

## SENATE BILL No. 307

By Committee on Judiciary

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9 AN ACT concerning the department of corrections; relating to admission  
10 of offenders; curtailing admissions during outbreaks of infectious or  
11 contagious diseases; amending K.S.A. 2006 Supp. 75-5220 and re-  
12 pealing the existing section; also repealing K.S.A. 2006 Supp. 75-5220a.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2006 Supp. 75-5220 is hereby amended to read as  
16 follows: 75-5220. (a) Except as provided in subsection (d), within three  
17 business days of receipt of the notice provided for in K.S.A. 75-5218 and  
18 amendments thereto, the secretary of corrections shall notify the sheriff  
19 having such offender in custody to convey such offender immediately to  
20 the department of corrections reception and diagnostic unit or if space is  
21 not available at such facility, then to some other state correctional insti-  
22 tution until space at the facility is available, except that, in the case of  
23 first offenders who are conveyed to a state correctional institution other  
24 than the reception and diagnostic unit, such offenders shall be segregated  
25 from the inmates of such correctional institution who are not being held  
26 in custody at such institution pending transfer to the reception and di-  
27 agnostic unit when space is available therein. The expenses of any such  
28 conveyance shall be charged against and paid out of the general fund of  
29 the county whose sheriff conveys the offender to the institution as pro-  
30 vided in this subsection.

31 (b) Any female offender sentenced according to the provisions of  
32 K.S.A. 75-5229 and amendments thereto shall be conveyed by the sheriff  
33 having such offender in custody directly to a correctional institution des-  
34 ignated by the secretary of corrections, subject to the provisions of K.S.A.  
35 75-52,134 and amendments thereto. The expenses of such conveyance to  
36 the designated institution shall be charged against and paid out of the  
37 general fund of the county whose sheriff conveys such female offender  
38 to such institution.

39 (c) Each offender conveyed to a state correctional institution pursu-  
40 ant to this section shall be accompanied by the record of the offender's  
41 trial and conviction as prepared by the clerk of the district court in ac-  
42 cordance with K.S.A. 75-5218 and amendments thereto.

43 (d) If the offender in the custody of the secretary is a juvenile, as

1 described in K.S.A. ~~38-16,111~~ 38-2366, and amendments thereto, such  
2 juvenile shall not be transferred to the state reception and diagnostic  
3 center until such time as such juvenile is to be transferred from a juvenile  
4 correctional facility to a department of corrections institution or facility.  
5 *(e) Notwithstanding any other provision of law, the secretary of cor-*  
6 *rections may refuse to accept custody of offenders upon a determination*  
7 *by the secretary of health and environment, the designee of the secretary*  
8 *of health and environment, or a local health officer that due to infectious*  
9 *or contagious disease, admission of offenders into state correctional insti-*  
10 *tutions should be curtailed. The department of corrections shall not be*  
11 *liable for the costs incurred for the incarceration of such offenders during*  
12 *the period that admissions have been curtailed due to contagious or in-*  
13 *fectious diseases.*  
14 Sec. 2. K.S.A. 2006 Supp. 75-5220 and 75-5220a are hereby  
15 repealed.  
16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the statute book.