

SESSION OF 2002

**SUPPLEMENTAL NOTE ON SENATE
SUBSTITUTE FOR SENATE BILL NO. 339**

As Amended by Senate Committee on
Judiciary

Brief*

Senate Sub. for SB 339 would establish a procedure for the early medical release of persons in the custody of the Secretary of Corrections.

The bill provides that upon application of the Secretary of Corrections, the Kansas Parole Board may grant release to any person deemed to be functionally incapacitated, upon terms and conditions prescribed in the Board's order granting release.

A functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to: the prosecuting attorney and the judge of the court in which the person was convicted; and any victim of the person's crime or the victim's family. Notice of the application shall be given by the Secretary to the victim who is alive and whose address is known, or if the victim is deceased, to the victim's family if the family's address is known. If there is no known address for the victim or the victim's family, the Board shall not grant or deny the application until at least 30 days after notification is given by publication in the county of conviction. Publication costs shall be paid by the Department of Corrections.

In determining whether a person is functionally incapacitated, the Board shall consider: the person's current condition as confirmed by medical or mental health care providers, including whether the condition is terminal; the person's age and personal history; the person's criminal history; the person's length of sentence and time he or she has served; the nature and circumstances of the current offense; the risk or threat

*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/cgi-bin/fulltext/bills.cgi>

to the community if released; whether an appropriate release plan has been established; and any other factors deemed relevant.

The Secretary shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons specified in the bill.

The person shall receive credit for the time during which the person is on functional incapacitation release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate and off-grid sentences.

Background

The bill was supported as amended by the Secretary of Corrections and the Kansas Parole Board.

The fiscal note on the bill as introduced indicated cost impact on the state could not be determined until some experience with the bill has occurred.