senate.

15 (d) Before entering upon the duties of the office, the secretary shall
16 take and subscribe an oath to faithfully and honestly discharge the duties
17 of the office to the best of the secretary's knowledge and ability.

18 (e) The provisions of the Kansas governmental operations
19 accountability law apply to the department of corrections, and the
20 department is subject to audit, review and evaluation under such law.

21 Sec. 2. K.S.A. 2012 Supp. 75-5203 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.