

HOUSE BILL No. 2337

By Committee on Corrections and Juvenile Justice

2-14

1 AN ACT concerning the department of corrections; relating to community
2 corrections; advisory boards; grant programs; amending K.S.A. 75-
3 5298 and K.S.A. 2018 Supp. 75-5297, 75-52,105 and 75-52,112 and
4 repealing the existing sections.

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

7 Section 1. K.S.A. 2018 Supp. 75-5297 is hereby amended to read as
8 follows: 75-5297. (a) Subject to the other provisions of this section, each
9 corrections advisory board established under this act shall consist of at
10 least 12, ~~but not more than 15~~, members who shall be representative of law
11 enforcement, prosecution, the judiciary, education, corrections, ethnic
12 minorities, the social services and the general public and shall be
13 appointed as follows:

14 (1) The law enforcement representatives shall be: (A) The sheriff or,
15 if two or more counties are cooperating, the sheriff selected by the sheriffs
16 of those counties, or the designee of that sheriff, and (B) the chief of police
17 of the city with the largest population at the time the board is established
18 or, if two or more counties are cooperating, the chief of police selected by
19 the chiefs of police of each city with the largest population in each county
20 at the time the board is established, or the designee of that chief of police;
21 ~~except that~~. For purposes of this paragraph, ~~(1)~~ in the case of a county
22 having consolidated law enforcement and not having a sheriff or any
23 chiefs of police, "sheriff" means the law enforcement director and "chief of
24 police of the city with the largest population" or "chief of police" means a
25 law enforcement officer, other than the law enforcement director,
26 appointed by the county law enforcement agency for the purposes of this
27 section;

28 (2) the prosecution representative shall be the county or district
29 attorney or, if two or more counties are cooperating, a county or district
30 attorney selected by the county and district attorneys of those counties, or
31 the designee of that county or district attorney;

32 (3) the judiciary representative shall be the chief judge of the district
33 court of the judicial district containing the county or group of counties or,
34 if two or more counties in two or more judicial districts are cooperating,
35 the chief judge of each such judicial district, or a judge of the district court
36 designated by each such chief judge;

1 (4) the education representative shall be an educational professional
2 appointed by the board of county commissioners of the county or, if two or
3 more counties are cooperating, by the boards of county commissioners of
4 those counties;

5 (5) a court services officer designated by the chief judge of the
6 district court of the judicial district containing the county or group of
7 counties or, if counties in two or more judicial districts are cooperating, a
8 court services officer designated by the chief judges of those judicial
9 districts;

10 (6) *the board of county commissioners of the county shall appoint or,*
11 *if two or more counties are cooperating, the boards of county*
12 *commissioners of those counties shall, together, appoint an executive*
13 *director of a community mental health center, or if there is no community*
14 *mental health center within such county or counties, a representative of*
15 *mental health service providers in such county or counties;*

16 (7) the board of county commissioners of the county shall appoint or,
17 if two or more counties are cooperating, the boards of county
18 commissioners of those counties shall together appoint at least three, but
19 not more than six, additional members of the corrections advisory board
20 or, if necessary, additional members so that each county which is not
21 otherwise represented on the board is represented by at least one member
22 of such board; and

23 ~~(7)~~(8) three members of the corrections advisory board shall be
24 appointed by cities located within the county or group of cooperating
25 counties as follows: (A) If there are three or more cities of the first class,
26 the governing body of each of the three cities of the first class having the
27 largest populations shall each appoint one member; (B) if there are two
28 cities of the first class, the governing body of the larger city of the first
29 class shall appoint two members and the governing body of the smaller
30 city of the first class shall appoint one member; (C) if there is only one city
31 of the first class, the governing body of such city shall appoint all three
32 members; and (D) if there are no cities of the first class, the governing
33 body of each of the three cities having the largest populations shall each
34 appoint one member.

35 (b) If possible, of the members appointed by the boards of county
36 commissioners in accordance with subsection ~~(a)(6)~~ (a)(7) and by the
37 governing bodies of cities in accordance with subsection ~~(a)(7)(a)(8)~~,
38 members shall be representative of one or more of the following: (1)
39 Parole officers; (2) public or private social service agencies; (3) ex-
40 offenders; (4) the health care professions; and (5) the general public.

41 (c) At least two members of each corrections advisory board shall be
42 representative of ethnic minorities and no more than $\frac{2}{3}$ of the members of
43 each board shall be members of the same sex.

1 (d) In lieu of the provisions of subsections (a) through (c), a group of
2 cooperating counties as provided in ~~subsection (a)(2)~~ of K.S.A. 75-
3 52,110(a)(2), and amendments thereto, may establish a corrections
4 advisory board ~~which~~ and such board's membership shall be determined
5 by such group of counties through cooperative action pursuant to the
6 provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto,
7 to the extent that those statutes do not conflict with the provisions of this
8 act, except that if two or more counties in two or more judicial districts are
9 cooperating, the chief judge of each such judicial district, or a judge of the
10 district court designated by each such chief judge shall be a member of
11 such board. In determining the membership of the corrections advisory
12 board pursuant to this subsection, such group of counties shall appoint
13 members who are representative of law enforcement, prosecution, the
14 judiciary, education, corrections, ethnic minorities, the social services and
15 the general public. Any corrections advisory board established and the
16 membership determined pursuant to this subsection shall be subject to the
17 approval of the secretary of corrections.

18 Sec. 2. K.S.A. 75-5298 is hereby amended to read as follows: 75-
19 5298. (a) Members of a corrections advisory board appointed in
20 accordance with K.S.A. 75-5297, and amendments thereto, shall serve for
21 terms of ~~two~~ three years from and after the date of their appointment and
22 shall remain in office until their successors are duly appointed. All
23 vacancies in a corrections advisory board shall be filled for the unexpired
24 term in the manner that the position was originally filled. Each corrections
25 advisory board shall elect its own officers.

26 (b) All proceedings of the corrections advisory board and any
27 committee or subcommittee of the board shall be open to the public in
28 accordance with and subject to the provisions of K.S.A. 75-4317 ~~to~~
29 ~~through 75-4320, inclusive, and acts amendatory and amendments~~ thereto.
30 All votes of members of the corrections advisory board shall be recorded
31 and shall become matters of public record.

32 (c) The corrections advisory board shall promulgate and implement
33 rules concerning the conduct of proceedings and attendance of members at
34 board meetings.

35 Sec. 3. K.S.A. 2018 Supp. 75-52,105 is hereby amended to read as
36 follows: 75-52,105. (a) Upon compliance by a county or group of counties
37 with the requirements for receipt of the grants authorized by the
38 community corrections act and approval of the comprehensive plan by the
39 secretary of corrections, the secretary of corrections shall determine the
40 amount of the annual grant to each such county and, commencing on the
41 next ensuing January 1 or July 1 after approval of the comprehensive plan,
42 shall proceed to pay such grant in equal ~~semiannual~~ quarterly payments in
43 accordance with and subject to such act, applicable rules and regulations,

1 and the provisions of appropriations acts.

2 (b) On a quarterly basis, each county receiving ~~semiannual~~ *quarterly*
 3 grant payments under such act shall submit to the secretary of corrections
 4 certified statements detailing the amounts expended and costs incurred for
 5 the correctional services described in K.S.A. 75-5291, and amendments
 6 thereto. Upon receipt of such certified statements, the secretary of
 7 corrections shall determine whether each such county is in compliance
 8 with the expenditure and operation standards prescribed under such act for
 9 such services and shall determine the ~~semiannual~~ *quarterly* payment
 10 amount each such county is entitled to receive after making any
 11 adjustments for reductions or charges as required by or in accordance with
 12 such act and applicable rules and regulations.

13 (c) ~~Semiannual~~ *Quarterly* grant payments for counties entitled thereto
 14 under such act shall be made upon warrants of the director of accounts and
 15 reports issued pursuant to vouchers approved by the secretary of
 16 corrections or by a person or persons designated by the secretary of
 17 corrections to the county treasurers of such counties.

18 Sec. 4. K.S.A. 2018 Supp. 75-52,112 is hereby amended to read as
 19 follows: 75-52,112. (a) ~~As used in this section, "supervision success rate"~~
 20 ~~means the percentage of those persons under supervision in a community~~
 21 ~~corrections program whose supervision is not revoked and remanded to the~~
 22 ~~custody of the department of corrections for imprisonment.~~

23 (b) ~~On and after July 1, 2019,~~ subject to the provision of
 24 appropriation acts, the secretary of corrections shall develop and
 25 implement a grant program with the goal of increasing public safety,
 26 reducing the risk of offenders on community supervision and achieving
 27 and maintaining a supervision success rate ~~of at least 75% or improving~~
 28 ~~such rate by at least 3% from the previous year determined by the~~
 29 ~~secretary of corrections as set out in the correctional services standards~~
 30 ~~adopted pursuant to K.S.A. 75-5296, and amendments thereto.~~

31 (e)(b) Any county or counties operating community correctional
 32 services may apply for the grant. The program shall give priority to a
 33 county or counties in which the supervision success rate for offenders on
 34 community supervision is significantly lower than the statewide average,
 35 which target a higher supervision success rate than the required
 36 supervision success rate ~~of 75% or 3% annual supervision success rate~~
 37 ~~improvement as determined by the secretary of corrections~~ or which target
 38 the successful reentry of offenders who are considered medium or high
 39 risk for revocation.

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

43 (1) Target offenders at medium and high risk for ~~revocation~~

1 *recidivism* utilizing risk assessment instruments approved by the secretary;

2 (2) reduce and specialize caseloads for community corrections
3 officers;

4 (3) ~~provide the manage~~ offenders with *effective supervision practice*
5 ~~and provide the needed supervision and~~ services to improve such
6 offenders' opportunity to successfully complete community correctional
7 services programs, resulting in ~~a reduction in revocations to prison~~
8 *reduced recidivism and increased public safety*. Such services may include,
9 but not be limited to, *cognitive behavior intervention*, employment training
10 and placement, educational assistance, transportation and housing
11 *assistance*. Such services shall be evidence-based and address offenders'
12 criminogenic risks, needs and responsivity characteristics;

13 (4) use an intermediate sanctions community supervision model;

14 (5) provide staff training and skill development for community
15 corrections officers in ~~risk reduction and intervention~~ *effective practices in*
16 *community supervision*. Such training and development shall be approved
17 and certified by the secretary;

18 (6) utilize treatment options, including substance abuse treatment,
19 mental health treatment, and cognitive ~~and behavioral programs~~ *program*
20 *interventions* for offenders. For identified need areas, approved assessment
21 and evaluation instruments should be utilized to ensure offender placement
22 into appropriate levels of treatment and intervention;

23 (7) use gang intervention strategies;

24 (8) address safety concerns of the community;

25 (9) implement a method of tracking and reporting ~~revocations~~ *the*
26 *dosing of services received by offenders who successfully complete a*
27 *community corrections services program and offenders revoked to prison*;

28 (10) establish a goal of ~~reducing~~ *increasing* the number of offenders;
29 ~~by a specified percentage, whose supervision is revoked and the offender~~
30 ~~sentenced to prison who successfully complete a community correctional~~
31 *services program* by providing a plan to: (A) Achieve and maintain a
32 supervision success rate of at least 75% or improve such rate by at least
33 3% from the previous year as determined by the secretary of corrections;
34 or (B) target the successful reentry of offenders who are considered
35 medium or high risk for ~~revocation~~ *recidivism* by *applying an optimal*
36 *dosage of service, pro-social structure and supervision strategies based on*
37 *the offender's assessed level of risk and criminogenic needs*;

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

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

1 ~~(e)~~(d) The department of corrections shall establish a date for
2 achieving goals based upon implementation timelines and goals specific to
3 each grant, which may include an overall reduction or a reduction for a
4 specifically targeted population.

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

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

18 Sec. 5. K.S.A. 75-5298 and K.S.A. 2018 Supp. 75-5297, 75-52,105
19 and 75-52,112 are hereby repealed.

20 Sec. 6. This act shall take effect and be in force from and after its
21 publication in the statute book.