

M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONAL INSTITUTIONS

October 9, 1975

Senator Winter presided. Those in attendance included Representatives Lindahl, Reeves, Burgess, Slattery, Hayden, Jones, Sutter and Wingert and Senators Meyers and Mulich.

Staff members included John Schott and Carl Tramel from the Legislative Research Department and Bill Edds of the Revisor of Statutes' Office.

Conferees

Mr. Robert Raines, Secretary, Department of Corrections
Mr. Dick Davis, Department of Corrections
Mr. Wayne Kelpin, Department of Corrections
Mr. Bernard Dunn, Department of Corrections

Consideration of Department of Corrections Legislative Proposals

Secretary Raines began the presentation by explaining to the Committee that there are 15 separate legislative proposals to bring to the Committee's attention. (Attachments 1-15). The presentation, Committee discussion and decisions relative to the proposals are outlined as below:

1. Proposal No. 1 makes certain technical changes relative to statutory references to the Kansas Correctional Institution for Women and also provides that the jurisdiction of the Secretary of Corrections and the sentencing court over any female misdemeanor shall be concurrent throughout the term of confinement of such misdemeanant at the Kansas Correctional Institution for Women. It was the suggestion of the Committee that the jurisdiction not be concurrent but that the sentencing court be allowed to place such misdemeanant on probation when and if it deems such action desirable and appropriate. A redraft was directed and will be reviewed at the next meeting.
2. The second proposal of the Department of Corrections concerned the presentence investigation of a person who has committed a felony or misdemeanor. According

to the Department, many communities send individuals to the Kansas State Reception and Diagnostic Center for evaluation prior to sentencing. This has created a serious backup problem at KRDC since the staff and facilities are not able to accommodate all those individuals for such an examination. The changes requested by the Department would provide that the presentence investigation for misdemeanants and felons be conducted in the county where the crime was committed. Post sentence evaluation and ongoing evaluations for felons would still be conducted by KRDC.

There was considerable discussion concerning the fact that women sentenced to the Kansas Correctional Institution for Women were not afforded a post sentence evaluation by KRDC since there is but one institution for women felons in the State of Kansas. As a result, it was moved and seconded that legislation be drafted which would provide for mandatory post sentence evaluations for women who were at KCIW as a result of a state conviction. The motion carried.

Proposal No. 2, as well as the new proposed legislation, will be reworked and resubmitted to the Committee for examination at its next meeting.

3. Proposal No. 3 provided the Department of Corrections with an exemption from the requirement that funds resulting from the sale or lease of land be returned to the state general fund. Following limited discussion, this proposal was not approved.
4. Proposal No. 4 provided for the employment of student intern correctional officers by the Secretary of Corrections for employment in the state correctional institutions. The Committee adopted a conceptional motion that the definition of these interns be deleted from the statute, and that a provision be inserted in to provide for such employment subject to budget limitations. Additionally, such employees are to be considered temporary employees of the Department of Corrections. This conceptional motion was seconded and passed by the Committee. A draft of the legislation is to be presented to the Committee at its next meeting.
5. Proposal No. 5 pertains to 1975 S.B. 476 concerning jail standards. This bill is currently being held before the Senate Committee on Federal and State Affairs. The Committee took no action on this proposal.
6. Proposal No. 6 of the Department of Corrections relates to 1975 S.B. 510, which is being held by the Senate Committee on Federal and State Affairs. Certain amendments to the legislation were suggested; however, such

amendments will be submitted during the session and will be a result of the activities by the Department of Corrections independent of the Special Committee. As a result, the Committee took no action on this proposal.

7. Proposal No. 7 relates to the computation of time to be served for multiple sentences are imposed. The Department of Corrections staff attempted to explain the method by which sentences would be computed. Following limited discussion pertaining to these matters, the Committee took no action on this proposal.
- 8-10. The Department of Corrections staff explained that the effects of Proposals 8-10 were included in previous bills.
11. Proposal No. 11 pertains to actions taken by custodians of records of arrest, conviction and incarceration relative to the denial of the existence of such records for an individual whose record has been expunged.
12. Proposal No. 12 makes the same change and inserts the same new language relative to the annulment of certain convictions as for expungement in Proposal No. 11.

Following a review of an attorney general's opinion (Attachment No. 12A) on this subject, the Committee directed the staff to draft legislation which would carry out the provisions of Proposals No. 11 and 12.

13. Proposal No. 13, as explained by Mr. Kelpin of the Department of Corrections, would extend to probationers the same due process rights relative to revocation of probation as are currently extended to persons on parole. This legislation was designed to implement certain U.S. Supreme Court decisions which require these rights be extended. Following limited Committee discussion, the Committee requested staff to draft a bill for its review which would carry out the provisions of Proposal No. 13.
14. Proposal No. 14, as explained by the Department of Corrections staff, is 1975 S.B. 503, which was killed during the 1975 Session. This proposed bill contains the changes made by the Senate Committee on Federal and State Affairs.

Following limited discussion, the Committee felt that this legislation was appropriate and it was moved, seconded and passed that this legislation be introduced by the Committee.

15. Proposal No. 15 provides that neither the Secretary of Corrections nor the director of any state correctional institution shall be required to give notice or the opportunity to be heard on the adoption of any rules and regulations to any inmate or group of inmates confined in any state correctional institution.

Following limited discussion, the Committee moved to recommend this proposed legislation favorable for passage. After this action was taken, the Committee discussed the relative merits of requiring the publishing of rules and regulations of the Department of Corrections. The Department of Corrections staff indicated that they would like to have the exemption extend to everyone, and not just inmates or groups of inmates in correctional institutions. There was extensive Committee discussion concerning the appropriateness of this request, and as a result the Committee moved to reconsider its action on Proposal No. 15. As a result of that reconsideration, the Committee requested that the staff provide the Committee with a draft relating to Proposal No. 15 which would exempt the Department of Corrections from receiving rule and regulation input from inmates or groups of inmates relative to those regulations concerning security and safety of the institutions.

Before considering the outlines of the various Kansas correctional institutions, the Chairman told the Committee that the Secretary of Corrections had submitted a list of name changes for the various institutions. The suggested name changes are as follows:

Kansas State Penitentiary - Kansas Correctional Center

Kansas State Industrial Reformatory - Hutchinson Correctional Center

Kansas Correctional Institution for Women - Women's Correctional Center

Kansas State Reception and Diagnostic Center - Kansas Reception Center

Kansas Correctional-Vocational Training Center - Topeka Correctional Center

Toronto Honor Camp - Toronto Correctional Unit

The afternoon session of the Committee meeting was devoted to the development of the Committee report relative to the Correctional Institutions. The outline (Attachment No. 16) which had been drafted by the Research Department was examined and discussed, and suggested changes were given to the staff to be incorporated in the preliminary final draft of the Committee report, which will be reviewed at the next meeting.

Following this activity the Committee reviewed the capital improvement projects (Attachment No. 17) which have been requested by the five institutions and the Department of Corrections for FY 1977. The Committee gave extensive consideration to these capital improvement projects and, as a result, decided to endorse the following projects:

Kansas State Penitentiary

Complete renovation of "A" cell house.	\$269,000
Renovation of inside dormitory	90,000
New infirmary building	300,000
Reroofing projects	57,675

Kansas State Industrial Reformatory

Remodel kitchen refuse area and butcher shop.	\$18,000
Install electrical fixtures, wiring in cell houses.	62,000
Install hot water in cell houses.	68,000
Renovate and equip auditorium.	75,000
Remodeling administrative office (2nd floor).	15,000
Renovate building for leave time activities	4,000
Resurfacing of hallway flooring	2,500

Kansas Reception and Diagnostic Center

Waterproof outside walls in main building	\$30,663
Storm windows for main building	2,550
Waterproof outside walls of administration building	10,160
Waterproof outside walls of hospital building	9,824

Kansas Correctional Institution for Women

Maximum security renovation	\$34,300
Heating element replacement	14,400
Roofing replacement	25,400

Kansas Correctional-Vocational Training Center

Rewiring of communication system.	\$600
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The Committee requested the staff to draft the appropriate legislation and to prepare a preliminary final draft report by the next meeting, which is scheduled for November 6 and 7. Staff indicated that the preliminary final draft of the report should be out to the Committee members approximately one week before the meeting.

There being no further business, the meeting was adjourned at 5:00 p.m.

Prepared by John S. Schott

Approved by Committee on:

11-7-75
(Date)

PROPOSED BILL NO. _____

1
Prop. # 1

By Special Committee on Correctional Institutions

Re Proposal No. 9

AN ACT relating to crimes and punishments; concerning misdemean-
ants confined in the Kansas correctional institution for
women; concerning probation and parole; amending K. S. A.
20-820, 21-4611 and 21-4612 and K. S. A. 1975 Supp. 75-5229
and 75-5283.

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

Section 1. K. S. A. 20-820 is hereby amended to read as
follows: 20-820. In misdemeanor cases the judge of the county
court, when satisfied that the defendant, if permitted to go at
large will not again violate the law, may parole or place such
person ~~or place him~~ on probation upon such conditions and under
such restrictions as the judge shall see fit to impose. Such
judge may at any time, without notice to such person, terminate
such parole or probation by simply directing execution to issue
on the judgment, or, in case the person shall have been actually
confined in jail or in the Kansas correctional institution for
women, the parole may be terminated by directing the sheriff to
retake such person under the commitment already in his or her
hands.

After any parole has been terminated as above provided, the
judge, in ~~his~~ the exercise of discretion, after the payment of
all costs in the case, may grant a second parole, but no more
than two paroles shall be granted the same person under the same
judgment or conviction. If a parole shall be terminated, the
time such person shall have been at large on parole shall not be
deducted from the time he or she shall be required to serve, but
the full amount of the fine shall be collected or the full time
in jail or in the Kansas correctional institution for women shall

be served the same as if no parole had been granted. When any person shall be paroled the court or judge thereof, before or at the time granting such parole, may require such person, with one or more sureties, to enter into bond to the state of Kansas, in a sum to be fixed by the court or judge thereof, that such person shall appear in court at such times as the court or judge thereof shall see fit, not to exceed one year, and not depart without leave of court. Such bond shall be approved by the court or judge and forfeiture may be taken and prosecuted to final judgment on such bond in the same manner as now provided by law in cases of bonds taken for appearance of persons awaiting trial upon complaint.

Sec. 2. K. S. A. 21-4611 is hereby amended to read as follows: 21-4611. The period of suspension of sentence or probation fixed by the court shall not exceed five (5) years in felony cases or two (2) years in misdemeanor cases, subject to renewal and extension for additional fixed periods not exceeding five (5) years in felony cases, nor two (2) years in misdemeanor cases, but in no event shall the total period of probation or suspension of sentence for a felony exceed the maximum term provided by law for the crime, except that where the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. Probation or suspension of sentence may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation or suspension of sentence, an order to this effect shall be entered by the court.

The district court having jurisdiction of the offender may parole from sentences to confinement in the county jail or in the Kansas correctional institution for women. The period of such parole shall be fixed by the court and shall not exceed two (2) years and shall be terminated in the manner provided for termination of suspended sentence and probation.

Sec. 3. K. S. A. 21-4612 is hereby amended to read as follows: 21-4612. Any person confined in jail or in the Kansas

correctional institution for women under judgment of conviction before a county court, justice of the peace, city court, magistrate court, court of common pleas, or any other inferior court except police court, may be paroled, his ^{or her} parole terminated and absolute discharge granted by the district court or a judge of the district court having jurisdiction of appeals from such inferior court in criminal cases, in the same manner and subject to the same restrictions as if such person had been convicted in and placed on probation by said district court.

Sec. 4. K. S. A. 1975 Supp. 75-5229 is hereby amended to read as follows: 75-5229. Every female person, above the age of eighteen (18) years, who shall be convicted of any offense against the criminal laws of this state, punishable by imprisonment, shall be sentenced to the custody of the secretary of corrections, and the secretary shall designate as the place of confinement of such offender the Kansas correctional institution for women, unless the judge or court imposing such sentence shall fix the term of confinement at thirty (30) days or less in which case such confinement may be in the county jail. The jurisdiction of the secretary of corrections and the sentencing court over any female misdemeanant shall be concurrent throughout the term of confinement of such misdemeanant at the Kansas correctional institution for women.

Sec. 5. K. S. A. 1975 Supp. 75-5283 is hereby amended to read as follows: 75-5283. The Kansas state reception and diagnostic center, the Kansas correctional institution for women and the state correctional-vocational training center, respectively, shall be continuations of the Kansas state reception and diagnostic center established pursuant to L. 1961, chapter 436, section 2 (K. S. A. 76-24a02), the Kansas correctional institution for women established pursuant to L. 1971, chapter 289, section 1 (K. S. A. 1972 Supp. 76-2501) and the state minimum security institution established pursuant to L. 1970, chapter 375, section 1 (K. S. A. 1972 Supp. 76-24b01), respectively. All institutions of the department of corrections shall be insti-

tutions for the incarceration of felons except for the Kansas correctional institution for women which shall be an institution for the incarceration of both felons and misdemeanants.

Sec. 6. K. S. A. 20-820, 21-4611 and 21-4612 and K. S. A. 1975 Supp. 75-5229 and 75-5283 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

By Special Committee on Correctional Institutions

Re Proposal No. 9

AN ACT relating to crimes and punishments; authorizing certain dispositions of persons convicted of crimes; concerning presentence investigations and reports; concerning custody of persons sentenced to imprisonment; amending K. S. A. 21-4603, 21-4604 and 21-4609 and repealing the existing sections.

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

Section 1. K. S. A. 21-4603 is hereby amended to read as follows: 21-4603. (1) ~~Whenever any person has been found guilty of a crime upon verdict or plea and a sentence of death is not imposed, the court may require that a presentence investigation be conducted by the Kansas reception and diagnostic center. If such offender is sent to the Kansas reception and diagnostic center, the Kansas reception and diagnostic center may keep him confined for a maximum of one hundred twenty (120) days or until the court calls for the return of such offender. The Kansas reception and diagnostic center shall compile a complete mental and physical evaluation of such offender and shall make its finding known to the court in the presentence report.~~

(2) Whenever any person has been found guilty of a crime and, whether or not a presentence report has been compiled and submitted to the court, the court may adjudge any of the following:

(a) Commit the defendant to the custody of the secretary of corrections or, if confinement is for a term less than one (1) year, to jail for the confinement for the term provided by law;

(b) Impose the fine applicable to the offense;

(c) Release the defendant on probation;

(d) Suspend the imposition of the sentence;

(e) Impose any appropriate combination of (a), (b), (c) and

(d).

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation the court shall direct that he such defendant be under the supervision of the secretary of corrections or the probation or parole officer of the court or county.

The court in committing a defendant to the custody of the secretary of corrections shall not fix a maximum term of confinement, but the maximum term provided by law shall apply in each case. In those cases where the law does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the secretary of corrections, the court shall fix the minimum term within the limits provided by law.

Any time within one hundred twenty (120) days after a sentence is imposed or within one hundred twenty (120) days after probation has been revoked, the court may modify such sentence or revocation of probation by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If an appeal is taken and determined adversely to the defendant, such sentence may be modified within one hundred twenty (120) days after the receipt by the clerk of the district court of the mandate from the supreme court. The court may reduce the minimum term of confinement at any time before the expiration thereof when such reduction is recommended by the secretary of corrections and the court is satisfied that the best interests of the public will not be jeopardized and that the welfare of the inmate will be served by such reduction. The power here conferred upon the court includes the power to reduce such minimum below the statutory limit on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the secretary of corrections and the order of reduction shall be made in open court.

Dispositions which do not involve commitment to the custody of the secretary of corrections and commitments which are revoked

within one hundred twenty (120) days shall not entail the loss by the defendant of any civil rights.

†3†(2) At the time of committing an offender to the custody of the secretary of corrections the court shall submit to said officer recommendations on a program of rehabilitation for said offender, based on presentence reports, medical and psychiatric evaluations and any other information available. Such recommendations shall include desirable treatment for correction of physical deformities or disfigurement that may, if possible, be corrected by medical or surgical procedures or by prosthesis. The court may recommend further evaluation at the reception and diagnostic center, even though defendant was committed for presentence evaluation.

†4†(3) This section shall not deprive the court of any authority conferred by any other section of Kansas Statutes Annotated to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

†5†(4) An application for or acceptance of probation or suspended sentence shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from his or her conviction, as provided by law, without regard to whether he such person has applied for probation or suspended sentence.

Sec. 2. K. S. A. 21-4604 is hereby amended to read as follows: 21-4604. (1) Whenever a defendant is convicted of a felony upon verdict or plea and a sentence of death is not imposed, the court may require that a presentence investigation be conducted by state parole officers in the community where the sentence is to be imposed. ~~If such offender is sent to the Kansas reception and diagnostic center, the Kansas reception and diagnostic center may keep him [or her] confined for a maximum of one hundred twenty (120) days or until the court calls for the return of such offender. The Kansas reception and diagnostic center shall compile a complete mental and physical evaluation of such~~

~~offender and shall make its finding known to the court in its presentence report.~~

(2) Whenever a defendant is convicted of a crime misdemeanor or offense, the court before whom the conviction is had may request a presentence investigation by a probation officer. Whenever an investigation is requested, the probation officer shall promptly inquire into the circumstances of the offense; the attitude of the complainant or victim, and of the victim's immediate family, where possible, in cases of homicide; and the criminal record, social history, and present condition of the defendant. All local and state police agencies shall furnish to the probation officer such criminal records as the probation officer may request. Where in the opinion of the court it is desirable, the investigation shall include a physical and mental examination of the defendant. If a defendant is committed to any institution, the investigating agency shall send a report of its investigation to the institution at the time of commitment.

Sec. 3. K. S. A. 21-4609 is hereby amended to read as follows: 21-4609. When a convicted person is sentenced to imprisonment upon conviction of a felony, the judgment of the court shall order that such person be committed, for such term or terms as the court may direct, to the custody of the secretary of corrections.

The secretary of corrections may designate as the place of confinement any available and suitable correctional institution or facility maintained by the state of Kansas or a political subdivision thereof.

Any person serving a sentence of imprisonment may be transferred from one institution to another by order of the secretary of corrections.

Sec. 4. K. S. A. 21-4603, 21-4604 and 21-4609 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Prop # 3

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions

Date: 10-8-75

_____ BILL No. _____

BY: The Secretary of Corrections

An Act Concerning the return of funds by the Department of Corrections to the state treasurer for deposit in general fund of the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 The Department of Corrections and all institutions and agencies under the Department
2 of Corrections shall be exempt from the requirement in the statute requiring that
3 funds arising from the sale or lease of land be returned to the state general fund.
4 Such funds arising from the sale or lease of land shall be placed in a revolving
5 fund for the improvement and expansion of rehabilitative programs within the
6 institutions of the Department. The Secretary of Corrections may transfer funds
7 from the revolving fund of one institution to the revolving fund of another institution
8 as needed for the improvement and expansion of rehabilitative programs throughout
9 the institutions within the Department of Corrections.

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions

Date: 10-8-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning the employment of student interns by correctional institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 The officers of any correctional institution under the supervision and control of the
2 Secretary of Corrections may include student interns who have completed the necessary
3 number of credit hours at an accredited university or college which entitles them
4 to be certified by such college or institution as an intern correctional officer.
5 Such student intern correctional officers may be hired and shall be appointed by
6 the director of each institution with the approval of the Secretary of Corrections.
7 Any such student intern so appointed shall be in the unclassified service under the
8 Kansas Civil Service Act.
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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional
Institutions

Date: 9-29-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning the enforcement of jail standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 Introduce or continue in the 1976 Session of the Legislature Senate Bill 476 from
2 the 1975 Session of the Legislature as is.

3 *Bill a line from last year - needs to be brought up*
4 *in Senate Fed + State Affairs,*

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SENATE BILL No. 476

By Committee on Federal and State Affairs

2-25

AN ACT concerning the department of corrections; relating to certain standards of jails or correctional institutions; amending K. S. A. 1974 Supp. 75-5228 and repealing the existing section.

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

1 Section 1. K. S. A. 1974 Supp. 75-5228 is hereby amended to read
2 as follows: 75-5228. (a) No person shall be incarcerated in any
3 correctional institution or jail or any part thereof that has been
4 deemed unsanitary, unsafe or a detriment to human life by the
5 secretary of corrections. The secretary is hereby authorized to
6 promulgate standards relating to the sanitation and safety of such
7 institutions and jails. In promulgating such standards and in inspect-
8 ing such institutions and jails, the secretary shall request assistance
9 from the state board of health and the state fire marshal.

10 (b) *As used in this section, the following words and phrases shall*
11 *have the meanings respective ascribed to them unless the context*
12 *requires otherwise: (1) "jail" means any individual facility operated*
13 *by a unit of local government including municipalities, townships,*
14 *and counties, for the detention or correction of adults suspected or*
15 *convicted of a crime. Hospitals for the criminally insane are not*
16 *included. (2) "detention facility" means a jail which is used to hold*
17 *adults for periods not longer than seventy-two (72) hours. (3) "cor-*
18 *rectional institution" means any institution operated by or under*
19 *the control and management of or on a contract to the department of*
20 *corrections of the state of Kansas, for the detention or correction of*

1 adults convicted of a crime for which they have been sentenced to
2 the custody of the secretary of corrections.

3 (c) The secretary of corrections shall establish for the operation
4 of county and municipal jails, detention facilities and correctional
5 institutions minimum standards for the physical condition of such
6 jails, detention facilities and correctional institutions and for the
7 treatment of inmates with respect to their health and safety and for
8 the security of the community and the inmates. The secretary shall
9 make recommendations to the operators of such jails, detention
10 facilities and correctional institutions to assure compliance with the
11 requirements of such minimum standards. At least once a year, the
12 department of corrections shall inspect each jail, detention facility
13 and correctional institution for compliance with the standards estab-
14 lished by the secretary and the results thereof shall be made avail-
15 able to the department of corrections for public review. If any jail
16 or detention facility does not comply with the standards established,
17 the secretary of corrections shall give notice to the county board
18 or to the corporate authorities of the municipality, as the case may
19 be, of such non-compliance, specifying the particular standards that
20 have not been met by such a jail or detention facility. In the case
21 of correctional institutions, the secretary of corrections shall give
22 notice of any non-compliance to the governor. If the jail, detention
23 facility or correctional institution is not in compliance with such
24 standards after six (6) months have elapsed from the giving of such
25 notice, the secretary of corrections may issue an order for the closing
26 of that jail or for other appropriate action. The secretary, upon
27 closing a jail, detention facility or correctional institution, may order
28 that the inmates of such institution be transferred to the nearest
29 approved facility meeting the standards of the secretary of correc-
30 tions, and such facility shall accept such inmates if it has space and
31 facilities available for housing them according to the standards set

1 by the secretary. The governmental unit operating the jail, deten-
2 tion facility or correctional institution from which inmates are
3 removed shall reimburse the governmental unit operating the facility
4 or facilities receiving such inmates for all expenses for which the
5 sending institution would have been liable if they had remained
6 therein, and including transportation to and from the receiving
7 facility.

8 (d) The secretary of corrections may, upon request of a govern-
9 mental unit operating a jail within the state of Kansas, provide
10 consultation on the design, construction and administration of jails,
11 detention facilities or correctional institutions, and on programs and
12 services for adults. The secretary of corrections may make studies
13 and surveys of the programs and of the administration of such jails,
14 detention facilities and correctional institutions. Personnel of the
15 department of corrections shall be admitted to any jail, detention
16 facility or correctional institution deemed necessary by him for the
17 accomplishment of the purposes set out in subsections (c) and (d)
18 of this section. The secretary of corrections may provide assistance
19 for the training of personnel of jails, detention facilities or correc-
20 tional institutions within the state of Kansas.

21 Sec. 2. K. S. A. 1974 Supp. 75-5223 is hereby repealed.

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

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

_____ BILL No. _____

BY: The Secretary of Corrections

An Act Concerning

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 Reintroduce or continue Senate Bill 510 from the Legislative Session of 1975 with the
2 following exceptions: On page 3, section 5, sub-paragraph 2, line 23, strike 28½,
insert 29½; line 30, strike 28½, insert 29½. Page 4, section 5, sub-section 4,
line 26, through page 5, line 11, inclusive.

3 *Still Aline from last year - bring up on Agenda of*
4 *the Senate Federal & State Affairs*

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SENATE BILL No. 510

By Committee on Federal and State Affairs

2-26

p 4+5

AN ACT concerning criminal procedure; relating to certain release procedures; amending K. S. A. 22-3432, 22-3706, 22-3711, 22-3712, 22-3717 and 22-3718 and repealing the existing sections.

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

1 Section 1. K. S. A. 22-3432 is hereby amended to read as follows:
2 22-3432. It shall be the duty of the county attorney of the county
3 in which a person has been convicted of a felony and sentenced
4 to imprisonment to furnish to the state board of probation
5 and parole secretary of corrections information pertaining to
6 the facts and circumstances surrounding the commission of the
7 offense, including any aggravating or mitigating circumstances,
8 and such other information which has come to the attention of
9 the county attorney which might have a bearing in determining
10 the possibility of the prisoner inmate thereafter becoming a
11 useful citizen. This information shall be set forth on forms pro-
12 vided by the board secretary and shall be submitted at the time
13 the prisoner inmate is committed. Such information shall be
14 forwarded by the secretary to the correctional institution receiving
15 such inmate.

16 Sec. 2. K. S. A. 22-3706 is hereby amended to read as follows:
17 22-3706. No person acting as agent or representative for an
18 applicant seeking pardon, commutation of sentence, or parole
19 shall contract for or receive a fee contingent upon the granting
20 of such application. Such agent or representative shall submit

1 his statement on the applicant's behalf to the Kansas adult authority
2 or the secretary of corrections, as the case may be, in writing and
3 shall submit therewith an affidavit stating his name; place of
4 residence; the name of the applicant he represents or has repre-
5 sented; the fee, if any, paid to him or to be paid to him by any
6 person for such services; that such fee is not or was not contingent
7 upon the granting or denial of such application for pardon, com-
8 mutation of sentence, or parole. If any person representing any
9 applicant for pardon, commutation of sentence, or parole shall
10 fail to file such affidavit the application shall not be considered.
11 Any affidavit filed as provided in this section shall be a public
12 record.

13 Sec. 3. K.S.A. 22-3711 is hereby amended to read as follows:
14 22-3711. The presentence report, the preparole report and the
15 supervision history, obtained in the discharge of official duty
16 by any member or employee of the authority or the secretary
17 of corrections, shall be privileged and shall not be disclosed
18 directly or indirectly to anyone other than the authority, the
19 secretary, the judge, the attorney general, or others entitled to
20 receive such information, except that the authority, the secretary
21 or court may in its discretion permit the inspection of the report
22 or parts thereof by the defendant or prisoner inmate or his
23 attorney, or other person having a proper interest therein, when-
24 ever the best interest or welfare of a particular defendant or
25 prisoner inmate makes such action desirable or helpful.

26 Sec. 4. K.S.A. 22-3712 is hereby amended to read as follows:
27 22-3712. The authority secretary of corrections may establish
28 and maintain residence facilities for the housing of probationers
29 or parolees, or may contract for such housing in facilities approved
30 by ~~it~~ him; ~~it~~ the secretary may establish and maintain diagnostic
31 and treatment facilities for persons referred during presentence

1 investigation or on probation or parole, or may contract for such
2 facilities. As a condition of probation or parole, a probationer
3 or parolee may be placed in such residence, diagnostic, or treatment
4 facility by order of the court or, *the Kansas adult authority or*
5 *the secretary*. Placement in a diagnostic or treatment facility
6 shall not exceed ninety (90) days, but may be renewed for further
7 ninety-day periods on certificates presented to the court by the
8 director of such facility.

9 Sec. 5. K. S. A. 22-3717 is hereby amended to read as follows:
10 22-3717. (1) The authority shall have power to release on parole
11 those persons confined in institutions who are eligible for parole
12 when, in the opinion of the authority, there is reasonable prob-
13 ability that such persons can be released without detriment to
14 the community or to themselves.

15 (2) After expiration of one hundred twenty (120) days from
16 the date of sentence, the Kansas adult authority is hereby granted
17 the authority to place upon intensive supervised parole any inmate
18 classified in the lowest minimum security classification who has
19 achieved such status under rules and regulations promulgated
20 by the secretary of corrections, except in the case where a death
21 sentence or life imprisonment has been imposed as the minimum
22 sentence or where the minimum sentence imposed aggregates
23 ~~more than fifteen (15)~~ *twenty-eight and one-half (28½) or*
24 *more years, after deduction of work and good behavior*
25 *credits*. Persons confined in institutions shall be eligible for
26 parole after fifteen (15) years *less earned incentive good time*
27 *credits awarded in allotments of five (5) days per month* if
28 sentenced to life imprisonment or to a minimum term which,
29 ~~after deduction of work and good behavior credits, aggre-~~
30 ~~gates more than fifteen (15)~~ *twenty-eight and one-half (28½)*
31 *or more years. Such incentive good time credits shall be awarded*

1 on an earned basis to such inmates by the director of the institution
2 with approval of the secretary of corrections. Records of such
3 awards shall be furnished to the authority on an annual basis.
4 No other good time credits of any kind shall be applicable to
5 any inmate.

6 (3) Within one year after his admission and at such intervals
7 thereafter as it may determine the authority shall consider all
8 pertinent information regarding each inmate, including the cir-
9 cumstances of his offense; the presentence report; his previous
10 social history and criminal record; his conduct, employment, and
11 attitude in prison; and the reports of such physical and mental
12 examinations as have been made.

13 (4) Before ordering the parole of any inmate, the authority
14 shall have the inmate appear before it and shall interview him
15 unless impractical because of the inmate's physical or mental
16 condition or absence from the institution. A parole shall be
17 ordered only for the best interest of the inmate, not as an award
18 of clemency; it shall not be considered a reduction of sentence
19 or a pardon. An inmate shall be placed on parole only when the
20 authority believes that he is able and willing to fulfill the obligations
21 of a law-abiding citizen or that he should be released for hospitali-
22 zation, deportation or to answer the warrant or other process of
23 a court. Every inmate while on parole shall remain in the legal
24 custody of the secretary of corrections and is subject to the orders
25 of the secretary.

26 The first year of each parole shall constitute a period of
27 Any parolee may be placed on intensive supervised parole. The
28 person released on parole during this time Any such parolee
29 shall have at least once a week a direct meeting with an intensive
30 supervising parole officer. No intensive supervising parole
31 officer shall be assigned more than twenty (20) cases at

1 ~~any one time.~~ Such parolee may be removed from intensive
2 supervised parole when, in the supervising parole officer's judgment,
3 such removal would not jeopardize public safety and would
4 be beneficial to the parolee's interests.

5 The authority may adopt such other rules not inconsistent
6 with the law as it may deem proper or necessary, with respect to
7 the eligibility of inmates for parole, the conduct of parole hearings,
8 or conditions to be imposed upon parolees. Whenever an order
9 for parole is issued it shall recite the conditions thereof. As
10 used in this section, the term "minimum security" shall be de-
11 fined by rules and regulations of the secretary of corrections.

12 Sec. 6. K.S.A. 22-3718 is hereby amended to read as follows:
13 22-3718. *The conditional release date of an inmate shall be*
14 *computed as one-half ($\frac{1}{2}$) the net maximum sentence plus six*
15 *(6) months from the effective sentence begins date of the sen-*
16 *tence as imposed by the court. The conditional release date of*
17 *an inmate may be adjusted by the disciplinary board of an insti-*
18 *tution for misconduct by such inmate. An inmate who has served*
19 *his maximum term or terms, less such work and good*
20 *behavior credits as have been earned, until his conditional*
21 *release date as determined pursuant to this section shall, upon*
22 *release, be subject to such written rules and conditions as the au-*
23 *thority or the secretary of corrections may impose, until the*
24 *expiration of the maximum term or terms for which he was*
25 *sentenced or until he is otherwise discharged.*

26 Sec. 7. K.S.A. 22-3432, 22-3706, 22-3711, 22-3712, 22-3717 and
27 22-3718 are hereby repealed.

28 Sec. 8. This act shall take effect and be in force from and after
29 its publication in the statute book.
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PROPOSAL FOR LEGISLATION

9

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions

Date: 9-29-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning multiple sentence computation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

That K.S.A. 21-4608 be amended to read as follows: 21-4608. Multiple sentences.

(1) When separate sentences of imprisonment for different crimes are imposed on a defendant on the same date, including sentences for crimes for which suspended sentences or probation have been revoked, such sentences shall run concurrently or consecutively as the court directs. Whenever the record is silent as to the manner in which two or more sentences imposed at the same time shall be served, they shall be served concurrently. *Whenever the record is silent as to the manner in which two or more sentences imposed at different times shall be served, they shall be served consecutively. No sentence shall be designated as being served part concurrently and part consecutively.*

(2) Any person who commits a crime while on parole or conditional release and is convicted and sentenced therefor, shall serve such sentence concurrently or consecutively with the term or terms under which he was released, as the court directs.

(3) In calculating the time to be served on concurrent and consecutive sentences, the following rules shall apply:

(a) When indeterminate terms run concurrently, the shorter minimum terms merge in and are satisfied by serving the longest minimum term and the shorter maximum terms merge in and are satisfied by conditional release or discharge on the longest maximum term if such terms are imposed on the same date.

(b) When concurrent terms are imposed on different dates computation will be made to determine which term or terms require the longest period of incarceration to reach parole eligibility, conditional release and net maximum dates, and that sentence will be considered the controlling sentence. The parole eligibility date may be computed and projected on one sentence and the conditional release date and net maximum may be computed and projected from another to determine the controlling sentence.

(c) When indeterminate terms imposed on the same date are to be served consecutively the minimum terms are added to arrive at an aggregate minimum to be served equal to the sum of all minimum terms and the maximum terms are added to arrive at an aggregate maximum equal to the sum of all maximum terms.

(d) ~~When indeterminate sentences are imposed to be served consecutively to sentences previously imposed in any other court, or the sentencing court, the aggregated minimums and maximums shall be computed from the date of the earliest sentence and commitment to which additional sentences are imposed as consecutive for the purpose of determining the sentence begins date, parole eligibility, conditional release and net maximum dates.~~

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional
Institutions (continued)

Date: 9-29-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning multiple sentence computation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 Whenever indeterminate sentences are imposed on different dates to be served
2 consecutively to sentences previously imposed in any other court in this jurisdiction
3 or the sentencing court or the previous sentence, to aggregated minimums and
4 maximums shall be computed from the date of the imposition of the subsequent
5 sentence and commitment being imposed as consecutive to the previous sentences
6 for the purpose of determining the sentence begins date, parole eligibility,
7 conditional release and net maximum dates. Time served on the previous sentence
8 or on probation, parole, or conditional release from the previous sentence shall
9 not be credited as served by the inmate on the subsequent sentence when aggregating
10 to determine the sentence begins date, parole eligibility, conditional release
11 and net maximum dates of the aggregated sentence after the imposition of the
12 consecutive sentence. To compute these sentences the amount of time already
13 served on the previous sentence should be subtracted from the minimum and maximum
14 of the previous sentence and the remainder of the previous sentence added to the
15 full minimum and maximum of the subsequent consecutive sentence. The aggregated
16 time figures thus constitute the total aggregated sentence for the purpose of
17 computing parole eligibility, conditional release and net maximum.

18 (e) ~~When consecutive sentences are imposed which are to be served consecutive~~
19 ~~to sentences for which a prisoner has been on probation, parole or conditional~~
20 ~~release, the parole eligibility, conditional release and net maximum dates shall~~
21 ~~be adjusted by the amount of time served on probation, parole or conditional release.~~

22 (4) When a definite and an indefinite term run consecutively, the period of the
definite term is added to both the minimum and maximum of the indeterminate term
and both sentences are satisfied by serving the indeterminate term.

(5) The minimum term of a sentence shall be considered to have been discharged
upon parole from that sentence if paroled before the minimum term would be served
according to calendar date. Upon re-entry on a new sentence or for parole
revocation the minimum sentence of the first sentence shall remain as discharged
and the inmate shall be serving toward conditional release date of the first
sentence in the case of a parole revocation or the aggregated sentence in the
case of a new conviction.

(5) (6) When a defendant is sentenced in a state court and is also under sentence
from a federal court or is subject to sentence in a federal court for an offense
committed prior to his sentence in state court, the court may direct that custody
of the defendant may be relinquished to federal authorities and that such state
sentences as are imposed may run concurrently with any federal sentence imposed.
In those instances the court shall submit the journal entry and order of
commitment immediately upon sentencing to the secretary of corrections and the
secretary of correctional shall establish a file for such inmate in absentia.

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 75-5283. Continuation of correctional institutions. The Kansas state
2 reception and diagnostic center, the Kansas correctional institution for women
3 and the state correctional-vocational training center, respectively, shall be
4 continuations of the Kansas state reception and diagnostic center established
5 pursuant to L. 1961, chapter 436, section 2 (K.S.A. 76-42a02), the Kansas
6 correctional institution for women established pursuant to L. 1971, chapter 289,
7 section 1 (K.S.A. 1972 Supp. 76-2501) and the state minimum security institution
8 established pursuant to L. 1970, chapter 375, section 1 (K.S.A. 1972 Supp. 76-24b01),
9 respectively. All institutions of the Department of Corrections shall be institutions
10 for incarcerations of convicted felons except for the Kansas correctional institution
11 for women which shall be an institution for the incarceration of both felons and
12 misdemeanants.

8 *see also KSA 20-820*
9 *21-4611*
10 *21-4612*

10 *proposal # _____, re: 75-5283*

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

_____ BILL No. _____

BY: The Secretary of Corrections

An Act Concerning female offenders, felons and misdemeanors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

That K.S.A. 75-5229 be amended as follows: 75-5229. Female offenders; sentenced to custody of secretary of corrections or to county jail. Every female person, above the age of eighteen (18) years, who shall be convicted of any offense against the criminal laws of this state, punishable by imprisonment, shall be sentenced to the custody of the secretary of corrections, and the secretary shall designate as the place of confinement of such offender the Kansas correctional institution for women, unless the judge or court imposing such sentence shall fix the term of confinement at thirty (30) days or less in which case such confinement may be in the county jail. *The jurisdiction of the secretary of corrections and the sentencing court shall be concurrent throughout the term of confinement at the Kansas correctional institution for women of any misdemeanant.*

see also KA-20-820

see also KA 21-4611, 21-4612

and proposed # _____, re: 75-5283

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

BILL No. _____

BY: The Secretary of Corrections

An Act Concerning the performance of presentence investigations in the field rather than at Kansas Reception and Diagnostic Center.

see also 4609 change (felony)

*section (1) may be
letter in 21-4604*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 21-4603 be amended as follows: 21-4603. Authorized dispositions.
2 (1) Whenever any person has been found guilty of a ~~crime~~ *felony* upon verdict or
3 plea and a sentence of death is not imposed, the court may require that a presentence
4 investigation be conducted. (~~By the Kansas Reception and Diagnostic Center.~~) *Such*
5 *presentence investigation shall be conducted by state parole officers in the community*
6 *where the sentence is to be imposed.* If such offender is sent to the Kansas reception
7 and diagnostic center, the Kansas reception and diagnostic center may keep him confined
8 for a maximum of one hundred twenty (120) days or until the court calls for the return
9 of such offender. The Kansas reception and diagnostic center shall compile a complete
10 mental and physical evaluation of such offender and shall make its finding known to the
11 court in the presentence report. *WHETHER OR NOT*
12 (2) Whenever any person has been found guilty of a crime ~~and~~ a presentence report has
13 been compiled and submitted to the court, the court may adjudge any of the following:
14 (a) Commit the defendant to the custody of the secretary of corrections or, if
15 confinement is for a term less than one (1) year, to jail for the confinement for the
16 term provided by law; (b) Impose the fine applicable to the offense; (c) Release
17 the defendant on probation; (d) Suspend the imposition of the sentence; (e)
18 Impose any appropriate combination of (a), (b), (c), and (d). In imposing a fine the
19 court may authorize the payment thereof in installments. In releasing a defendant
20 on probation the court shall direct that he be under the supervision of the secretary
21 of corrections or the probation or parole officer of the court or county.
The court in committing a defendant to the custody of the secretary of corrections
shall not fix a maximum term of confinement, but the maximum term provided by law shall
apply in each case. In those cases where the law does not fix a maximum term of
confinement for the crime for which the defendant was convicted, the court shall fix
the maximum term of such confinement. In all cases where the defendant is committed
to the custody of the secretary of corrections, the court shall fix the minimum term
within the limits provided by law.
Any time within one hundred twenty (120) days after a sentence is imposed or within
one hundred twenty (120) days after probation has been revoked, the court may modify
such sentence or revocation of probation by directing that a less severe penalty
be imposed in lieu of that originally adjudged within statutory limits. If an appeal
is taken and determined adversely to the defendant, such sentence may be modified
within one hundred twenty (120) days after the receipt by the clerk of the district
court of the mandate from the supreme court. The court may reduce the minimum term
of confinement at any time before the expiration thereof when such reduction is
recommended by the secretary of corrections and the court is satisfied that the best
interests of the public will not be jeopardized and that the welfare of the inmate
will be served by such reduction. The power here conferred upon the court includes
the power to reduce such minimum below the statutory limit on the minimum term
prescribed for the crime of which the inmate has been convicted. The recommendation
of the secretary of corrections and the order of reduction shall be made in open court.

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional
Institutions (continued)

Date: 9-29-75

BILL No. _____

BY: The Secretary of Corrections

An Act Concerning the performance of presentence investigations in the field rather than at Kansas Reception and Diagnostic Center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 Dispositions which do not involve commitment to the custody of the secretary of correction
and commitments which are revoked within one hundred twenty (120) days shall not entail
2 the loss by the defendant of any civil rights.

3 (3) At the time of committing an offender to the custody of the secretary of corrections
4 the court shall submit to said officer recommendations on a program of rehabilitation
5 for said offender, based on presentence reports, medical and psychiatric evaluations
6 and any other information available. Such recommendations shall include desirable
7 treatment for correction of physical deformities or disfigurement that may, if possible,
8 be corrected by medical or surgical procedures or by prosthesis. The court may
9 recommend further evaluation at the reception and diagnostic center, even through
10 defendant was committed for presentence evaluation.

11 (4) This section shall not deprive the court of any authority conferred by any other
12 section of Kansas Statutes Annotated to decree a forfeiture of property, suspend or
13 cancel a license, remove a person from office, or impose any other civil penalty
14 as a result of conviction of crime.

15 (5) An application for or acceptance of probation or suspended sentence shall not
16 constitute an acquiescence in the judgment for purpose of appeal from his conviction,
17 as provided by law, without regard to whether he has applied for probation or
18 suspended sentence.

21-4609

change -

line 2 "imprisonment" ^{upon conviction of a} felony

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

BILL No. _____

BY: The Secretary of Corrections

An Act Concerning the expungement of record.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 21-4617 shall be amended as follows: 21-4617. Expungement of record;
2 offender over twenty-one; effect. (a) Every offender who was twenty-one (21) years
3 of age or older at the time of the commission of the crime for which he was committed
4 and who has served the sentence imposed or who has fulfilled the conditions of his
5 probation, suspension of sentence, conditional release or parole for the entire period
6 thereof, or who shall have been discharged from probation, conditional release or
7 parole prior to the termination of the period thereof, may petition the court five
8 (5) years after the end of such sentence, the fulfilling of such conditions of
9 probation, suspension of sentence, conditional release or parole or such discharge
10 from probation, conditional release or parole and may request that his record be
11 expunged of such conviction if during such five (5) year period such person has
12 exhibited good moral character and has not been convicted of a felony. In considering
13 any such request for expungement, the court shall have access to any records or
14 reports relating to such offender, including records or reports of a confidential
15 nature, on file with the secretary of corrections or the Kansas adult authority.
16 (b) Any person having his record so expunged shall thereafter be released from all
17 penalties and disabilities resulting from the crime of which he has been convicted,
18 and he shall in all respects be treated as not having been convicted, except that
19 upon conviction of any subsequent crime such conviction may be considered as a poor
20 conviction in determining the sentence to be imposed. The offender shall be informed
21 of this privilege when he is placed on probation, suspended sentence, conditional
22 release or parole. (c) In any application for employment, license or other civil
23 right or privilege, or any appearance as a witness, a person whose conviction of
24 crime has been expunged under this statute may state that he has never been convicted
25 of such crime.

The custodian of the records of arrest, conviction, and incarceration shall, upon inquiry from any source, deny the existence of such records unless the inquiry is from or on behalf of a sentencing court following a subsequent conviction and then shall release the records to the court upon a showing of the subsequent conviction and a statement that the information is necessary for the purpose of sentencing.

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

BILL No.

BY: The Secretary of Corrections

An Act Concerning the annulment of certain convictions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

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That K.S.A. 21-4616 shall be amended as follows: 21-4616. Annulment of certain convictions; effect. Every defendant who had not attained the age of twenty-one (21) years at the time of the commission of the crime for which he was convicted, and who has served the sentence imposed or who has fulfilled the conditions of his probation or suspension of sentence for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time thereafter be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court may set aside the verdict of guilty; and in either case, the court shall thereupon dismiss the complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the crime of which he has been convicted, and he shall in all respects be treated as not having been convicted, except that upon conviction of any subsequent crime such conviction may be considered as a prior conviction in determining the sentence to be imposed. The defendant shall be informed of this privilege when he is placed on probation or suspended sentence.

In any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of crime has been annulled under this statute may state that he has never been convicted of such crime.

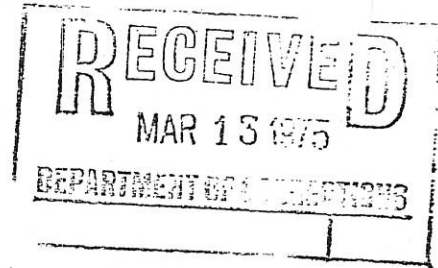
The custodian of the records of arrest, conviction, and incarceration shall, upon inquiry from any source, deny the existance of such records unless the inquiry is from or on behalf of a sentencing court following a subsequent conviction and then shall release the records to the court upon a showing of the subsequent conviction and a statement that the information is necessary for the purpose of sentencing.



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612



12 A

CURT T. SCHNEIDER
Attorney General

March 10, 1975

Opinion No. 75-107

Robert R. Raines
Secretary of Corrections
5th Floor, KPL Towers
818 Kansas Avenue
Topeka, Kansas

*ANNULMENT &
EXPUNGEMENT
TREATMENT OF
RECORDS -
EXISTENCE TO
BE DENIED*

Dear Mr. Raines:

Your recent letter raises several questions concerning the scope and effect of the expungement statutes, K.S.A. 21-4616 and -4617, providing for the expungement of all records pertaining to an individual's prior conviction upon that person's satisfaction of certain prerequisites for application. Since a subsequent letter from the Ford County Attorney has also been received concerning this subject, additionally requesting an opinion on the similar provisions of K.S.A. 12-4514, this opinion will jointly address the questions posed.¹

The respective statutes, after prescribing that certain criteria be met before expungement be granted by the Court, continue in almost identical fashion to state that after expungement, the individual:

"shall thereafter be released from all penalties and disabilities resulting from the crime of which he has been convicted, and he shall in all respects be treated as not having been convicted, except that upon conviction of any subsequent crime such conviction may be considered as a prior conviction in determining the sentence to be imposed. The defendant shall be informed of this privilege when he is placed on probation or suspended sentence.

¹The three statutes differ in at least one respect. K.S.A. 12-4514 and 21-4616 provide additionally for the annulment of the prior conviction while K.S.A. 21-4617 provides only for expungement of records. However, this difference does not affect the resolution of the questions addressed herein.

In any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of crime has been annulled under this statute may state that he has never been convicted of such crime." (from K.S.A. 21-4616).

As an initial matter, it should be noted that the statutes obviously contemplate preservation of all records despite a successful application, since the information within must be forwarded to a sentencing court upon request for the purposes of applying the habitual criminal act. In gauging the effects of an expungement, it must be first determined if the statutes proscribe even intergovernmental disclosure of information within a file for legitimate law enforcement or other purposes.²

The statutes speak in compellingly clear terminology. After expungement has been granted, the individual shall be released from all penalties and disabilities resulting from the crime and he shall be treated as not having been convicted in all respects (emphasis supplied). The law, in effect, creates a clean slate and its far-reaching scope resembles in many ways the effect of a pardon granted by the executive authority. The straightforward inclusive language of the statutes leaves no room for inference that any information in the file may be disclosed, regardless of who is seeking the information. The statute provides only a single exception, authorizing disclosure to a sentencing court upon request. In accordance with well established principles of statutory construction, where a statute specifically states its exceptions, others will not be devised by inference.

Once an order of expungement has been granted, K.S.A. 21-4617 prohibits, in our opinion, disclosure not only of the record of conviction, but of the arrest leading to that conviction. Under subsection (b) thereof, expungement operates to release the person whose record is so expunged from "all penalties and disabilities" resulting from the crime of which he has been convicted. Under subsection (c), any person whose conviction of crime has been expunged may state that he has never been convicted of such crime in any application for employment, license or for other civil right or privilege. The intent and purpose of expungement authorized by K.S.A. 21-4617 extends beyond the restoration of civil rights,

²These statutes, of course, do not attempt to govern federal records, and therefore information transmitted by state agencies to agencies of the federal government prior to an expungement is not affected and remains the property of the federal government.

Robert R. Raines
March 10, 1975
Page 3

for that is granted by K.S.A. 22-3722. Expungement is designed to relieve a convicted offender who is granted such relief from the social and economic stigma resulting from the conviction and events leading thereto. The record of conviction which is expunged under this provision must be deemed to include the records of all steps in the criminal justice system leading to that conviction, including the arrest for the offense of which the individual was convicted. The statutory relief sought to be granted by this provision would have little substance if, after receiving an order of expungement, the individual must nonetheless disclose the fact of the arrest for the offense of which he was convicted, or indeed, the fact of any other proceeding, including the trial, leading to the conviction thus expunged. Regrettably, employers and many other members of society often fail to distinguish between arrest and conviction.³

In light of the compelling rehabilitative purposes of the statutes, and the familiar and applicable principle that remedial statutes should be liberally construed, K.S.A. 21-4617 and like statutes must be construed in order to effectuate their purposes. These reasons compel the conclusion that disclosure is forbidden not only of the fact of conviction, but of all proceedings and steps in the criminal justice system leading to that conviction, including the fact of arrest.

The next significant question that arises is whether a governmental agency such as the Department of Corrections, the Kansas Adult Authority, or other such agency or office, is prohibited from disclosing even the existence of an expunged file on an individual. Again, if an individual is to be treated in all respects as if he has never been convicted, it seems apparent that a public agency may not disclose the existence of such a file in its records. The statutory right would indeed be hollow, and the statutory purpose defeated, if upon inquiry a public agency would be allowed to mention the existence of such a file. Even this slight acknowledgement would have a damaging effect akin to that of an affirmative disclosure of the file's contents and would further permit surmise and innuendo to work additional injury to the individual.

Accordingly, it follows that just as the individual is permitted to deny the existence of his prior conviction, a public agency must affirmatively deny that an expunged record exists. Any lesser practice would render the law a nullity.

³Kansas law does not presently provide for expungement of arrest records which do not result in conviction. Hopefully, this subject will receive the future attention of the legislature.

Robert R. Raines
March 10, 1975
Page 4

Finally, inquiry is made whether the Department of Corrections or other agency should require the requesting court to send it a certified copy of the journal entry of conviction before such records may be released from its files for the purpose of sentencing. In short, the laws do not address the question of the proper procedure to be followed in releasing records. However, as a matter of sound policy, it would at least seem appropriate to require some type of written notification from the court lest inadvertent and improper disclosures be made. The exact procedure to be followed is left to the particular agency's discretion.

Respectfully submitted,



CURT T. SCHNEIDER
Attorney General

CTS:en

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PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions

Date: 9-29-75

 BILL No.

BY: The Secretary of Corrections

An Act Concerning revocation of parole, due process requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 75-5217 be amended as follows: 75-5217. Return of parole violator;
2 issuance of warrant; arrest; procedure. At any time during release on parole or
3 conditional release the secretary may issue a warrant for the arrest of a released
4 inmate for violation of any of the conditions of release, or a notice to appear to
5 answer to a charge of violation. Such notice shall be served personally upon the
6 released inmate. The warrant shall authorize all officers named therein to deliver
7 the released inmate to a place designated by the secretary. Any parole or probation
8 officer may arrest such released inmate without a warrant, or may deputize any other
9 officer with power of arrest to do so by giving him a written statement setting forth
10 that the released inmate has, in the judgment of the parole or probation officer,
11 violated the conditions of his release. The written statement delivered with the
12 released inmate by the arresting officer to the official in charge of the institution
13 or place to which the released inmate is brought for detention shall be sufficient
14 warrant for detaining him. After making an arrest the parole or probation officer
15 shall present to the detaining authorities a similar statement of the circumstances
16 of violation. Pending hearing, as hereinafter provided, upon any charge of violation
17 the released inmate shall remain incarcerated in the institution.

18 Upon such arrest and detention, the parole or probation officer shall immediately
19 notify the secretary and shall submit in writing a report showing in what manner the
20 released inmate had violated the conditions of release. Thereupon, or upon an arrest
21 by warrant as herein provided, the secretary shall cause the released inmate to be
22 brought before the Kansas adult authority, its designee or designees, for a hearing
on the violation charged, under such rules and regulations as the authority may adopt.
Relevant written statements made under oath shall be admitted and considered by the
authority, its designee or designees along with other evidence presented at the
hearing.

*The probationer or parolee shall be given written notice of the claimed parole violations
and disclosure shall be made to him by the evidence against him. The probationer or
parolee shall have the opportunity to be heard in person and to present witnesses and
documentary evidence and shall have the right to confront and cross-examine adverse
witnesses unless the hearing officers specifically finds good cause for not allowing
the confrontation. A neutral and detached hearing body such as the Kansas adult
authority, or its designees, members of which need not be judicial officers or
lawyers shall hear the presentation of the inmate and the accuser. A written
statement by the fact finder shall be made to the probationer or parolee as the
evidence relied on and the reasons for revoking the parole or probation in the event
that a revocation occurs. Before this final hearing to determine revocation of
probation or parole shall occur there shall be a preliminary hearing to determine
whether there is probable cause to believe that a probationer or parolee has violated
his probation or parole, at which the probationer or parolee shall be given notice
of the alleged violation of probation or parole, an opportunity to appear and to*

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional
Institutions (continued)

Date: 9-29-75

 BILL No.

BY: The Secretary of Corrections

An Act Concerning revocation of parole, due process requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 *present evidence in his own behalf, a conditional right to confront adverse witnesses,*
2 *an independant decision maker, and a written report of the hearing.*

3 If the violation is established to the satisfaction of the authority, the authority
4 may continue or revoke the parole or conditional release, or enter such other order
5 as he may see fit.

6 A released inmate for whose return a warrant has been issued by the secretary shall,
7 if it is found that the warrant cannot be served, be deemed to be a fugitive from
8 justice or to have fled from justice. If it shall appear that such fugitive has
9 violated the provisions of his release, the time from the violation of such provisions
10 to the date of his arrest shall not be counted as time served under the sentence.

11 The secretary shall issue a warrant for the arrest of a released inmate for violation
12 of any of the conditions of release and shall direct that all reasonable means to
13 serve the warrant and detain such fugitive be employed including but not limited to
14 notifying the federal bureau of investigation of such violation and issuance of
15 warrant and requesting from the federal bureau of investigation any pertinent
16 information it may possess concerning the whereabouts of such fugitive.
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add SB 503
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PROPOSED BILL NO. _____

By Special Committee on Correctional Institutions

Re Proposal No. 9

AN ACT concerning certain crimes and punishments; amending K. S. A. 21-3826, 21-4201, 21-4603 and 21-4610 and repealing the existing sections.

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

Section 1. K. S. A. 21-3826 is hereby amended to read as follows: 21-3826. Traffic in contraband in a ~~penal~~ correctional institution is introducing or attempting to introduce into or upon the grounds of any institution under the supervision and control of the ~~director--of--penal--institutions~~ secretary of corrections or any jail, or taking, sending, attempting to take or attempting to send therefrom or ~~any~~ distributing or unauthorized possession while in ~~aforsaid~~ the institution or upon the grounds of the institution ~~or distributing within any aforsaid institution,~~ any narcotic, synthetic narcotic, drug, stimulant, sleeping pill, barbiturate, nasal inhaler, alcoholic liquor, intoxicating beverage, firearm, ammunition, gun powder, weapon, hypodermic needle, hypodermic syringe, currency, coin, communication, or writing explosive or any ingredient or component intended to be used as a part of or in the production of the above listed items without the consent of the ~~warden, superintendent~~ director of the institution or jailer, or any device, item or substance intended to be used to effect an escape.

Traffic in contraband in a ~~penal~~ correctional institution is a class E felony.

Sec. 2. K. S. A. 21-4201 is hereby amended to read as follows: 21-4201. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than

eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or

(b) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character ~~+-Provided, , but~~ an ordinary pocket knife with no blade more than four (4) inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument; or

(c) Carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance; or

(d) Carrying any pistol, revolver or other firearm concealed on the person except when on his or her land or in his or her abode or fixed place of business; or

(e) Setting a spring gun; or

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d) and (g) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii)

Wardens directors, superintendents and keepers of prisons, penitentiaries correctional institutions, jails and other institutions for the detention of persons accused or convicted of crime while acting within the scope of and pursuant to their respective duties; (iii) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) manufacture of, transportation to, or sale of weapons to ~~person~~ persons authorized under (i) through (iii) of this subsection to possess such weapons.

(b) Subsection (1) (d) of this section shall not apply to or affect the following: (i) watchmen while actually engaged in the performance of the duties of their employment; or (ii) licensed hunters or fishermen while engaged in hunting or fishing; or (iii) persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

(3) It shall be a defense that the defendant is within an exemption.

(4) Violation of subsections (1) (a) through (1) (f) of this section is a class B misdemeanor; violation of subsection (1) (g) of this section is a class E felony.

Sec. 3. K. S. A. 21-4603 is hereby amended to read as follows: 21-4603. (1) Whenever any person has been found guilty of a crime upon verdict or plea and a sentence of death is not imposed, the court may require that a presentence investigation be conducted by the Kansas reception and diagnostic center. If such offender is sent to the Kansas reception and diagnostic center, the Kansas reception and diagnostic center may keep him or her confined for a maximum of one hundred twenty (120) days or until the court calls for the return of such offender. The Kansas reception and diagnostic center shall compile a complete mental and physical evaluation of such offender and shall make its finding known to the court in the presentence report.

(2) Whenever any person has been found guilty of a crime and a presentence report has been compiled and submitted to the court, the court may adjudge any of the following:

(a) Commit the defendant to the custody of the secretary of corrections or, if confinement is for a term less than one (1) year, to jail for the confinement for the term provided by law;

(b) Impose the fine applicable to the offense;

(c) Release the defendant on probation;

(d) Suspend the imposition of the sentence;

(e) Impose any appropriate combination of (a), (b), (c) and (d).

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation the court shall direct that he or she be under the supervision of the secretary of corrections or the probation or parole officer of the court or county.

The court in committing a defendant to the custody of the secretary of corrections shall not fix a maximum term of confinement, but the maximum term provided by law shall apply in each case. In those cases where the law does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the secretary of corrections, the court shall fix the minimum term within the limits provided by law.

Any time within one hundred twenty (120) days after a sentence is imposed or within one hundred twenty (120) days after probation has been revoked, the court may modify such sentence or revocation of probation by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If an appeal is taken and determined adversely to the defendant, such sentence may be modified within one hundred twenty (120) days after the receipt by the clerk of the district court of the mandate from the supreme court. The court may reduce the minimum term of confinement of any sentence imposed

under K. S. A. 21-4501, et seq., whether or not such minimum term is a life term and whether or not such minimum term is also the maximum term at any time before the expiration thereof when such reduction is recommended by the secretary of corrections and the court is satisfied that the best interests of the public will not be jeopardized and that the welfare of the inmate will be served by such reduction. The power here conferred upon the court includes the power to reduce such minimum below the statutory limit on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the secretary of corrections and the order of reduction shall be made in open court.

Dispositions which do not involve commitment to the custody of the secretary of corrections and commitments which are revoked within one hundred twenty (120) days shall not entail the loss by the defendant of any civil rights.

(3) At the time of committing an offender to the custody of the secretary of corrections the court shall submit to said officer recommendations on a program of rehabilitation for said offender, based on presentence reports, medical and psychiatric evaluations and any other information available. Such recommendations shall include desirable treatment for correction of physical deformities or disfigurement that may, if possible, be corrected by medical or surgical procedures or by prosthesis. The court may recommend further evaluation at the reception and diagnostic center, even though defendant was committed for presentence evaluation.

(4) This section shall not deprive the court of any authority conferred by any other section of Kansas Statutes Annotated to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(5) An application for or acceptance of probation or suspended sentence shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal

from his or her conviction, as provided by law, without regard to whether he or she has applied for probation or suspended sentence.

Sec. 4. K. S. A. 21-4610 is hereby amended to read as follows: 21-4610. The ~~Kansas---adult---authority~~ secretary of corrections may adopt general rules or regulations concerning the conditions of probation or suspension of sentence. The conditions shall apply in the absence of any inconsistent conditions imposed by the court. Nothing herein contained shall limit the authority of the court to impose or modify any general or specific conditions of probation or suspension of sentence.

The probation officer may recommend and by order duly entered by the court may impose and at any time may modify any conditions of probation or suspension of sentence. Due notice shall be given to the probation officer before any such conditions are modified and he or she shall be given an opportunity to be heard thereon. The court shall cause a copy of any such order to be delivered to the probation officer and the probationer.

The court may include among the conditions of probation the following and any other that it deems proper:

The defendant shall

- (a) Avoid injurious or vicious habits;
- (b) Avoid persons or places of disreputable or harmful character;
- (c) Report to the probation officer as directed;
- (d) Permit the probation officer to visit him or her at his home or elsewhere;
- (e) Work faithfully at suitable employment insofar as possible;
- (f) Remain within a specified area;
- (g) Pay a fine or costs, applicable to the offense, in one or several sums as directed by the court;
- (h) Make reparation or restitution to the aggrieved party for the damage or loss caused by his or her offense in an amount to be determined by the court;

(i) Support his or her dependents;

(j) Obey the laws of the United States, the state of Kansas or any other jurisdiction to whose laws he or she may be subject.

Sec. 5. K. S. A. 21-3826, 21-4201, 21-4603 and 21-4610 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Institutions Date: 9-29-75

 BILL No.

BY: The Secretary of Corrections

An Act Concerning

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 Reintroduce Senate Bill 503 of the 1975 Legislative Session as it stood "as
2 amended by the Senate Committee". Senate Bill 503 as it stood at that time
3 contains several provisions which the Department of Corrections felt were
4 necessary changes in the law. This was the bill to which the death penalty
5 was attached and the bill was subsequently killed. It should be rewritten
6 as is as a new bill and introduced intact. Copy of Senate Bill 503 as amended
7 by Senate Committee attached.
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(As Amended by Senate Committee) K

Session of 1975

SENATE BILL No. 503

By Committee on Federal and State Affairs

2-26 pg 5

AN ACT concerning certain crimes and punishments; amending K. S. A. 21-3826, 21-4201, 21-4603 and 21-4610 and repealing the existing sections.

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

1 Section 1. K. S. A. 21-3826 is hereby amended to read as follows:
2 21-3826. Traffic in contraband in a ~~penal~~ *correctional* institution
3 is introducing or attempting to introduce into or upon the grounds
4 of any institution under the supervision and control of the ~~director~~
5 ~~of penal institutions~~ *secretary of corrections* or any jail, or taking,
6 sending, attempting to take or attempting to send therefrom or ~~any~~
7 ~~distributing or~~ unauthorized possession while in ~~aforsaid~~ *the in-*
8 ~~stitution or upon the grounds of the institution or distributing~~
9 ~~within any aforsaid such~~ institution, any narcotic, synthetic
10 narcotic, drug, stimulant, sleeping pill, barbiturate, nasal inhaler,
11 alcoholic liquor, intoxicating beverage, firearm, ammunition, gun
12 powder, weapon, hypodermic needle, hypodermic syringe, currency,
13 coin, communication, ~~or~~ writing, ~~explosive, or any ingredient or~~
14 ~~component intended to be used as a part of or in the production of~~
15 ~~the above listed items, any writing, literature or instruction~~
16 ~~on how to produce or handle any of the above listed items~~
17 ~~or components or ingredients thereof, any device, item or~~
18 ~~substance which might be used to effect an escape, or any~~
19 ~~other item, communication or writing the possession of~~
20 ~~which would be contrary to rules adopted by the secretary~~

1 ~~of corrections~~ without the consent of the ~~warden, superintend-~~
2 ~~ent director of the institution~~ or jailer ~~of the institution, or any~~
3 ~~device, item or substance intended to be used to effect an escape.~~

4 Traffic in contraband in a ~~penal~~ *correctional* institution is a class
5 E felony.

6 Sec. 2. K. S. A. 21-4201 is hereby amended to read as follows:
7 21-4201. (1) Unlawful use of weapons is knowingly:

8 (a) Selling, manufacturing, purchasing, possessing or carrying any
9 bludgeon, sandclub, shotgun with a barrel less than eighteen (18)
10 inches in length, metal knuckles or any knife, commonly referred
11 to as a switch-blade, which has a blade that opens automatically by
12 hand pressure applied to a button, spring or other device in the
13 handle of the knife, or any knife having blade that opens or falls
14 or is ejected into position by the force of gravity or by an outward,
15 downward, or centrifugal thrust or movement; or

16 (b) Carrying concealed on one's person, or possessing with intent
17 to use the same unlawfully against another, a dagger, dirk, billy,
18 blackjack, slung shot, dangerous knife, straight-edged razor, stiletto
19 or any other dangerous or deadly weapon or instrument of like
20 character: *Provided*, An ordinary pocket knife with no blade more
21 than four (4) inches in length shall not be construed to be a dan-
22 gerous knife, or a dangerous or deadly weapon or instrument; or

23 (c) Carrying on one's person or in any land, water or air vehicle,
24 with intent to use the same unlawfully, a tear gas or smoke bomb
25 or projector or any object containing a noxious liquid, gas or sub-
26 stance; or

27 (d) Carrying any pistol, revolver or other firearm concealed on
28 the person except when on his land or in his abode or fixed place of
29 business; or

30 (e) Setting a spring gun; or

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1 (f) Possessing any device or attachment of any kind designed,
2 used or intended for use in silencing the report of any firearm; or
3 (g) Selling, manufacturing, purchasing, possessing or carrying
4 any firearm designed to discharge or capable of discharging auto-
5 matically more than once by a single function of the trigger.

6 (2) *Exemptions.* (a) Subsections (1) (a), (b), (c), (d) and (g) of
7 this section shall not apply to or affect any of the following: (i)
8 Law enforcement officers, or any person summoned by any such
9 officers to assist in making arrests or preserving the peace while
10 actually engaged in assisting such officer; (ii) ~~wardens~~ directors,
11 superintendents and keepers of ~~prisons, penitentiaries~~ correc-
12 tional institutions, jails and other institutions for the detention of
13 persons accused or convicted of crime *while acting within the scope*
14 *of and pursuant to their respective duties*; (iii) members of the
15 armed services or reserve forces of the United States or the Kansas
16 national guard while in the performance of their official duty; (iv)
17 manufacture of, transportation to, or sale of weapons to person
18 authorized under (i) through (iii) of this subsection to possess such
19 weapons.

20 (b) Subsection (1) (d) of this section shall not apply to or affect
21 the following: (i) Watchmen while actually engaged in the per-
22 formance of the duties of their employment; or (ii) licensed
23 hunters or fishermen while engaged in hunting or fishing; or (iii)
24 persons licensed as private detectives by the state of Kansas, detec-
25 tives or special agents regularly employed by railroad companies
26 or other corporations to perform full-time security or investigative
27 service.

28 (3) It shall be a defense that the defendant is within an exemp-
29 tion.

30 (4) Violation of subsections (1) (a) through (1) (f) of this section
31

1 is a class B misdemeanor; violation of subsection (1) (g) of this sec-
2 tion is a class E felony.

3 Sec. 3. K. S. A. 21-4603 is hereby amended to read as follows:

→ 4 21-4603. (1) Whenever any person has been found guilty of a crime
5 upon verdict or plea and a sentence of death is not imposed, the
6 court may require that a presentence investigation be conducted by
7 the Kansas reception and diagnostic center, the Kansas reception
8 and diagnostic center may keep him confined for a maximum of
9 one hundred twenty (120) days or until the court calls for the return
10 of such offender. The Kansas reception and diagnostic center shall
11 compile a complete mental and physical evaluation of such offender
12 and shall make its finding known to the court in the presentence
13 report.

14 (2) Whenever any person has been found guilty of a crime and
15 a presentence report has been compiled and submitted to the court,
16 the court may adjudge any of the following:

- 17 (a) Commit the defendant to the custody of the secretary of cor-
18 rections or, if confinement is for a term less than one (1) year, to
19 jail for the confinement for the term provided by law;
- 20 (b) Impose the fine applicable to the offense;
- 21 (c) Release the defendant on probation;
- 22 (d) Suspend the imposition of the sentence;
- 23 (e) Impose any appropriate combination of (a), (b), (c) and (d).

24 In imposing a fine the court may authorize the payment thereof
25 in installments. In releasing a defendant on probation the court
26 shall direct that he be under the supervision of the secretary of
27 corrections or the probation or parole officer of the court or county.

28 The court in committing a defendant to the custody of the secre-
29 tary of corrections shall not fix a maximum term of confinement,
30 but the maximum term provided by law shall apply in each case.

31 In those cases where the law does not fix a maximum term of con-

1 finement for the crime for which the defendant was convicted, the
2 court shall fix the maximum term of such confinement. In all cases
3 where the defendant is committed to the custody of the secretary
4 of corrections, the court shall fix the minimum term within the
5 limits provided by law.

6 Any time within one hundred twenty (120) days after a sentence
7 is imposed or within one hundred twenty (120) days after probation
8 has been revoked, the court may modify such sentence or revoca-
9 tion of probation by directing that a less severe penalty be im-
10 posed in lieu of that originally adjudged within statutory limits. If
11 an appeal is taken and determined adversely to the defendant,
12 such sentence may be modified within one hundred twenty (120)
13 days after the receipt by the clerk of the district court of the man-
14 date from the supreme court. The court may reduce the minimum
15 term of confinement of *any sentence imposed under K. S. A. 21-4501,*
16 *et seq., whether or not such minimum term is a life term and*
17 *whether or not such minimum term is also the maximum term at*
18 any time before the expiration thereof when such reduction is
19 recommended by the secretary of corrections and the court is satis-
20 fied that the best interests of the public will not be jeopardized and
21 that the welfare of the inmate will be served by such reduction.
22 The power here conferred upon the court includes the power to
23 reduce such minimum below the statutory limit on the minimum
24 term prescribed for the crime of which the inmate has been con-
25 victed. The recommendation of the secretary of corrections and
26 the order of reduction shall be made in open court.

27 Dispositions which do not involve commitment to the custody
28 of the secretary of corrections and commitments which are revoked
29 within one hundred twenty (120) days shall not entail the loss by
30 the defendant of any civil rights.

31 (3) At the time of committing an offender to the custody of the

*State
of
Kansas
S. ROBERT
Solomon*

1 secretary of corrections the court shall submit to said officer recom-
2 mendations on a program of rehabilitation for said offender, based
3 on presentence reports, medical and psychiatric evaluations and
4 any other information available. Such recommendations shall in-
5 clude desirable treatment for correction of physical deformities or
6 disfigurement that may, if possible, be corrected by medical or
7 surgical procedures or by prosthesis. The court may recommend
8 further evaluation at the reception and diagnostic center, even
9 though defendant was committed for presentence evaluation.

10 (4) This section shall not deprive the court of any authority con-
11 ferred by any other section of Kansas Statutes Annotated to decree
12 a forfeiture of property, suspend or cancel a license, remove a per-
13 son from office, or impose any other civil penalty as a result of con-
14 viction of crime.

15 (5) An application for or acceptance of probation or suspended
16 sentence shall not constitute an acquiescence in the judgment for
17 purpose of appeal, and any convicted person may appeal from his
18 conviction, as provided by law, without regard to whether he has
19 applied for probation or suspended sentence.

20 Sec. 4. K. S. A. 21-4610 is hereby amended to read as follows:
21 21-4610. The ~~Kansas adult authority~~ *secretary of corrections*
22 may adopt general rules or regulations concerning the conditions
23 of probation or suspension of sentence. The conditions shall apply
24 in the absence of any inconsistent conditions imposed by the court.
25 Nothing herein contained shall limit the authority of the court to
26 impose or modify any general or specific conditions of probation or
27 suspension of sentence.

28 The probation officer may recommend and by order duly entered
29 by the court may impose and at any time may modify any condi-
30 tions of probation or suspension of sentence. Due notice shall be
31 given to the probation officer before any such conditions are modi-

1 fied and he shall be given an opportunity to be heard thereon.
2 The court shall cause a copy of any such order to be delivered to
3 the probation officer and the probationer.

4 The court may include among the conditions of probation the
5 following and any other that it deems proper:

6 The defendant shall (a) avoid injurious or vicious habits;

7 (b) Avoid persons or places of disreputable or harmful character;

8 (c) Report to the probation officer as directed;

9 (d) Permit the probation officer to visit him at his home or else-
10 where;

11 (e) Work faithfully at suitable employment insofar as possible;

12 (f) Remain within a specified area;

13 (g) Pay a fine or costs, applicable to the offense, in one or several
14 sums as directed by the court;

15 (h) Make reparation or restitution to the aggrieved party for the
16 damage or loss caused by his offense in an amount to be determined
17 by the court;

18 (i) Support his dependents;

19 (j) Obey the laws of the United States, the state of Kansas or any
20 other jurisdiction to whose laws he may be subject.

21 Sec. 5. K. S. A. 21-3826, 21-4201, 21-4603 and 21-4610 are hereby
22 repealed.

23 Sec. 6. This act shall take effect and be in force from and after
24 its publication in the statute book.

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PROPOSED BILL NO. _____

By Special Committee on Correctional Institutions

AN ACT relating to administrative rules and regulations; providing that notice and the opportunity to be heard on the adoption thereof need not be given to any inmate or group of inmates confined in a state correctional institution; amending K. S. A. 1975 Supp. 77-421a and repealing the existing section.

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

Section 1. K. S. A. 1975 Supp. 77-421a is hereby amended to read as follows: 77-421a. Whenever any officer, department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and the legislative branches, is authorized by law to promulgate rules and regulations concerning the administration, enforcement or interpretation of any law of this state, and such rules and regulations are exempt from the requirements of K. S. A. 77-415 et seq. by virtue of the definition of "rule or regulation" in subsection (4) of K. S. A. 77-415, such rules and regulations shall be adopted in the manner prescribed by K. S. A. 1975 Supp. 77-421 ~~as amended.~~ Notwithstanding the foregoing provision of this section, neither the secretary of corrections nor the director of any state correctional institution shall be required to give notice or the opportunity to be heard, as provided by K. S. A. 1975 Supp. 77-421, on the adoption of any rules and regulations to any inmate or group of inmates confined in any state correctional institution.

Sec. 2. K. S. A. 1975 Supp. 77-421a is hereby repealed.

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

PROPOSAL FOR LEGISLATION

Department of Corrections

State of Kansas

THROUGH: The Legislative Interim Special Committee on Correctional Date: 9-29-75
Institutions

BILL No.

BY: The Secretary of Corrections

An Act Concerning the promulgation of regulations within the Department of Corrections regarding the administration of correctional institutions and the management and discipline of inmates or parolees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

1 That K.S.A. 77-421a be amended as follows: 77-421a. Procedure for adoption of rules
2 and regulations not subject to 77-415 et seq. Whenever any officer, department,
3 bureau, division, board, authority, agency, commission or institution of this state,
4 except the judicial and the legislative branches, is authorized by law to promulgate
5 rules and regulations concerning the administration, enforcement or interpretation
6 of any law of this state, and such rules and regulations are exempt from the
7 requirements of K.S.A. 77-415 et seq. by virtue of the definition of "rule or
8 regulation" in subsection (4) of K.S.A. 77-415, such rules and regulations shall
9 be adopted in the manner prescribed by K.S.A. 77-421, as amended, *except that the*
10 *Department of Corrections and keepers of jails shall not be subject*
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Kansas Correction-Vocational
Training Center

I. Institutional Program

The goal of the KCVTC is the development of positive attitudes and behavior in first-time non-violent youthful offenders through a program of academic and vocational training. Individuals participating in this program have been evaluated by the Kansas Reception and Diagnostic Center for placement in this institution.

II. Institution Facilities

KCVTC is the newest facility in the Department of Corrections. At the institution are four, forty-man housing units and one twenty-man unit outside the institution. The twenty-man unit is used for work-release in the five county area. During its tour, the Committee visited these housing units and the vocational training areas, which include retail sales, auto mechanics, heating and air-conditioning, appliance repair and welding.

III. Problem Areas

- A. Absence of an arts and crafts recreational program for KCVTC residents.
- B. Nonavailability of two, forty-man housing units due to lack of furnishings which have been ordered but have not yet arrived.

Kansas State Reception and
Diagnostic Center

I. Institutional Program

The primary task of the Kansas State Reception and Diagnostic Center is to evaluate male felons who have been sentenced by the courts of Kansas. The evaluation includes the development of an extensive diagnostic report prior to placing an individual in an appropriate rehabilitation program. Follow-up evaluation, screening of admissions to KCTVC and pre-sentence examinations are conducted by the center.

II. Institution Facilities

The Committee tour of KRDC was confined to "Main" building. Within this structure the Committee visited the administrative offices, evaluation rooms, certain cell-areas, the inmate library and the kitchen and dining facilities of both inmates and institutional officers.

III. Problem Areas

- A. The demand for KRDC evaluation services has increased dramatically in the past years. The institution is not able to handle all such requests. Thus, some prisoners must be held in state institutions and/or county jail facilities prior to evaluation. This waiting period ranges upward to four weeks.
- B. A psychiatrist's initial salary at KRDC is substantially less than can be paid a psychiatrist doing essentially the same job in the Department of Social and Rehabilitation Services.

Kansas Correctional
Institute for Women

I. Inmate Population

- A. Current inmate population is 86, reflecting a recent increase. These inmates, most of which are felons, have been identified by the superintendent as being more hostile and aggressive than in previous years. The racial balance is approximately even between black and white.
- B. Fifteen federal prisoners are being maintained at the facility under contract with the federal government.

II. Vocational Training

- A. Vocational training programs at KCIW including cosmetology, a business program and a nurses aide program. Auto mechanics is also offered occasionally at KCIW.
- B. While inmates at KCIW are generally receptive to vocational training program, not all of them participate.

III. Capital Improvements

- A. Porch repair on "A", "B", and Perry buildings (See letter attached).
- B. Swimming pool purchased within inmate funds.

IV. KCIW Medical Services

Inmates who become ill are visited at the institution by a local physician. Inmates who need hospital treatment are sent to the local hospital (St. John's Hospital).

STATE OF KANSAS

Department of  Administration

Architectural Services Division

State Office Building—Topeka 66612

August 4, 1975

Re: Porch Repair, "A", "B" & Perry
Correction Institution for Women
Lansing, Kansas

Mr. Carl Tramel
Legislative Reserach Department
5th Floor - State House
Topeka, Kansas

Dear Carl:

Since meeting with you and John Shotts last week, we have reviewed the status of the project with Dick Davis of Corrections and with Harlan Counter, Chief of Construction Documents of this office.

The Department of Corrections has decided that the sun porches are no longer worth the cost of restoration and agree that they should be razed. This decision negates the necessity of another inspection trip suggested by Mr. Krueger and the subsequent report which this letter should replace.

Dick Davis and the resident engineer at Lansing feel that the Department can do the actual razing of the sun porches although no one is sure of the condition at the building wall where the porch slabs bear. When the razing is undertaken, we strongly recommend that the department hire a consultant knowledgable in razing to advise and oversee the work.

You may be interested in knowing that the plans for "A", "B" and Perry are dated 1921, 1922 and 1928 respectively, making the average age something over 50 years. All three buildings are sorely in need of tuckpointing which would almost surely have to be contracted. Funds presently are not available for this work.

This division is currently preparing plans and specifications for corrective work on the entrance porches for the buildings. It is our intention to issue these to prospective bidders before August 21. Any information regarding the extent of the work may be gotten from Harlan Counter.

Mr. Carl Tramel
August 4, 1975
Page 2

I hope the foregoing is sufficient for your report to the Committee; if not, please let me know how we may be of further assistance.

Yours truly,

Louis J. Krueger, Director

by: Jack Roberts Nelson
Jack Roberts Nelson *do*
Chief of Planning Section

cc: Dick Davis
Harlan Counter

Kansas State Penitentiary

I. Inmate Population

The current population is 666. The institution currently houses a large group of individuals with life sentences and individuals who have historically been unable to adjust to living on the outside.

II. Institutional Program

Institution utilizes the team approach. Teams are composed of classification officers, correctional officers and an individual who has had experience in a multi-disciplinary area, generally including social work. The four teams which function in the institution see each inmate within their respective groups at least once every ninety days. The director felt that these teams are making significant inroads in determining and understanding prison culture.

III. KSP Medical Services

- A. Hospital - The KSP hospital is exceptionally old and in need of repair. Primary needs of the facility included renovation of the third floor and upgrading of dental equipment.
- B. No major operations are conducted at the hospital and necessary surgery is done at the Kansas University Medical Center. The transfer of a prisoner to a medical facility generally ties up two to three correctional officers for a twenty-four hour period.
- C. Physician - A study is being conducted by the Department of Corrections and federal authorities relative to allegation of misconduct of the medical staff and the former physician

at KSP. The new KSP physician, Dr. Villar, has been at the institution a very short time.

- D. Distribution of drugs - prescription and non-prescription drugs are currently dispensed from different locations within the institution. Soon, however, controlled and non-controlled drugs will be administered within the main building as soon as the appropriate facility is finished. Hospital storage of drugs could be a problem; however, an attendant is on duty at all times or else the drug room at the hospital is kept locked. The institution has a pharmacy which is located in the basement of the main building.

III. Employee Matters

- A. Recruitment - KSP administrators have noted that Kansas still competes generally unsuccessfully with the Federal correctional institutions for both hospital staff and correctional officers.
- B. Retirement - It was the feeling of KSP administration that, due to the stress and strain of corrections work, correctional personnel should be able to retire after 20 years of service to the state.

IV. Inmate Vocational Training

- A. Vocational training offered at KSP includes welding, body and fender, refrigeration and air-conditioning, tool and die and building maintenance. Most inmates however, are not involved in learning a trade skill.
- B. The tag factory and laundry operations at KSP have been closed and the farm operation is in the process of being closed.

V. Food Service

- A. Kitchen area is currently in the process of being renovated and new refrigeration areas are planned. Due to the cost of flour and replacing of ovens, the institution has suspended the bread baking operation. Plastic trays which have been ordered to replace the metal trays at the KSP dining facility have not yet arrived.
- B. There are approximately 13 staff members and 80 inmates currently working in the institutional kitchen. The number of inmates working in the facility is currently being reduced.

VI. Priority Capital Improvements

- A. Renovation of "A" cellhouse - the Committee subgroup assigned to inspect this cellhouse reported the facility was in relatively good shape. However, the locking system on electric gates has been a problem area.
- B. Demolition of existing KSP hospital structure.

VII. Institutional Needs

- A. Director indicated that the greatest need at KSP is the development of an effective treatment staff including qualified counselors, psychiatrists and psychologists.

Kansas State Industrial Reformatory

I. Inmate Population

- A. The current population is 688, with an increasing percentage of blacks in the institution. According to the director of the reformatory, the inmate population at KSIR is more hostile than in previous years.
- B. KSIR has a substantial backlog of inmates scheduled to go to KRDC for evaluation. An inmate may now wait for three or four weeks before going to the center.

II. Vocational Rehabilitation

- A. The KSIR vocational program include welding, machine shop, drafting, auto mechanics, food service, building maintenance and a planned program in major appliance repair.
- B. On-the-job training is provided at KSIR in the field of barbering and printing.

III. Employee Matters

- A. There is currently a shortage of correctional officers at KSIR.
- B. It is the KSIR administration's position that salaries offered for positions through State Civil Service generally are not sufficient in relation to job prerequisites and demands.

IV. Institutional Matters

- A. Transfer of administrative responsibility for the state security hospital at Larned from Department of Social and Rehabilitation Services, Department of Corrections would

help the situation at Hutchinson as it relates to transfer of prisoners.

- B. A name change of the Hutchinson Institution would be appropriate, possibly changing the name to the Hutchinson Correctional Center.
- C. There are approximately 80 inmates at the two honor camps at Tuttle Creek and Toronto, most of whom are at Toronto.

V. Institutional Priorities

- A. Creation of an additional deputy director position at KSIR.
- B. Provision for an accountant at the institution.
- C. Unit team supervisor.
- D. Food service manager position.

VI. Inmate Idleness

- A. Despite work programs and educational opportunities, inmate idleness continues to be a severe problem at KSIR.
- B. The Director indicated that several inmates from Kansas City, Kansas have created significant noise and inmate control problems.

VII. Legal Matters

- A. During the past year nine civil suits have been filed by inmates against KSIR staff members. As a result, KSIR has an attorney on staff to deal with these matters.
- B. Transfer of inmates from KSIR to KSP is difficult due to the excessive documentation required to show cause for such transfer. Without such documentation, the director indicated that he felt they could be accused of punitive transfer.

VIII. Food Service

- A. Food Service operations at KSIR have improved significantly and the facility is in the process of renovation.
- B. All baking is currently done at the institution. Facilities and operations appear to be very clean.

IX. KSIR Medical Services

- A. The medical facilities at KSIR appear to be adequate and are a very positive contrast to medical service situation at Kansas State Penitentiary.
- B. KSIR has a full complement of medical staff, including a physician that lives at the institution.

X. Drugs

- A. There appears to be limited use of marijuana at KSIR but no indication of use of heroin or similar drugs by inmates.
- B. Termination of the farming operation at KSIR, which has been identified as a significant dropping point for contraband operation, should further restrain the use of contraband drugs at the institution.
- C. There are no controlled prescription drugs at KSIR and no prescriptions are written.

XI. Capital Improvement Priorities

- A. Renovation of cellblocks
- B. Renovation of refrigeration equipment
- C. Renovation of east gate

- D. Renovation of institutional auditorium, institutional roads, second floor administrative offices, institutional refuse areas.
- E. There was some question as to the need for additional fuel tanks at the institution.

XII. KSIR Jail

- A. Questions were raised as to the desirability of erecting a "jail" at Kansas State Industrial Reformatory as a facility for extremely difficult inmates.
- B. Currently, disruptive inmates constitute a significant problem at KSIR and at this point there is little that can be done except to segregate these individuals from the KSIR population.

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REQUESTED FY 1977
CAPITAL IMPROVEMENT PROJECTS

Penitentiary

Complete Renovation of A Cellhouse	\$269,000
Renovation of Inside Dormitory	90,000
New Infirmary Building	300,000
Re-roofing Projects	57,675
Installation of Fire Escapes and Doors	25,000
Structural Inspection of Administration Building	3,000
Blacktop Resurfacing Visitors' Parking Lot	65,000
Addition to Visiting Room	70,000
Total	<u>\$879,675</u>

Reformatory

Construct Segregation Building	\$512,550
Remodel Kitchen Refuse Area and Butcher Shop	18,000
Install Electrical Fixtures, Wiring in Cellhouses	62,000
Install Hot Water in Cellhouses	68,000
Install Fuel Oil Tank	12,000
Renovate and Equip Auditorium	75,000
Renovation of Old Storage Building	18,000
Repairing of Institutional Roads and Parking Lots	33,000
Remodeling of Administrative Office Second Floor	15,000
Renovate Building for Leisure Time Activities	4,000
Remodeling of Chapel Area	19,500
Resurface Hallway Flooring	2,500
Total	<u>\$839,550</u>

Reception and Diagnostic Center

Waterproof Outside Walls of Main Building	\$ 30,663
Storm Windows for Main Building	2,550
Waterproof Outside Walls of Administration Building	10,160
Waterproof Outside Walls of Hospital Building	9,824
Total	<u>\$ 53,197</u>

Correctional Institution for Women

Maximum Security Renovation	\$ 34,300
Heating Element Replacement	14,100
Roofing Replacement	25,400
Total	<u>\$ 73,840</u>

Department of Corrections

Construct and Equip Building for Bus Renovation	\$505,000
Relocate Solvent Tank	21,711
Renovate Dairy Barn (Soap)	40,000
Construct Pre-Fab Building (Upholstery)	255,000
Repair Roof, Tool, and Die Building	14,000
Total	<u>\$835,711</u>

Correctional-Vocational Training Center

Paving of Access Road	\$ 5,200
Revising of Communication System	600
Total	<u>\$ 5,800</u>

Total for System	<u>\$2,687,773</u>
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FELONY CASES TERMINATED BY DISTRICT COURTS

	<u>FY 68</u>	<u>FY 69</u>	<u>FY 70</u>	<u>FY 71</u>	<u>FY 72</u>	<u>FY 73</u>	<u>FY 74</u>	<u>FY 75</u>	<u>Increase FY 75 Over FY 74</u>
<u>Type of Crime:</u>									
Against Persons	765	761	959	993	905	884	1,049	1,210	161
Against Property	1,597	1,596	1,815	2,233	1,990	1,924	2,172	2,807	635
Other	379	412	541	644	744	797	957	1,074	117
Total	<u>2,741</u>	<u>2,769</u>	<u>3,315</u>	<u>3,870</u>	<u>3,639</u>	<u>3,605</u>	<u>4,178</u>	<u>5,091</u>	<u>913</u>
Pending			1,246	998	1,095	1,111	1,297	1,370	73
New Commitments to Correctional System			784	891	985	827	980	1,311	331
Percentage of Terminations Committed			23.6	23.0	27.0	22.9	23.4	25.7	

INMATE POPULATION DATA

Institution	Average Daily Populations				Budget Estimate		Inmate Population Counts			
	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77	7-1-75	10-3-75	1-1-76	3-1-76
<u>Male:</u>										
Kansas State Penitentiary	1,085	863	666	636	700	750	648	659		
Kansas State Industrial Reformatory	669	560	512	598	725	725	707	679		
Kansas Correctional Vocational Training Center	--	--	--	30	120	160	80	86		
Kansas Reception and Diagnostic Center	116	111	111	121	123	125	119	116		
Work Release Center - Wichita	--	--	--	--	25	25	--	--		
Kansas City Honor Camps	74	73	73	64*	55	50	63	47		
Total - Males	<u>1,944</u>	<u>1,607</u>	<u>1,362</u>	<u>1,449</u>	<u>1,748</u>	<u>1,860</u>	<u>1,617</u>	<u>1,587</u>		
<u>Female:</u>										
Correctional Institution for Women	67	57	51	60	95	100	84	76		
Total - System	<u>2,011</u>	<u>1,664</u>	<u>1,413</u>	<u>1,509</u>	<u>1,843</u>	<u>1,960</u>	<u>1,701</u>	<u>1,663</u>		

*Estimated