



Kansas County & District Attorneys Association

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To: Chairman Wilborn and Members of the Senate Judiciary Committee

From: Kim Parker, Prosecutor Coordinator
Kansas County and District Attorneys Association

Date: January 31st, 2018

Re: Proponent Testimony for Senate Bill 310

Good Afternoon Chairman Wilborn and Committee Members,

Thank you for the opportunity to provide proponent testimony for SB310. I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent. We have introduced SB 310 to accommodate the multiple instances in which individuals held in custody are released to attend work programs, medical, dental or counseling appointment or other accommodate other special needs or circumstances. Rather than seeking a formal judicial order each time, it is more efficient to allow the "custodial official authorized to grant leave". In the event the person in custody runs, leaves, fails to return or "escapes", this amendment allows prosecutors to bring escape charges against the individual who has failed to return to custody.

Under current law, "escape" is defined as a "departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant **to express authorization of law or, order of a court.**" SB 310 adds language to the definition which also allows the grant of leave to be given by a **custodial official authorized to grant such leave.**

According to the Office of Judicial Administration, the bill could increase the number of individuals who are charged with escape from custody because of the expanded definition; however, any fiscal effect upon the Judicial Branch would be negligible. The Kansas Sentencing Commission states there would be no effect on prison admissions or bed space resulting from the enactment of SB 310.

We encourage you to pass this helpful amendment.

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