

SENATE BILL No. 300

By Senator Betts

2-6

9 AN ACT relating to the department of corrections; providing for a man-
10 datory HIV education program; amending K.S.A. 2006 Supp. 75-5210
11 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2006 Supp. 75-5210 is hereby amended to read as
15 follows: 75-5210. (a) Persons committed to the institutional care of the
16 secretary of corrections shall be dealt with humanely, with efforts directed
17 to their rehabilitation and return to the community as safely and promptly
18 as practicable. For these purposes, the secretary shall establish programs
19 of classification and diagnosis, education, casework, mental health, coun-
20 seling and psychotherapy, chemical dependency counseling and treat-
21 ment, sexual offender counseling, prerelease programs which emphasize
22 re-entry skills, adjustment counseling and job placement, vocational train-
23 ing and guidance, work, library, physical education and other rehabilita-
24 tion and recreation services; the secretary may establish facilities for re-
25 ligious worship; and the secretary shall institute procedures for the study
26 and classification of inmates. The secretary shall maintain a comprehen-
27 sive record of the behavior of each inmate reflecting accomplishments
28 and progress toward rehabilitation as well as charges of infractions of rules
29 and regulations, punishments imposed and medical inspections made.

30 (b) Programs of work, education or training shall include a system of
31 promotional rewards entitling inmates to progressive transfer from high
32 security status to a lesser security status. The secretary shall have authority
33 at any time to transfer an inmate from one level of status to another level
34 of status. Inmates may apply to the secretary for such status privileges.
35 The secretary shall adopt a custody classification manual establishing stan-
36 dards relating to the transfer of an inmate from one status to another,
37 and in developing such standards the secretary shall take into consider-
38 ation progress made by the inmate toward attaining the educational, vo-
39 cational and behavioral goals set by the secretary for the individual in-
40 mate. In order to facilitate the reintegration into the community of some
41 inmates who are scheduled for release within the next 90 days, there shall
42 be a presumption of minimum security status for those offenders who
43 have been returned to prison for violating conditions of their postrelease

1 supervision not involving a new criminal conviction and whose last facility
2 security custody status was not either special management or maximum.
3 This presumption shall be applied to the initial security custody status
4 assigned to the offender upon readmission into a correctional facility un-
5 less the security custody status is increased pursuant to policies adopted
6 by the secretary. The security custody status designated by the depart-
7 ment shall not be subject to judicial review.

8 (c) (1) The secretary, with the cooperation of the department of
9 health and environment, shall adopt rules and regulations establishing
10 and prescribing standards for health, medical and dental services for each
11 institution, including preventive, diagnostic and therapeutic measures on
12 both an outpatient and a hospital basis, for all types of patients. An inmate
13 may be taken, when necessary, to a medical facility outside the institution.

14 (2) *The secretary, in conjunction with the department of health and*
15 *environment, shall develop and implement a comprehensive AIDS edu-*
16 *cation program designed specifically for correctional institutions for in-*
17 *mates and staff. The education program shall be mandatory and shall be*
18 *given periodically in collaboration with the department of health and*
19 *environment.*

20 (d) Under rules and regulations adopted by the secretary, directors
21 of institutions may authorize visits, correspondence and communication,
22 under reasonable conditions, between inmates and appropriate friends,
23 relatives and others.

24 (e) The secretary shall adopt rules and regulations under which in-
25 mates, as part of a program anticipating their release from minimum
26 security status, may be granted temporary furloughs from a correctional
27 institution or contract facility to visit their families or to be interviewed
28 by prospective employers.

29 (f) The secretary shall adopt rules and regulations for the mainte-
30 nance of good order and discipline in the correctional institutions, in-
31 cluding procedures for dealing with violations. Disciplinary rules and reg-
32 ulations may provide a system of punishment including segregation,
33 forfeitures of good time earned, fines, extra work, loss of privileges, re-
34 strictions and payment of restitution.

35 The secretary and any persons designated by rules and regulations of
36 the secretary may administer oaths for the purpose of conducting inves-
37 tigations and disciplinary proceedings pursuant to rules and regulations
38 adopted by the secretary under this subsection and under K.S.A. 75-5251
39 and amendments thereto. For this purpose, the secretary shall adopt rules
40 and regulations designating those persons who may administer oaths in
41 such investigations and proceedings and the form and manner of admin-
42 istration of the oaths.

43 (g) A copy of the rules and regulations adopted pursuant to subsec-

1 tion (f) shall be provided to each inmate. Other rules and regulations of
2 the secretary which are required to be published pursuant to K.S.A. 77-
3 415 through 77-437, and amendments thereto, shall be made available to
4 inmates by placing a copy in the inmate library at the institution or by
5 some other means providing reasonable accessibility to inmates.

6 (h) Any inmate participating in work and educational release pro-
7 grams under the provisions of K.S.A. 75-5267 and amendments thereto
8 shall continue to be in the legal custody of the secretary of corrections,
9 notwithstanding the inmate's absence from a correctional institution by
10 reason of employment, education or for any other purpose related to such
11 work and educational release programs, and any employer or educator of
12 that person shall be considered the representative or agent for the
13 secretary.

14 (i) The secretary shall establish administrative and fiscal procedures
15 to permit the use of regional or community institutions, local govern-
16 mental or private facilities or halfway houses for the placement of inmates
17 released for the purposes of this act and for the work and educational
18 release programs under K.S.A. 75-5267 and amendments thereto.

19 (j) The secretary may establish correctional work facilities and select
20 inmates to be assigned to such facilities.

21 (k) The secretary may acquire, in the name of the state, by lease,
22 purchase or contract additional facilities as may be needed for the housing
23 of persons in the secretary's custody.

24 (l) The secretary is hereby authorized to use any of the inmates as-
25 signed to the secretary's custody in the construction and repair of build-
26 ings or property on state owned or leased grounds.

27 (m) For the purposes of establishing and carrying out the programs
28 provided for by subsection (a) and by K.S.A. 75-5267 and amendments
29 thereto, the secretary may contract with qualified individuals, partner-
30 ships, corporations or organizations; with agencies of the state; or with
31 the United States or any political subdivision of the state, or any agency
32 thereof.

33 Sec. 2. K.S.A. 2006 Supp. 75-5210 is hereby repealed.

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