

SENATE BILL No. 524

AN ACT concerning corrections; relating to fee expenditure; creating the department of corrections victim assistance fund; amending K.S.A. 75-52,139 and K.S.A. 2007 Supp. 75-5211 and repealing the existing sections.

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

Section 1. K.S.A. 2007 Supp. 75-5211 is hereby amended to read as follows: 75-5211. (a) The secretary of corrections shall provide programs of employment, work, educational or vocational training for those inmates whom the secretary determines are available, willing and able to participate and are capable of benefiting therefrom. Equipment, management practices and general procedures shall, to the extent possible, approximate normal conditions of employment. Such work week may include schooling, vocational training, employment at private industry, treatment or other activities authorized by the secretary. For all purposes under state law, no inmate shall be deemed to be an employee of the state or any state agency. The secretary of corrections may credit to each inmate as a reward for such employment, an amount which shall be set by the secretary of corrections. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288, and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, and any inmate who is incarcerated at the Topeka correctional facility for the purpose of receiving diagnosis and any inmate on disciplinary segregation status shall not be eligible to receive compensation as provided in this subsection.

(b) The secretary of corrections shall establish programs and prescribe procedures for withdrawing amounts from the compensation paid to inmates from all sources for the same purposes as are prescribed by K.S.A. 75-5268, and amendments thereto for moneys of work release participants, except that any inmate employed in a private industry program, other than work release, shall, in addition to the deductions specified in K.S.A. 75-5268, and amendments thereto, have deduction of 5% of monthly gross wages paid to the *following funds for the purpose of victim assistance or compensation: (1) Department of corrections victim assistance fund or the crime victims compensation fund, as determined by the secretary, on and after July 1, 2008, through June 30, 2009; and (2) crime victims compensation fund or a local property crime fund for the purpose of victim compensation on and after July 1, 2009.* The department of corrections is authorized to make this deduction and payment to the *department of corrections victim assistance fund, the crime victims compensation fund or a local property crime fund, as applicable.* ~~On and after July 1, 2009~~ the event a local fund has made a payment to a victim of a property crime under this act and there is an order of restitution for which moneys are being withheld from an inmate under K.S.A. 75-5268, and amendments thereto, the secretary shall cause such moneys deducted for use by the state crime victims compensation board to be paid quarterly to the local fund, if any, then the balance to the state crime victims compensation fund. If there is no order of restitution, then K.S.A. 75-5268, and amendments thereto shall apply to the disposition of funds.

(c) (1) Upon the initial release of any inmate on parole, conditional release, postrelease supervision or expiration of the inmate's maximum sentence, the inmate shall be provided with suitable clothing and, if the inmate has a balance of \$500 or less in the inmate's trust account, a cash payment of \$100. If the inmate subsequently violates a condition of release resulting in reincarceration and is thereafter again released on parole, conditional release, postrelease supervision or expiration of the inmate's maximum sentence, the inmate may be provided, pursuant to rules and regulations of the secretary of corrections, with a cash payment of not more than \$100. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288, and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, or any inmate paroled or released to a detainer shall not be eligible to receive this cash payment unless the inmate is released to the community within 30 days of the execution of the detainer.

(2) An inmate released on expiration of the inmate's maximum sen-

tence shall be provided public transportation, if required, to the inmate's home, if within the state, or, if not, to the place of conviction or to some other place not more distant, as selected by the inmate. An inmate released on parole or conditional release shall be provided public transportation, if required, to the place to which the inmate was paroled or conditionally released.

Sec. 2. K.S.A. 75-52,139 is hereby amended to read as follows: 75-52,139. (a) The secretary of corrections is hereby authorized to adopt rules and regulations under which offenders in the secretary's custody may be assessed fees for various services provided to offenders and for deductions for payment to the crime victims compensation fund.

(b) *All moneys received for fees imposed under this section for various services provided to offenders shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the department of corrections - general fees fund. All expenditures of the moneys credited to the department of corrections - general fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.*

(c) *The expenditures of the fees imposed under this section for various services provided to offenders shall be for victim assistance operations, inmate services and the supervision and management of offenders.*

(d) *There is hereby created in the state treasury the department of corrections victim assistance fund. All moneys credited to such fund under the provisions of K.S.A. 75-5211, and amendments thereto, or any other law shall be expended only for the purpose of victim assistance operations. All moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the department of corrections victim assistance fund. All expenditures of the moneys credited to the department of corrections victim assistance fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.*

Sec. 3. K.S.A. 75-52,139 and K.S.A. 2007 Supp. 75-5211 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.