

SENATE BILL No. 454

By Committee on Judiciary

1-28

AN ACT concerning crimes, criminal procedure and punishment; relating to consolidation of field services; prescribing certain duties on the Kansas sentencing commission; amending K.S.A. 21-4727 and K.S.A. 2001 Supp. 74-9101 and repealing the existing sections.

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

New Section 1. (a) On July 1, 2004, there shall be a consolidation of the activities, funding and administration of the following field services: Probation, parole and community corrections pursuant to this act.

(b) On July 1, 2004, there shall be created a department of field services which shall be the central authority with responsibility and oversight of such field services. The department of field services shall be responsible for the supervision, treatment and reentry process involving adult felony offenders and for the development and maintenance of a comprehensive database of such offenders under supervision of the department. The department of field services shall develop a statewide comprehensive risk and needs assessment tool and all such offenders shall be subject to and evaluated pursuant to such assessment tool. There shall be established within the department of field services an evaluation division that shall provide annual evaluations of community based programs utilized by the department. The department shall develop and submit a report to the Kansas legislature summarizing such annual evaluations of community based programs. On July 1, 2004, the governor shall appoint a commissioner of field services who shall be responsible for the administration of field services as provided in this act and otherwise provided by law.

Sec. 2. K.S.A. 21-4727 is hereby amended to read as follows: 21-4727. All costs and expenses associated with postconviction prison and nonprison sanctions imposed for felony convictions and time spent in a county jail pursuant to a nonprison sanction imposed for felony convictions shall be the responsibility of and paid by the state of Kansas. ~~On or before January 1, 1994, probation, parole and community corrections services shall be consolidated after review of the recommendations of a task force to be appointed by the Kansas sentencing commission.~~

Sec. 3. K.S.A. 2001 Supp. 74-9101 is hereby amended to read as

1 follows: 74-9101. (a) There is hereby established the Kansas sentencing
2 commission.

3 (b) The commission shall:

4 (1) Develop a sentencing guideline model or grid based on fairness
5 and equity and shall provide a mechanism for linking justice and correc-
6 tions policies. The sentencing guideline model or grid shall establish rati-
7 onal and consistent sentencing standards which reduce sentence dis-
8 parity, to include, but not be limited to, racial and regional biases which
9 may exist under current sentencing practices. The guidelines shall specify
10 the circumstances under which imprisonment of an offender is appro-
11 priate and a presumed sentence for offenders for whom imprisonment is
12 appropriate, based on each appropriate combination of reasonable of-
13 fense and offender characteristics. In developing its recommended sen-
14 tencing guidelines, the commission shall take into substantial considera-
15 tion current sentencing and release practices and correctional resources,
16 including but not limited to the capacities of local and state correctional
17 facilities. In its report, the commission shall make recommendations re-
18 garding whether there is a continued need for and what is the projected
19 role of, if any, the Kansas parole board and whether the policy of allo-
20 cating good time credits for the purpose of determining an inmate's eli-
21 gibility for parole or conditional release should be continued;

22 (2) consult with and advise the legislature with reference to the im-
23 plementation, management, monitoring, maintenance and operations of
24 the sentencing guidelines system;

25 (3) direct implementation of the sentencing guidelines system;

26 (4) assist in the process of training judges, county and district attor-
27 neys, court services officers, state parole officers, correctional officers,
28 law enforcement officials and other criminal justice groups. For these
29 purposes, the sentencing commission shall develop an implementation
30 policy and shall construct an implementation manual for use in its training
31 activities;

32 (5) receive presentence reports and journal entries for all persons
33 who are sentenced for crimes committed on or after July 1, 1993, to
34 develop post-implementation monitoring procedures and reporting
35 methods to evaluate guideline sentences. In developing the evaluative
36 criteria, the commission shall take into consideration rational and consis-
37 tent sentencing standards which reduce sentence disparity to include, but
38 not be limited to, racial and regional biases;

39 (6) advise and consult with the secretary of corrections and members
40 of the legislature in developing a mechanism to link guidelines sentence
41 practices with correctional resources and policies, including but not lim-
42 ited to the capacities of local and state correctional facilities. Such linkage
43 shall include a review and determination of the impact of the sentencing

1 guidelines on the state's prison population, review of corrections pro-
2 grams and a study of ways to more effectively utilize correction dollars
3 and to reduce prison population;

4 (7) make recommendations relating to modification to the sentencing
5 guidelines as provided in K.S.A. 21-4725 and amendments thereto;

6 (8) prepare and submit fiscal impact and correctional resource state-
7 ment as provided in K.S.A. 2001 Supp. 74-9106 and amendments thereto;

8 (9) make recommendations to those responsible for developing a
9 working philosophy of sentencing guideline consistency and rationality;

10 (10) develop prosecuting standards and guidelines to govern the con-
11 duct of prosecutors when charging persons with crimes and when engag-
12 ing in plea bargaining;

13 (11) analyze problems in criminal justice, identify alternative solu-
14 tions and make recommendations for improvements in criminal law, pros-
15 ecution, community and correctional placement, programs, release pro-
16 cedures and related matters including study and recommendations
17 concerning the statutory definition of crimes and criminal penalties and
18 review of proposed criminal law changes;

19 (12) perform such other criminal justice studies or tasks as may be
20 assigned by the governor or specifically requested by the legislature, de-
21 partment of corrections, the chief justice or the attorney general;

22 (13) develop a program plan which includes involvement of business
23 and industry in the public or other social or fraternal organizations for
24 admitting back into the mainstream those offenders who demonstrate
25 both the desire and ability to reconstruct their lives during their incar-
26 ceration or during conditional release;

27 (14) appoint a task force to make recommendations concerning the
28 consolidation of probation, parole and community corrections services;

29 (15) produce official inmate population projections annually on or
30 before six weeks following the date of receipt of the data from the de-
31 partment of corrections. When the commission's projections indicate that
32 the inmate population will exceed available prison capacity within two
33 years of the date of the projection, the commission shall identify and
34 analyze the impact of specific options for (A) reducing the number of
35 prison admissions; or (B) adjusting sentence lengths for specific groups
36 of offenders. Options for reducing the number of prison admissions shall
37 include, but not be limited to, possible modification of both sentencing
38 grids to include presumptive intermediate dispositions for certain cate-
39 gories of offenders. Intermediate sanction dispositions shall include, but
40 not be limited to: Intensive supervision; short-term jail sentences; halfway
41 houses; community-based work release; electronic monitoring and house
42 arrest; substance abuse treatment; and pre-revocation incarceration. In-
43 termediate sanction options shall include, but not be limited to, mecha-

1 nisms to explicitly target offenders that would otherwise be placed in
2 prison. Analysis of each option shall include an assessment of such options
3 impact on the overall size of the prison population, the effect on public
4 safety and costs. In preparing the assessment, the commission shall review
5 the experience of other states and shall review available research regard-
6 ing the effectiveness of such option. The commission's findings relative
7 to each sentencing policy option shall be presented to the governor and
8 the joint committee on corrections and juvenile justice oversight no later
9 than November 1; ~~and~~

10 (16) at the request of the governor or the joint committee on correc-
11 tions and juvenile justice oversight, initiate and complete an analysis of
12 other sentencing policy adjustments not otherwise evaluated by the com-
13 mission; *and*

14 (17) *on or before May 1, 2002, appoint a transition committee to: (A)*
15 *Identify critical issues related to consolidation of field services as provided*
16 *in section 1, and amendments thereto;*

17 *(B) establish a timeline of required activities prior to such*
18 *consolidation;*

19 *(C) identify and address obstacles to such consolidation;*

20 *(D) identify appropriate current resources to be transferred to the*
21 *department of field services;*

22 *(E) identify any additional resources required for operation of the*
23 *department of field services;*

24 *(F) review and identify staffing needs for the department of field*
25 *services;*

26 *(G) draft a transition plan for the transfer of responsibilities, powers,*
27 *duties and functions to the department of field services; and*

28 *(H) make recommendations as to legislation necessary to implement*
29 *the consolidation of field services as provided in section 1, and amend-*
30 *ments thereto.*

31 *Such committee shall include adequate and necessary representation*
32 *from probation, parole and community corrections services. On or before*
33 *January 15, 2003, the commission shall submit a complete department*
34 *operations plan, clearly defined departmental mission, goals and objec-*
35 *tives, departmental structure, comprehensive budget, state fiscal note and*
36 *necessary statutory changes to implement the consolidation of field serv-*
37 *ices pursuant to section 1, and amendments thereto.*

38 Sec. 4. K.S.A. 21-4727 and K.S.A. 2001 Supp. 74-9101 are hereby
39 repealed.

40 Sec. 5. This act shall take effect and be in force from and after its
41 publication in the Kansas register.