

## SENATE BILL No. 165

By Committee on Ways and Means

1-24

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9 AN ACT concerning claims against the state; relating to the limitation  
10 on inmate claims payable by the secretary of corrections; amending  
11 K.S.A. 46-920 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 46-920 is hereby amended to read as follows: 46-  
15 920. (a) The secretary of corrections may reimburse any inmate of any  
16 correctional institution or other facility under the secretary's jurisdiction  
17 for any personal injury or personal property damage or loss occurring  
18 under circumstances which establish, in the secretary's opinion, that such  
19 loss or damage was caused by the negligence of the state or any agency,  
20 officer or employee thereof. No reimbursement payment shall be made  
21 on any claim for an amount of more than ~~\$500~~ \$2,500. Nothing in this  
22 section shall prohibit the crediting of any payment made to an inmate of  
23 a correctional institution or other facility under the secretary's jurisdiction  
24 to such inmate's account within the institution or facility, as the case may  
25 be.

26 (b) When an inmate owes an outstanding unpaid amount of restitu-  
27 tion ordered by a court pursuant to K.S.A. 21-4603, 21-4603d or 21-4610,  
28 and amendments thereto, the secretary of corrections shall withdraw from  
29 the inmate's trust account as a set-off:

30 (1) Money received by the inmate from the state as a settlement of  
31 a claim against the state through the joint committee on special claims  
32 against the state which is otherwise specifically approved for payment by  
33 appropriation act of the legislature, or which is approved through the  
34 department of corrections internal claims procedure under this section;  
35 or

36 (2) money received by the inmate from the state as the result of a  
37 settlement or a final judgment in a civil action in which the state of Kansas  
38 or an employee of the department of corrections was a named defendant  
39 and the state was found to be liable.

40 (c) When an inmate on post release, parole or conditional release  
41 supervision owes an outstanding unpaid amount of restitution ordered by  
42 a court pursuant to K.S.A. 21-4603, 21-4603d or 21-4610 and amend-  
43 ments thereto, the state shall setoff the unpaid restitution from:

- 1       (1) Money payable to the inmate from the state as a settlement of a  
2 claim against the state through the joint committee against the state which  
3 is specifically approved for payment by appropriation act of the legislature  
4 or which is approved through the department of corrections under this  
5 section; or
- 6       (2) money payable to the inmate from the state as a result of a set-  
7 tlement or final judgment in a civil action in which the state of Kansas or  
8 an employee of the department of corrections was a named defendant  
9 and the state was found to be liable.
- 10       (d) Vouchers certifying the amount to be setoff under subsection (c)  
11 for the outstanding unpaid restitution and any balance remaining payable  
12 to the inmate shall be prepared and submitted to the director of accounts  
13 and reports of the department of administration.
- 14       (e) When more than one state court order of restitution is outstanding  
15 and unpaid, moneys shall be applied to and paid for the restitution orders  
16 in accordance with this section in the order in which the final judgment  
17 orders were entered.
- 18       (f) Moneys collected for payment towards outstanding unpaid resti-  
19 tution in accordance with this section shall be forwarded to the appro-  
20 priate clerk of the district court for disbursement.
- 21       Sec. 2. K.S.A. 46-920 is hereby repealed.
- 22       Sec. 3. This act shall take effect and be in force from and after its  
23 publication in the statute book.