

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 495

By Committee on Judiciary

1-29

10 AN ACT concerning the department of corrections; relating to the trans-
11 fer of certain offenders; amending K.S.A. 2007 Supp. 75-5220 and
12 repealing the existing section.
13

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

15 Section 1. K.S.A. 2007 Supp. 75-5220 is hereby amended to read as
16 follows: 75-5220. (a) Except as provided in ~~subsection (d)~~ *subsections (d)*
17 *and (e)*, within three business days of receipt of the notice provided for
18 in K.S.A. 75-5218 and amendments thereto, the secretary of corrections
19 shall notify the sheriff having such offender in custody to convey such
20 offender immediately to the department of corrections reception and di-
21 agnostic unit or if space is not available at such facility, then to some other
22 state correctional institution until space at the facility is available, except
23 that, in the case of first offenders who are conveyed to a state correctional
24 institution other than the reception and diagnostic unit, such offenders
25 shall be segregated from the inmates of such correctional institution who
26 are not being held in custody at such institution pending transfer to the
27 reception and diagnostic unit when space is available therein. The ex-
28 penses of any such conveyance shall be charged against and paid out of
29 the general fund of the county whose sheriff conveys the offender to the
30 institution as provided in this subsection.

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

39 (c) Each offender conveyed to a state correctional institution pursu-
40 ant to this section shall be accompanied by the record of the offender's
41 trial and conviction as prepared by the clerk of the district court in ac-
42 cordance with K.S.A. 75-5218 and amendments thereto.

43 (d) If the offender in the custody of the secretary is a juvenile, as

1 described in K.S.A. 2007 Supp. 38-2366, and amendments thereto, such
2 juvenile shall not be transferred to the state reception and diagnostic
3 center until such time as such juvenile is to be transferred from a juvenile
4 correctional facility to a department of corrections institution or facility.

5 *(e) If the offender has ~~10~~ 20 or less days remaining to be served on*
6 *the prison portion of the sentence at the time the notice provided for in*
7 *K.S.A. 75-5218 and amendments thereto, is received by the secretary of*
8 *corrections, the offender shall remain in the custody of the sheriff until*
9 *the completion of the prison portion of the sentence. The secretary shall*
10 *inform the sheriff of the date of the expiration of the prison portion of the*
11 *offender's sentence if ~~10~~ 20 or less days remain to be served.*

12 Sec. 2. K.S.A. 2007 Supp. 75-5220 is hereby repealed.

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