

SENATE SUBSTITUTE FOR HOUSE BILL No. 2071

By Committee on Judiciary

3-17

1 AN ACT concerning community corrections; relating to grant programs;
2 amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the
3 existing sections.
4

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

6 Section 1. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as
7 follows: 75-5291. (a) (1) The secretary of corrections may make grants to
8 counties for the development, implementation, operation and improvement
9 of community correctional services that address the criminogenic needs of
10 felony offenders including, but not limited to, adult intensive supervision,
11 substance abuse and mental health services, employment and residential
12 services, and facilities for the detention or confinement, care or treatment
13 of offenders as provided in this section except that no community
14 corrections funds shall be expended by the secretary for the purpose of
15 establishing or operating a conservation camp as provided by K.S.A. 75-
16 52,127, and amendments thereto.

17 (2) Except as otherwise provided, placement of offenders in
18 community correctional services programs by the court shall be limited to
19 placement of adult offenders, convicted of a felony offense:

20 (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the
21 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-
22 G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In
23 addition, the court may place in a community correctional services
24 program adult offenders, convicted of a felony offense, whose offense is
25 classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the
26 sentencing guidelines grid for nondrug crimes;

27 (B) whose severity level and criminal history score designate a
28 presumptive prison sentence on either sentencing guidelines grid but
29 receive a nonprison sentence as a result of departure;

30 (C) all offenders convicted of an offense which satisfies the definition
31 of offender pursuant to K.S.A. 22-4902, and amendments thereto, and
32 which is classified as a severity level 7 or higher offense and who receive a
33 nonprison sentence, regardless of the manner in which the sentence is
34 imposed;

35 (D) any offender for whom a violation of conditions of release or
36 assignment or a nonprison sanction has been established as provided in

1 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in
2 the offender being required to serve any time for the sentence imposed or
3 which might originally have been imposed in a state facility in the custody
4 of the secretary of corrections;

5 (E) on and after January 1, 2011, for offenders who are expected to be
6 subject to supervision in Kansas, who are determined to be "high risk or
7 needs, or both" by the use of a statewide, mandatory, standardized risk
8 assessment tool or instrument which shall be specified by the Kansas
9 sentencing commission;

10 (F) placed in community correctional services programs as a
11 condition of supervision following the successful completion of a
12 conservation camp program; or

13 (G) who has been sentenced to community corrections supervision
14 pursuant to K.S.A. 21-4729, and amendments thereto.

15 (3) Notwithstanding any law to the contrary and subject to the
16 availability of funding therefor, adult offenders sentenced to community
17 supervision in Johnson county for felony crimes that occurred on or after
18 July 1, 2002, but before ~~January~~ July 1, 2011 ~~2013~~, shall be placed under
19 court services or community corrections supervision based upon court
20 rules issued by the chief judge of the 10th judicial district. The provisions
21 contained in this subsection shall not apply to offenders transferred by the
22 assigned agency to an agency located outside of Johnson county. The
23 provisions of this paragraph shall expire on ~~January~~ July 1, 2011 ~~2013~~.

24 (4) Nothing in this act shall prohibit a community correctional
25 services program from providing services to juvenile offenders upon
26 approval by the local community corrections advisory board. Grants from
27 community corrections funds administered by the secretary of corrections
28 shall not be expended for such services.

29 (5) The court may require an offender for whom a violation of
30 conditions of release or assignment or a nonprison sanction has been
31 established, as provided in K.S.A. 22-3716, and amendments thereto, to
32 serve any time for the sentence imposed or which might originally have
33 been imposed in a state facility in the custody of the secretary of
34 corrections without a prior assignment to a community correctional
35 services program if the court finds and sets forth with particularity the
36 reasons for finding that the safety of the members of the public will be
37 jeopardized or that the welfare of the inmate will not be served by such
38 assignment to a community correctional services program.

39 (b) (1) In order to establish a mechanism for community correctional
40 services to participate in the department of corrections annual budget
41 planning process, the secretary of corrections shall establish a community
42 corrections advisory committee to identify new or enhanced correctional
43 or treatment interventions designed to divert offenders from prison.

1 (2) The secretary shall appoint one member from the southeast
2 community corrections region, one member from the northeast community
3 corrections region, one member from the central community corrections
4 region and one member from the western community corrections region.
5 The deputy secretary of community and field services shall designate two
6 members from the state at large. The secretary shall have final
7 appointment approval of the members designated by the deputy secretary.
8 The committee shall reflect the diversity of community correctional
9 services with respect to geographical location and average daily population
10 of offenders under supervision.

11 (3) Each member shall be appointed for a term of three years and
12 such terms shall be staggered as determined by the secretary. Members
13 shall be eligible for reappointment.

14 (4) The committee, in collaboration with the deputy secretary of
15 community and field services or the deputy secretary's designee, shall
16 routinely examine and report to the secretary on the following issues:

17 (A) Efficiencies in the delivery of field supervision services;

18 (B) effectiveness and enhancement of existing interventions;

19 (C) identification of new interventions; and

20 (D) statewide performance indicators.

21 (5) The committee's report concerning enhanced or new interventions
22 shall address:

23 (A) Goals and measurable objectives;

24 (B) projected costs;

25 (C) the impact on public safety; and

26 (D) the evaluation process.

27 (6) The committee shall submit its report to the secretary annually on
28 or before July 15 in order for the enhanced or new interventions to be
29 considered for inclusion within the department of corrections budget
30 request for community correctional services or in the department's
31 enhanced services budget request for the subsequent fiscal year.

32 Sec. 2. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as
33 follows: 75-52,112. (a) *As used in this section, "supervision success
34 rate" means the percentage of those persons under supervision in a
35 community corrections program whose supervision is not revoked and
36 remanded to the custody of the department of corrections for
37 imprisonment.*

38 (b) On and after July 1, ~~2007~~ 2011, subject to the provision of
39 appropriation acts, the secretary of corrections shall develop and
40 implement a grant program with the goal of increasing public safety,
41 reducing the risk of offenders on community supervision and ~~reducing~~
42 ~~each community corrections program's revocations rate by at least 20%~~
43 ~~from such program's fiscal year 2006 revocation rate~~ *achieving and*

1 *maintaining a supervision success rate of at least 75% or improving such*
2 *rate by at least 3% from the previous year.*

3 (c) Any county or counties operating community correctional services
4 may apply for the grant. The program shall give priority to a county or
5 counties in which the ~~revocation~~ *supervision success* rate for offenders on
6 community supervision is significantly ~~higher~~ *lower* than the statewide
7 average, which target a higher ~~percentage of revocation reductions~~
8 *supervision success rate* than the required ~~minimum of 20%~~ *or supervision*
9 *success rate of 75% or 3% annual supervision success rate improvement*
10 *or which target the successful reentry of offenders who are considered*
11 *medium or high risk for revocation.*

12 ~~(b)~~(d) The secretary shall adopt grant requirements in accordance
13 with this section. Proposals for grants under this program shall include, but
14 not be limited to, provisions to:

15 (1) Target offenders at medium and high risk for revocation utilizing
16 risk assessment instruments approved by the secretary;

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

19 (3) provide the offenders with the needed supervision and services to
20 improve such offenders' opportunity to successfully complete community
21 correctional services programs, resulting in a reduction in revocations to
22 prison. Such services may include, but not be limited to, employment
23 training and placement, educational assistance, transportation and housing.
24 Such services shall be evidence-based and address offenders' criminogenic
25 risks, needs and responsivity characteristics;

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

27 (5) provide staff training and skill development for community
28 corrections officers in risk reduction and intervention. Such training and
29 development shall be approved and certified by the secretary;

30 (6) utilize treatment options, including substance abuse treatment,
31 mental health treatment, and cognitive and behavioral programs for
32 offenders. For identified need areas, approved assessment and evaluation
33 instruments should be utilized to ensure offender placement into
34 appropriate levels of treatment and intervention;

35 (7) use gang intervention strategies;

36 (8) address safety concerns of the community;

37 (9) implement a method of tracking and reporting revocations;

38 (10) establish a goal of reducing the number of offenders, by a
39 specified percentage, whose supervision is revoked and the offender
40 sentenced to prison by providing a *plan to*: ~~(A) A plan to reduce the~~
41 ~~revocation rate for offenders on community supervision by at least 20%~~
42 ~~from such program's fiscal year 2006 revocations rate; (B) a plan to reduce~~
43 ~~the revocation rate at a percentage greater than the 20% minimum~~

1 ~~established to receive such grants; or~~ *Achieve and maintain a supervision*
2 *success rate of at least 75% or improve such rate by at least 3% from the*
3 *previous year; or* ~~(C) (B) a plan which targets~~ *target* the successful reentry
4 of offenders who are considered medium or high risk for revocation;

5 (11) develop a specific accountability system for monitoring, tracking
6 and utilizing the grant funds and to evaluate the effectiveness of the grant
7 funds; and

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

11 ~~(e)~~ *(e)* The department of corrections shall establish a date for
12 achieving goals based upon implementation time-lines and goals specific
13 to each grant, which may include an overall reduction or a reduction for a
14 specifically targeted population.

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

20 ~~(g)~~ *(g)* The secretary shall prepare a report which states the number of
21 programs receiving grants pursuant to this section, specifically identifying
22 each program, summarizing the provisions of each program and the
23 success of the program in reducing revocations. Such report shall be
24 delivered to the governor, the secretary of the senate, the chief clerk of the
25 house of representatives and the Kansas reentry policy council on or
26 before the first day of the regular legislative session each year in which the
27 grant program is funded.

28 Sec. 3. K.S.A. 2010 Supp. 75-5291 and 75-52,112 are hereby
29 repealed.

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

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