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6 **SENATE BILL No. 27**

7
8 By Committee on Judiciary

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10 1-11

11
12 AN ACT concerning corrections; relating to transfer of offenders;
13 amending K.S.A. 2000 Supp. 75-5220 and repealing the existing
14 section.

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

17 Section 1. K.S.A. 2000 Supp. 75-5220 is hereby amended to read as
18 follows: 75-5220. (a) Except as provided in subsection (d), within three
19 days of receipt of the notice provided for in K.S.A. 75-5218 and amend-
20 ments thereto, the secretary of corrections shall notify the sheriff having
21 such offender in custody to convey such offender immediately to the
22 ~~department of corrections reception and diagnostic unit~~ *El Dorado cor-*
23 *rectional facility* or if space is not available at such facility, then to some
24 other state correctional institution until space at the facility is available,
25 ~~except that,~~ **a correctional facility designated by the secretary.** In the
26 case of first offenders who are conveyed to a state correctional institution
27 other than the ~~reception and diagnostic unit~~ *El Dorado correctional fa-*
28 *cility*, such offenders shall be segregated from the inmates of such cor-
29 rectional institution who are not being held in custody at such institution
30 pending transfer to the ~~reception and diagnostic unit~~ *El Dorado correc-*
31 *tional facility* when space is available therein. The expenses of any such
32 conveyance shall be charged against and paid out of the general fund of
33 the county whose sheriff conveys the offender to the institution as pro-
34 vided in this subsection.

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

1 (c) Each offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of the offender's
2 trial and conviction as prepared by the clerk of the district court in accordance with K.S.A. 75-5218 and amendments thereto.
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5 (d) If the offender in the custody of the secretary is a juvenile, as described in K.S.A. 38-16,111, and amendments thereto, such juvenile
6 shall not be transferred to ~~the state reception and diagnostic center El Dorado~~ a correctional facility until such time as such juvenile is to be
7 transferred from a juvenile correctional facility to a department of corrections ~~the El Dorado correctional facility or some other state correctional~~
8 ~~institution or facility.~~
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12 (e) All offenders sentenced to the custody of the secretary, except as provided by subsection (f), shall be transported by the sheriff to ~~the El Dorado~~
13 ~~correctional facility, the Topeka~~ a correctional facility or a juvenile correctional facility **designated by the secretary**, as provided by
14 and subject to the provisions of subsections (a), (b) and (d), regardless of whether the prison portion of the offender's sentence has been served,
15 **except that if the record of the offender's trial and conviction causes the sheriff to believe that the offender has fully served both the**
16 **prison portion and postrelease supervision obligation of the sentence or sentences imposed, the sheriff may provide certified copies**
17 **of the record to the secretary prior to the sheriff's conveyance of the offender. If the secretary determines that the offender's sentence**
18 **has been fully served, the secretary shall cause the issuance of a certificate of discharge of the offender from the sentence or sentences.**
19 **The issuance of a certificate of discharge shall relieve the sheriff of the obligation to convey the offender to the secretary pursuant to the record of the offender's trial and conviction.**
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29 (f) Whenever the sheriff is required to convey physical custody of an offender to a jurisdiction, agency or facility other than the secretary of
30 corrections, the sheriff shall provide to the jurisdiction, agency or facility to which the offender is delivered a copy of the records prescribed in
31 subsection (e) **[detainer]** along with a notice that prior to the release of the offender by that jurisdiction, agency or facility, the department of
32 corrections shall be notified. Furthermore, the sheriff conveying physical custody of an offender to a jurisdiction, agency or facility other than the
33 secretary shall send to the secretary a copy of the records prescribed in subsection (c) along with the name and address of the jurisdiction, agency
34 or facility to which the offender was delivered.
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40 Sec. 2. K.S.A. 2000 Supp. 75-5220 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.
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