

M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONS

December 12-13, 1977
Room 514S - State House

Members Present

Representative Patrick J. Hurley, Chairman
Senator Paul Hess, Vice-Chairman
Senator James Parrish
Senator Wint Winter (December 12, 1977)
Representative Arthur Douville
Representative Phil Martin
Representative Jack Rodrock

Advisory Committee Members Present

Judge Michael Barbara
Sister Dolores Brinkel
Mr. Loren Daggett
Dr. Bill Larson

Staff Present

J. Russell Mills, Jr., Kansas Legislative Research Department
James Wilson, Revisor of Statutes' Office
Marlin Rein, Kansas Legislative Research Department
Louis Chabira, Kansas Legislative Research Department
Julie Mundy, Kansas Legislative Research Department
David Barclay, Administrative Assistant to the Senate Majority Leader
Steve Millstein, Administrative Assistant to the House Majority Leader

December 12, 1977

Chairman Patrick Hurley opened the meeting and stated that the Committee would be dealing with the Research Department memorandum dated December 9, 1977 "Community Corrections Act." (Attachment I.) Mr. Rein offered a detailed explanation concerning the funding formula of the draft legislation relating to the Community Corrections Act. Mr. Rein stated that the most difficult element of the formula is the local per capita expenditure for corrections which would establish a need to identify specific activities of counties to insure that they maintain a minimum level of local corrections expenditures. Mr. Rein stated that the staff also recommends that a provision be included which would allow the local units to receive only 70 percent of their entitlement for the first 12 months, 80 percent for second 12 months, and 90 percent for the third 12 months to eliminate the "windfall" problems experienced in Minnesota.

Discussion then centered on the fairness and equitable distribution of the formula especially in rural areas. It was stated that this program provides some return of tax dollars to help run programs that the local units have not been able to fund.

Senator Parrish moved that the Committee adopt the formula changes recommended by the staff at this time, including use of crime rate data as one factor of the formula. Motion seconded by Representative Douville; motion carried.

Mrs. Mundy presented an explanation on probation and parole services and stated that the present probation services are diffused in Kansas. She suggested two alternatives for consideration as outlined in the memorandum. Representative Douville moved that the Committee adopt the second alternative (see page 4, number 2, subtitle Alternatives of memorandum, dated December 9, 1977) and that the report discuss this issue. Motion seconded by Senator Parrish; motion carried.

Mr. Rein distributed copies of a bill draft relative to the community corrections act. (Attachment II.) The bill was presented section-by-section by staff.

Senator Hess moved that the minimum population be 20,000 for multi-county units, 30,000 for single counties, that any four or more counties with at least 20,000 population be permitted to join, and that the Secretary of Corrections be authorized to allow any county under 20,000 to join. Motion seconded by Senator Parrish; Motion carried.

Afternoon Session

Mr. Rein stated that the Committee might want to consider requiring participating counties to be located within a judicial district. Another possibility for consideration is that, if there are needs which are not being met in the community, perhaps a separate program for a correctional enhancement grants from the state, apart from the Community Corrections Act, could be provided.

Senator Hess moved that counties not be permitted to cross judicial district lines in organizing multi-county units. Motion seconded by Representative Douville; motion carried.

Senator Hess moved that 170 days' notice be given by counties prior to withdrawal from the act and that quarterly payments be made to participating counties. Motion seconded by Senator Winter; motion carried.

Senator Hess moved that the act include juveniles who are being detained. Motion seconded by Representative Douville; motion carried.

The Committee agreed upon the following changes:

Section 3(e) - change the percentage figure to ten (10) percent, concerning advance payments to counties;

Section 5(a) - needs language to deal with use of unexpended funds;

Section 5(b) - strike the subsection dealing with the transfer of personnel;

Section 5(c) - strike the word "inspect" and insert in lieu thereof "examine", concerning the authority of the Secretary of Corrections;

Section 7 - permit the judge to designate another judge to serve on the board;

Section 8(a) - grant the appointive members of the board two-year terms;

Section 8(b) - require the boards to observe the provisions of the Kansas Open Meetings Act;

Section 10 - after the word "juveniles" insert "being detained or";

Section 12(a) - strike all of "(1)" and renumber appropriately;

Section 13(d) - insert proper language to provide that, if counties do not expend the full amount of the grant, future grants may be reduced by an amount equal to the amount which the county failed to expend;

Section 14(a) - provide that there will be no chargeback for offenders sentenced for class A, B, or C felonies;

Section 14(2) - delete the language concerning the state social welfare fund;

Section 15(a) - provide that grants will be paid on a quarterly basis;

Section 15(b) and (c) - insert "quarterly" instead of "monthly";

Section 16 - strike the words "ten (10) days" and insert in lieu thereof "one hundred seventy (170) days," concerning notifications of withdrawal by counties;

Section 17 - delete the unnecessary language concerning state assumption.

Dave Barclay distributed a memorandum concerning cost projections for the renovation projects discussed by the Committee (Attachment III) and a report concerning the Wichita Prison Farm (Attachment IV). He stated that the renovation cost estimate had been adjusted for inflation and totaled \$8.6 million for cellhouse renovation at Kansas State Penitentiary and Kansas State Industrial Reformatory. He noted that the estimate assumes the use of private contractors and no use of inmate labor. The use of some inmate labor would result in a cost saving of some magnitude. Chairman Hurley asked Mr. Barclay to revise the estimates by including the use of inmate labor and by renovating the more expensive projects first.

Staff was directed to obtain further information concerning the correctional institutions building fund and any available revenue sharing funds. Senator Hess discussed the possibility of using the Wichita Prison Farm as an adjunct to the Kansas Correctional Institution for Women.

December 13, 1977

Chairman Hurley presented the cost estimates which had been revised by Mr. Barclay (Attachment V). The revised estimates total \$7.4 million and include the use of inmate labor. Chairman Hurley stated that further savings could be realized if the larger cellhouses are remodeled first.

The Committee discussed the use of the Kansas Correctional Institution for Women and the possibility of utilizing another state institution for the confinement of female offenders.

Staff was directed to indicate in the report that inmate labor should be utilized, to the maximum feasible extent, in the renovation projects.

Mr. Rein advised the Committee that \$1.9 million in the correctional institutions building fund was not obligated for FY 1978 and FY 1979. The Committee agreed that the renovation projects should be funded from: (1) any available revenue sharing funds, (2) the correctional institutions building fund, and (3) the state general fund.

Senator Hess stated that the Committee should seriously consider making recommendations as to the status of the correctional building fund and whether it should be continued at 1/4 mill for corrections.

Mr. Rein stated that the Governor's recommendation for funding the building of a medium security facility, cellhouse renovation at two institutions, and the outside dorm was from federal revenue sharing.

Representative Hurley stated that the Committee would want to use federal revenue sharing monies to the maximum extent possible, then use the correctional building fund, and lastly, the state general fund. He noted that federal revenue sharing monies have traditionally been used by the state for capital improvements and that the commitment of federal revenue sharing realistically will continue and the presumption is that those funds will be available at the same level they are now.

The question was raised as to whether the additional levy for correctional building fund should be extended for one or more years and whether this should be the second source of funding before the Committee looks to the state general fund.

The Committee then reviewed the amounts necessary for cellhouse renovation, the 100-bed dormitory facility, and the three honor camps. Senator Hess stated that the Committee's recommendations would result in an additional 506 beds added to the system.

The Committee agreed that the report should recommend that an additional .1 mill be levied for the correctional institutions building fund if money is inadequate to fund the Committee's recommendations.

Representative Hurley stated that the \$5 per capita figure in the formula would be reduced if probation services are funded through the courts. He also stated that the incentive to counties might be diminished by imposition of the chargeback. Representative Hurley further stated that he had spoken with Commissioner Schoen for further clarification on what the incentive really was. Commissioner Schoen stated that the incentive could be the desire for more programs, more money, and the ability to expand. Representative Hurley stated the best approach would be the implementation of four pilot projects for \$1.6 million: three in urban areas and one in the rural area.

It was stated that Shawnee County would probably be the best county as a pilot project to get into community corrections since it has at present a community corrections program in operation.

Representative Hurley stated that Commissioner Schoen stated that the Committee could go the pilot project route so that the state will get some experience in administering the community corrections act. Representative Hurley suggested that the Committee recommend four pilot projects for community corrections with a specific dollar amount (\$1,635,000). These would be monies for half a year's operation plus planning money. It was stated that some LEAA funds might also be available to fund the pilot projects.

The question of the definition of "crime" according to the Kansas Bureau of Investigation was discussed because it is not clear if "crime" meant "crimes committed," "crimes reported," or "convictions."

The Committee then discussed a number of draft bills which were presented by Mr. Wilson. The Committee adopted the following changes in the drafts:

Juvenile Study Resolution (Attachment VI)

Delete the reference to the Juvenile Code.

Rules and Regulations (Attachment VII)

Clarify that inmates need not be granted the right to be present at the public hearings and include the regulations of the Kansas Adult Authority.

Work Release (Attachment VIII)

Expand the grant of authority concerning educational release programs. Delete the language concerning the preparation of rehabilitation programs at KCIW only.

Presentence Investigations (Attachment IX)

If necessary, correct the reference to the State Security Hospital and delete the language concerning the imposition of the death penalty.

Pretrial Diversion (Attachment X)

Section 2(a) - Delete the prohibition against proposing diversion to a person who has previously entered into a diversion agreement or who is charged with a crime involving personal injury.

Section 2(c) - Provide that each defendant will be informed of the diversion program and grant the defendant the right to be present and represented by counsel at the diversion conference.

Section 4(a) - Exclude any admission of guilt or facts of the crime from the diversion agreement.

Section 6(a) - Require the district court to hold a hearing when a breach of the agreement is alleged. Delete the language authorizing the court to take into consideration, at the time of sentencing, any partial fulfillment of the agreement by the defendant.

Kansas Adult Authority (Attachment XI)

Clarify that the members of the Authority are to serve full-time in that capacity.

The Committee then discussed the other bills to implement the various recommendations which had not been drafted. These include:

1. Transfer of the probation function to the district courts.
2. Establishment of release-on-recognizance and supervised release programs.

3. Expansion of the prison industries program.
4. Creation of a tax credit for firms which develop prison industries.
5. Authorization for a "Mutual Agreement Programming" parole program.
6. Appropriations for the construction of three honor camps.
7. Appropriations for renovations at KSP and KSIR.

The Committee authorized Chairman Hurley to approve the introduction of all bills recommended and also to approve the final report of the Committee.

Chairman Hurley expressed his appreciation for the diligent efforts of all members of the Committee during the course of the study. The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

April 24, 1978
Date

MEMORANDUM

Attachment I

December 9, 1977

TO: Special Committee on Corrections
FROM: Kansas Legislative Research Department
RE: Community Corrections Act

At the last meeting staff was directed to compute the individual county allocations under the present formula contained in the draft legislation using what reasonable assumptions that were necessary. Staff was further directed to offer any proposed modifications to the present formula in the draft bill which the staff felt that the Committee should consider. In addition, staff also researched the issue of probation and parole services. The following sections discuss the present formula, an alternative formula and alternatives for probation and parole services.

Present Proposed Formula

The formula contained in the current draft legislation is exactly the same as used by the State of Minnesota. The basic elements of the four-part formula are as follows:

1. Per Capita Corrections Expenditures;
2. Risk Population, Ages 6-30;
3. Per Capita Income; and
4. Per Capita Taxable Value.

Risk Population. It was reported to the Committee at the last meeting that census data produced by the Department of Agriculture do not include any tabulations by various age groupings. It is understood that by use of various statistical methodologies, such data can be estimated with a considerable degree of reliability. The exclusion of such data in the Department of Agriculture census information may necessitate some modification to the draft legislation.

For purposes of incorporating this factor into a distribution allocation at this time, staff has utilized 1970 census data. The format of that information also required a slight modification to the risk age population category. In the distributions attached to this memo, the risk population category used is ages 5-29, inclusive.

Current Corrections Expenditures. This element in the formula poses the greatest number of problems. If the inclusion of this element is to recognize local efforts in funding correctional programs, then the manner in which "per capita expenditures per 1,000 population" is to be determined is at best a very poor and rough measurement. Because of differences between Kansas and Minnesota it is impossible to effectively apply the factor in Kansas. For example, weight is given to the number of

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pre-sentence investigations in the preceding year. Since Minnesota had mandated pre-sentence investigations for a number of years, the data were available. However, Kansas does not mandate pre-sentence investigations and so this factor could not be employed as a measurement of local effort.

The remaining factors in the Minnesota formula are likewise arbitrary and incomplete measurements of past financial commitments by the counties to support correctional programs. If the Committee wishes to include such an element (local effort) in the formula, staff would suggest that the legislation specifically identify those activities that would be considered as constituting local correctional expenditures for purposes of the formula, and then require that those expenditure data be obtained for each county in the state. Such a tabulation would also serve a second purpose in that it would enable the Department of Corrections to more effectively monitor the maintenance of effort requirement specified in Section 16.

Alternative Formula

The Minnesota formula appears to be based primarily on the following measurements:

1. Local wealth
2. Population
3. Potential crime risk
4. Local effort

Of the above factors, population and local wealth are given the greatest weight. The larger population areas benefit to the greatest degree. Since there is no minimum base level of support for the less populated areas, the factor of population is a principal determinant in entitlements.

The second factor given a greater weight is local wealth, with both assessed valuation and per capita income treated as separate elements of the four-part formula. Counties with low per capita income and valuations benefit most.

The elements of risk population and current effort for funding correctional programs are given lesser weight. These two factors however, probably relate more directly to need than do the measurements of wealth. The problem of measuring local effort, as proposed by the formula, have already been addressed and an alternative suggested. Staff would propose that an additional factor of need be used to give greater weight to the measurement of need. Perhaps several alternatives could be used but staff would suggest as one appropriate measurement the incidence of crime reported and tabulated annually by the Kansas Bureau of Investigation. This measurement per 1,000 population would increase the overall weight given to need, i.e., the incidence of crime. Such a factor would strengthen the weight given to rate of crime since even the risk-age factor has some limitations.

In addition, staff also recommends that a provision be included which would allow the local units to receive 70 percent of the entitlement for the first 12 months, 80 percent for the second 12 months, and 90 percent for the third 12 months. This would prevent the problem of a "windfall" to the counties, which happened in Minnesota the first year.

Formula Allocations

Table I attached to this memorandum reflects the computed allocations to which selected counties would be entitled using certain assumptions. The first assumption used by the staff is that the per capita level of financial support would be comparable to that currently provided in Minnesota. The per capita dollar used is \$5.00 which would generate a gross entitlement of approximately \$11.6 million if the program were implemented statewide. Since the proposed legislation would require counties to pay the per diem cost for all juveniles committed to a state institution and adults committed under certain circumstances, the \$11.6 million potential cost to the state would likely be significantly reduced.

As to the formula itself, staff has used the following four factors:

1. per capita personal income
2. per capita tangible valuation
3. risk population
4. reported crimes.

Some of the data used is not the most current though it was the latest available within a limited timeframe. The risk age population category used is ages 5-29, inclusive, based on 1970 census data. Crime data used were as reported for 1975. It is not believed that the computed entitlements are significantly affected by the use of the less current data.

Conclusion

The single most difficult element in the present formula contained in the draft legislation is the one discussed earlier, the current level of local expenditures for corrections. The Minnesota approach to this factor is arbitrary. Because of differences between our states we could not even use their approach effectively as inadequate as it is. Inclusion of this factor in the formula is not viewed as being so critical that it cannot be omitted. The State of Oregon concluded that this element of the formula could not be realistically administered. To merely remove current local expenditures from the formula does not solve the problem entirely since there is a maintenance of effort requirement. However, it is more realistic to presume that valid and complete expenditure data could be gathered for those relatively few counties that would come under the act than were it required for all 105 counties on an annual basis which would be the case were it included in the formula.

Probation and Parole Services

Current System. At present probation services are diffused in Kansas:

1. The Department of Corrections provides probation services to 99 counties for adult felony cases.
2. Probation services for adult felons, adult misdemeanants, and juveniles are provided in five judicial districts.
3. Juvenile probation is provided through the courts in almost all counties, and adult misdemeanor probation is provided through the courts in many districts.
4. Parole services to all counties are provided through the Department of Corrections.

The court system is moving in the opposite direction from the concept provided under the proposed community corrections act. In other words, the court system is state controlled with community based services. An Attorney General's opinion contends that court employees are state employees regardless of whether the county pays them, because the state has authority to "hire and fire" court employees. Proposal No. 73 (Ways and Means - B) recommends that a district court personnel plan be implemented and controlled by the Supreme Court. All probation services employees are included under the plan. State financing is to be phased in through a county rebate to the state and all employees will be paid directly by the state.

Problems. If the community corrections act were implemented in its current form there would be a conflict with the court probation systems because local communities would control new positions and services, yet, the court probation services would continue. It should be noted that a combination of services —court controlled but locally financed might be subject to legal question. The Ways and Means - B Committee in its recommendations to the LCC requested that the question of whether or not counties can be required to pay salary costs of state employees be researched by Legislative Counsel.

Additional concerns about probation and parole services must also be considered. The Kansas Juvenile Probation officers, in testimony before the Ways and Means - B Committee, indicated that the quality of probation services varies dramatically among judicial districts at present. The group favored a district court personnel system because it sets standards for education and experience.

Alternatives. There are two alternatives which should be considered:

1. Take probation and parole services out of the court and Department of Corrections control and make it a responsibility of the counties. The limitation of this proposal is that counties not wanting to enter into the act would not have such services. In addition, the courts would oppose such a system.
2. Keep probation as a function of the court; transfer to the court the present probation services offered by the Department of Corrections;

and keep the parole function with the Department of Corrections. The main disadvantage to this system is that services would not be under community control and no funds for improvement would be available unless the Legislature appropriated additional funds to the courts.

Staff Conclusions. The staff believes that the second alternative as listed above would be preferable since it would provide control over the system without disruption in services. Although some positions would be transferred from the Department of Corrections to the Unified Judicial Department, it should be noted that under this system, the state would have to appropriate some additional funds to the judiciary for adult felony probation services in FY 1977. In addition, future year's appropriations for probation services will probably increase if probation services are to be improved.

TABLE I

APPROXIMATE FORMULA ALLOCATIONS TO SELECTED COUNTIES*

	Population	Weightings				Allocation @ \$5.00
		Personal Income	Adjusted Valuation	Risk Population	Crime Rate	
Sedgwick	342,403	.877	1.412	1.121	1.614	\$2,150,291
Johnson	243,938	.808	1.066	.962	1.098	1,200,175
Wyandotte	186,560	.966	2.209	1.059	2.011	1,456,101
Shawnee	174,819	1.002	1.649	.957	1.299	1,072,515
Reno	65,276	1.057	1.038	.943	1.158	342,373
Douglas	60,592	1.189	1.282	1.324	.937	358,402
Leavenworth	51,267	1.080	1.917	1.076	1.000	325,033
Saline	49,948	1.039	1.252	1.009	1.050	271,717
Montgomery	43,010	1.226	1.664	.809	.785	241,071
Riley	41,799	.795	1.809	2.128	1.328	316,627
Butler	40,909	1.433	1.062	.941	.748	213,954
Crawford	37,991	1.254	1.651	.974	.774	220,918
Barton	36,289	1.077	.827	.846	.627	153,140
Cowley	35,125	1.183	1.084	.924	.651	168,776
Lyon	32,841	1.002	1.257	1.201	1.176	190,314
Judicial District No. 25	44,306	.968	.518	.865	.777	173,236

* Assumes that the allocations are based upon a \$5.00 per capita statewide authorization. All amounts would be reduced by costs assessed the counties for state institutional services.

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Saline	49,948	1.039	1.252	1.009	1.050	271,717
Montgomery	43,010	1.226	1.664	.809	.785	241,071
Riley	41,799	.795	1.809	2.128	1.328	316,627
Butler	40,909	1.433	1.062	.941	.748	213,954
Crawford	37,991	1.254	1.651	.974	.774	220,918
Barton	36,289	1.077	.827	.846	.627	153,140
Cowley	35,125	1.183	1.084	.924	.651	168,776
Lyon	32,841	1.002	1.257	1.201	1.176	190,314
Judicial District No. 25	44,306	.968	.518	.865	.777	173,236

* Assumes that the allocations are based upon a \$5.00 per capita statewide authorization. All amounts would be reduced by costs assessed the counties for state institutional services.

Attachment II

DRAFT BILL NO. 1

For Consideration by the Special Committee on Corrections
Re Proposal No. 14

AN ACT relating to correctional services; enacting the community corrections act; concerning the development, implementation and operation of community corrections services and programs; authorizing state grants to counties for such purposes; prescribing powers and duties for the secretary of corrections.

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

Section 1. This act shall be known and may be cited as the "community corrections act."

Sec. 2. For the purposes of more effectively protecting society and promoting efficiency and economy in the delivery of correctional services, the secretary of corrections is hereby authorized to make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to preventive or diversionary correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of adults convicted of crime or of juveniles adjudged delinquent, miscreant, wayward, traffic offender, truant or dependent and neglected under the Kansas juvenile code.

Sec. 3. (a) In accordance with this section, any county which has a total population of twenty thousand (20,000) or more or any group of contiguous counties which has a total population of thirty thousand (30,000) or more and which is within or constitutes a judicial district may qualify for grants under this act by creating and establishing a corrections advisory board, in accordance with section 7, and providing for the preparation and adoption of a comprehensive plan for the development, implementation, operation and improvement of the correctional services

Atch. II

described in section 2, which has been approved by the secretary of corrections. In addition to such matters as are prescribed by rules and regulations of the secretary of corrections, the comprehensive plan shall provide for centralized administration and control of the correctional services under the plan and shall include the assumption of those correctional services presently provided in such county or counties by the department of corrections, other than the operation of correctional institutions, as defined in subsection (d) of K.S.A. 75-5202, and amendments thereto, the operation of honor camps and work release centers, and probation and parole services.

(b) In any case where one or more counties which do not constitute an entire judicial district propose to act to qualify for grants under this act, each of the other counties within the judicial district shall be given the opportunity to act with the proposing counties under this act. In each such case, if a county elects to not become eligible for grants under this act, the board of county commissioners shall adopt a resolution to that effect and send a copy of such resolution to the secretary of corrections. At anytime thereafter and in accordance with rules and regulations of the secretary of corrections, such county may change such election and may act with the other counties in the judicial district to become eligible for grants under this act by inclusion within the comprehensive plan.

(c) Subject to the agreements between cooperating counties under subsection (d), the respective boards of county commissioners shall retain all authority for the expenditure of funds, including grants received under this act, and for the implementation of and the operations under the comprehensive plan approved by the secretary of corrections. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains, prior to submission to the secretary of corrections for approval.

(d) Where the boards of county commissioners of two or more counties act together under this act, such counties shall cooper-

ate for all purposes of this act in the manner prescribed by K.S.A. 12-2901 to 12-2907, and amendments thereto, to the extent that said statutes to not conflict with the provisions of this act.

(e) To assist a county or group of counties which has established a corrections advisory board and requires financial aid to defray all or part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 9, the secretary of corrections, upon receipt of resolutions by the board of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, may advance to the county or counties an amount not to exceed five percent ~~(5%)~~ ^{10%} of the maximum quarterly grant for which the county is eligible or of the total of the maximum quarterly grants each of the group of counties is eligible to receive for one quarter.

Sec. 4. (a) In accordance with K.S.A. 77-415, and amendments thereto, the secretary of corrections shall adopt rules and regulations necessary for the implementation and administration of and as prescribed by this act. The secretary of corrections shall provide consultation and technical assistance to counties and corrections advisory boards to aid them in the development of comprehensive plans under this act.

(b) This act shall be administered by the secretary of corrections or by officers and employees of the department of corrections designated by the secretary to the extent that authority to do so is delegated by the secretary, except that the authority to adopt rules and regulations under this act shall not be delegated.

Sec. 5. (a) For the purposes of this act and to provide for the correctional services described in section 2, any county or group of counties electing to come within the provisions of this act may through their boards of county commissioners, or administrative bodies established by cooperating counties, (1) acquire by any lawful means, including purchase, lease or transfer of

custodial control, the lands, buildings and equipment necessary and incident to such purposes; (2) enter into contracts, which are necessary and incidental to such purposes; (3) determine and establish the administrative structure best suited to the efficient administration and delivery of such correctional services; (4) employ a director and such other officers, employees, and agents as deemed necessary to carry out the provisions of this act; (5) make grants in accordance with the comprehensive plan of funds provided by grants under this act to not for profit corporations for development, operation and improvement of facilities; and (6) use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

*Corr
Services*

(b) Whenever a county or group of counties assumes and takes over state correctional services as described in section 3 which are presently provided in such county or group of counties, employment shall be given to those state officers and employees engaged in providing such services and displaced by that assumption. Notwithstanding the provisions of any other law, resolution or ordinance to the contrary, such employment of former state officers and employees by a county or group of counties shall be deemed a transfer in grade with all of the benefits and accrued leave and longevity credits enjoyed by such former state officer or employee while in the service of the state, to the extent that it is possible and that such benefits and accrued leave and longevity credits are similarly enjoyed by the other officers and employees of the county or group of counties.

Sec. 6. (a) Except as provided in section 3 for expenses of corrections advisory board members, no county or group of counties electing to come within the provisions of this act shall be eligible for the grants authorized under this act unless and until its comprehensive plan shall have been approved by the secretary of corrections.

(b) The secretary of corrections shall adopt rules and regulations establishing additional eligibility requirements for

receipt of grants under this act and standards for the operation of the correctional services described in section 2. In order to remain eligible for grants the county or group of counties shall substantially comply with the operating standards established by the secretary of corrections.

(c) The secretary of corrections shall review annually the comprehensive plans submitted by participating county or group of counties and the facilities and programs operated under such plans. The secretary of corrections is authorized to inspect *examine* books and records for purposes of recommending needed changes or improvements in facilities and programs.

(d) When the secretary of corrections determines that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum operating standards adopted pursuant to this section, at least thirty (30) days notice shall be given the county or group of counties and a hearing shall be held to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the secretary of corrections determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance, the secretary of corrections may suspend all or a portion of any grant until the required standards of operation have been met.

Sec. 7. (a) Except as otherwise provided in this section, each corrections advisory board established under this act shall consist of twelve (12) members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the general public, and shall be appointed as follows:

(1) The law enforcement representation shall consist of the sheriff, or, if two or more counties cooperating, the sheriff shall be selected by the sheriffs of such counties, and the chief of police of the city with the largest population at the time the board is established or if two or more counties are cooperating, the chief of police selected by those chiefs of police who are

each a chief of police of the city with the largest population of each such county at the time the board is established, or the respective designee of the sheriff or chief of police so selected;

(2) the prosecution representative shall be either the county attorney or district attorney, or, if two or more counties are cooperating, a county attorney selected by the county attorneys of such counties, or the designee of such county attorney or district attorney;

(3) the judiciary representatives shall be the administrative judge of the judicial district containing the county or group of counties, or a district judge or associate district judge of such judicial district who is designated by the administrative judge;

(4) education shall be represented by an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by all the boards of county commissioners;

(5) a representative designated by the secretary of social and rehabilitation services;

(6) the board of county commissioners of the county or, if two or more counties are cooperating, all the boards of county commissioners, shall together appoint three additional members of the corrections advisory board; and

(7) the remaining three members of the corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows: (A) If there are three or more cities of the first class, the governing body of each of the three such cities having the largest populations shall each appoint one member; (B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member; (C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and (D) if there are no cities

of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

(b) If possible, of the six members appointed by the boards of county commissioners and governing bodies of cities in accordance with subsections (a)(6) and (a)(7) above, such members shall be representative of one or more of the following: (1) Parole or probation officers; (2) public or private social service agencies; (3) ex-offenders; (4) the health care professions; and (5) the general public.

(c) At least two members of each corrections advisory board shall be representative of ethnic minorities and no more than two-thirds (2/3) of the members of each such board shall be members of the same sex.

Sec. 8. (a) Members of a corrections advisory board appointed by the chairperson or chairpersons of the board or boards of county commissioners shall serve for terms of two years from and after the date of their appointment, and shall, subject to the approval of the county board or boards of commissioners of the participating counties, remain in office until their successors are duly appointed. The other members of a corrections advisory board shall hold office at the pleasure of the appointing authority. Each corrections advisory board shall elect its own officers.

(b) All proceedings of the corrections advisory board and any committee or subcommittee of the board shall be subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and acts amendatory thereto. All votes taken of members of the corrections advisory board shall be recorded and shall become matters of public record.

(c) The corrections advisory board shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at board meetings.

Sec. 9. Corrections advisory boards established under the provisions of this act shall actively participate in the formu-

lation of the comprehensive plan for the development, implementation and operation of the correctional services described in section 2 in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year.

Sec. 10. Any comprehensive plan submitted pursuant to this act may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of adults convicted of crime or juveniles adjudged delinquent, miscreant, wayward, traffic offender, truant or dependent and neglected under the Kansas juvenile code, in an appropriate state institution or facility as otherwise provided by law. The secretary of corrections shall annually determine the costs of the purchase of services under this section and deduct them from the grant due and payable to the county. No such contract with the state shall exceed in cost the amount of the grant the county is eligible to receive under this act.

Sec. 11. (a) The secretary of corrections shall annually determine the amount of the grant to each county participating under this act in accordance with this section.

(b) Each of the following factors shall be calculated for each county participating under this act:

- (1) per capita income for the preceding calendar year;
- (2) per capita taxable valuation for the preceding calendar year;
- (3) crimes per one thousand (1,000) population; and
- (4) percent of county population aged five (5) through twenty-nine (29) years of age.

(c) The crimes per one thousand (1,000) population of each county shall be determined from the most recent compilation of Kansas crime statistics by the Kansas bureau of investigation.

(d) The percent of county population aged five (5) through twenty-nine (29) years of age of each county shall be determined

by the division of planning and research of the department of administration.

(e) After calculating the factors under subsection (b), the following factors shall be calculated for each county:

(1) Each county's per capita income shall be divided into the one hundred five (105) county average;

(2) Each county's per capita taxable valuation shall be divided into the one hundred five (105) county average;

(3) Each county's number of crimes per one thousand (1,000) population shall be divided by the one hundred five (105) county average;

(4) Each county's percent of county population aged five (5) through twenty-nine (29) years of age shall be divided by the one hundred five (105) county average.

(f) The factors calculated under subsection (e) for each county shall be totaled and divided by four (4). The quotient thus obtained is the computation factor for the county. Subject to subsection (g), the amount of the annual grant the county is eligible to receive under this act shall be determined by multiplying the computation factor by the total amount available for grants and multiplying that product by the quotient of the total county population divided by the total state population. The county and state population under this subsection shall be according to the most recent enumeration by the state board of agriculture.

(g) In all cases of counties becoming eligible for and receiving grants for the first time under this act, the annual amount of the grant for each such county shall be as follows:

(1) For the first calendar year, seventy percent (70%) of the amount determined under subsection (f);

(2) for the second calendar year, eighty percent (80%) of the amount determined under subsection (f);

(3) for the third calendar year, ninety percent (90%) of the amount determined under subsection (f); and

(4) for the fourth calendar year and for each calendar year

thereafter, one hundred percent (100%) of the amount determined under subsection (f).

Sec. 12. (a) The comprehensive plan submitted to the secretary of corrections for approval shall include those items prescribed by rules and regulations adopted by the secretary, which may require the inclusion of the following: (1) the manner in which any probation services are provided to the district court and in which any parole services are provided to persons under jurisdiction of the secretary of corrections; (2) a program for the detention, supervision and treatment of persons under pre-trial detention or under commitment; (3) delivery of other correctional services defined in section 2; and (4) proposals for new facilities, programs and services, which proposals must demonstrate the need there for the purposes, objectives, administrative structure, staffing pattern, staff training, financing, degree of community involvement and client participation.

(b) In addition to the foregoing requirements made by this section, each participating county or group of counties shall be required to develop and implement a procedure for the review by the corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

Sec. 13. (a) Each grant under this act shall be expended by the county receiving it for correctional services as described in section 2 in addition to the amount required to be expended by such county under this section. Each calendar year in which a county receives a grant, the county shall make expenditures for correctional services as described in section 2 from any funds other than from grants under this act in an amount equal to or exceeding the amount of base year corrections expenditures as determined by the secretary of corrections under subsection (b).

(b) The secretary of corrections shall audit and determine

the amount of the expenditures for correctional services as described in section 2 of each county applying for a grant under this act during the calendar year immediately preceding the calendar year in which the county will receive its first grant under this act.

(c) In any case where a county receiving a grant does not make expenditures for correctional services from funds other than from grants in the amount required by this section, the grant to such county for the next ensuing calendar year shall be reduced by an amount equal to an amount by which such county failed to make such required amount of expenditures.

(d) If a participating county does not expend the full amount of the grant received for any one year under the provisions of this act, the county shall retain the unexpended amount of the grant for expenditure for correctional services as described in section 2 during any ensuing calendar year.

Sec. 14. (a) Each county receiving grants under this act shall be charged a sum equal to the total of: (1) The per diem costs to the state general fund of confinement and rehabilitation of those persons who are committed to the secretary of corrections after January 1 of the year for which the county is first eligible to receive such grants, except that no charge shall be made for those persons convicted of a felony for which, by statute, the maximum term of imprisonment which may be imposed equals or exceeds ten (10) years; and

(2) the per diem costs to the state general fund and the state social welfare fund of the care and custody of those juveniles who are committed to the secretary of social and rehabilitation services or to any state institution or facility under the jurisdiction of said secretary after January 1 of the year for which the county is first eligible to receive such grants.

(b) In no case shall the amount charged for the total of such per diem costs exceed the amount of the grant which the county is eligible to receive. The secretary shall annually determine such costs and deduct them from the amount of the grant

payable to each such county. All such charges shall be a charge against the county of commitment.

Sec. 15. (a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by this act and approval of the comprehensive plan by the secretary of corrections, the secretary shall determine the amount of the annual grant to each such county and, commencing on the next ensuing January 1, shall proceed to pay such grant in equal monthly payments in accordance with this act and applicable rules and regulations.

(b) Within ten (10) days after the end of each calendar quarter, each county receiving monthly grant payments under this act shall submit to the secretary of corrections certified statements detailing the amounts expended and costs incurred for the correctional services described in section 2. Upon receipt of such certified statements, the secretary of corrections shall determine whether each such county is in compliance with the expenditure and operation standards prescribed under this act for such services and shall determine the monthly amounts each such county is entitled to receive during the next calendar quarter after making any adjustments necessary for reductions or charges as required in accordance with this act and applicable rules and regulations.

(c) Monthly grant payment amounts to counties entitled thereto under this act, shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or by a person or persons designated by the secretary, to the county treasurers of such counties.

Sec. 16. Within ten (10) days after the end of any calendar quarter, any county or any group of cooperating counties which is participating under this act, may withdraw from such participation by resolution of the board or boards of county commissioners and shall notify the secretary of corrections of such resolution to withdraw from the grant program under this act. Any such with-

drawal shall be effective for such county or for such group of counties on the last day of the last month of the calendar quarter in which such notice was given. On such effective date, the secretary of corrections shall reassume and undertake to provide the state correctional services which were assumed by such withdrawing county or group of counties in accordance with section 5. The secretary of corrections shall reemploy all former state officers and employees who were employed pursuant to section 5 by such county or group of counties, under the same conditions and with all benefits and leave and longevity credits as provided in section 5.

Sec. 17. The secretary of corrections and any county not receiving grants under this act may contract for any correctional services described in section 2 from any county or group of cooperating counties which are receiving grants under this act. Unless specifically authorized by law, the secretary of corrections shall not establish any new facilities, other than honor camps and work release centers, to provide any of such correctional services in any county or group of cooperating counties which are receiving grants under this act, but the secretary of corrections may establish such new facilities in any county which is not receiving grants under this act, subject to the assumption of such new facilities pursuant to section 3.

Sec. 18. The failure of any county to elect to come within the provisions of this act shall not affect the eligibility of such county for any other state subsidy or grant or assistance otherwise provided by law.

Sec. 19. This act shall take effect and be in force from and after its publication in the official state paper.

DAVE BARCLAY

Attachment I

TO: Special Committee on Corrections
FROM: Staff
RE: Cost Projections
DATE: 12/12/77

TABLE OF CONTENTS

Cost Projections - Proposed Capital Improvements	Page 1
KSP/KSIR Cellhouse Renovation Schedule	2
Cost Projections - KCVTC Expansion	3

Atch. III

COST PROJECTIONS - PROPOSED CAPITAL IMPROVEMENTS

<u>Building</u>	<u>Bid Date</u>	<u>Cost Escalated ,to Bid Date</u>
KSIR 100 Bed Minimum Security Outside Dorm	July 1979	\$2,789,000
KSP/KSIR Cellhouse Renovation	see next page for renovation schedule	8,618,000
Honor Camps	July 1979	3,065,000
KCIW Living Units -Perry Cottage -A Cottage	July 1979	1,395,000
KCIW Administration Renovation - Cost Unknown Planning Funds		
<hr/>		
TOTAL		\$15,867,000

KSP/KSIR CELLHOUSE RENOVATION SCHEDULE

This renovation schedule attempts to solve the problem of where inmates can be put during renovation of their cellhouses. The most difficult period will obviously be during the time the first few cellhouses are renovated because community corrections, the honor camps and KSIR's 100 bed minimum security dormitory will not yet have siphoned off some of the inmate population. Therefore, the cellhouses with the smallest capacities are scheduled to be renovated first. Schaefer and Associates estimated the renovation time for each cellhouse to be 10 months.

<u>Cellhouse</u>	<u>Bid Date</u>	<u>Cost Escalated to Bid Date</u>
KSP Outside Dorm I	March 1979	\$ 91,000
KSP Outside Dorm II	March 1979	261,000
KSP Cellhouse D	March 1979	395,000
KSIR Cellhouse A	Jan 1980	510,000
KSIR Cellhouse B	Nov 1980	541,000
KSIR Cellhouse C	Sept 1981	574,000
KSP Cellhouse A	July 1982	612,000
KSP Cellhouse C	May 1983	1,862,000
KSP Cellhouse B	March 1984	1,074,000
KSIR Cellhouse D	Jan 1985	2,698,000
TOTAL		\$8,618,000

COST PROJECTIONS - KCVTC EXPANSION

<u>Building</u>	<u>Bid Date</u>	<u>Cost Escalated to Bid Date</u>
40-Man Living Unit Inside Fence	Jan 1979	\$690,000
20-Man Work Release Unit Outside Fence	Jan 1979	\$410,000

DAVE BARCLAY

Attachment ~~III~~

TO: Special Committee on Corrections

FROM: Staff

RE: Wichita Prison Farm

DATE: 12/12/77

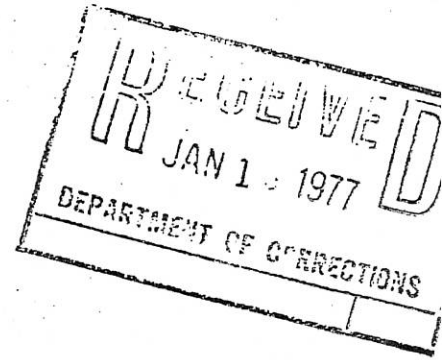
Attached is an excerpt from a technical assistance report prepared on the Prison Farm by the National Institute of Corrections at the request of Sedgwick County officials. The report is dated January 17, 1977.

The report describes the Prison Farm, which has a capacity of 128, and recommends certain renovations.

Atch. IV

U. S. DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
NORTH CENTRAL REGIONAL OFFICE
K.C.I. BANK BUILDING
8800 N.W. 112TH STREET
KANSAS CITY, MISSOURI 64153

January 17, 1977



Mr. Dale Bohannon, Jail Inspector
Department of Corrections
KPL Tower Building
818 Kansas Avenue - Suite 500
Topeka, Kansas 66612

Dear Mr. Bohannon,

Enclosed find a copy of a technical assistance report, which was prepared by consultants provided by the National Institute of Corrections (NIC), at the request of officials of Sedgwick County, Kansas

The report is provided as information to your office and I hope to be able to advise you (in advance, if possible) of any future NIC assistance or training in the state of Kansas. It should be possible to coordinate the activities of NIC with the Department of Corrections but I must admit that, since NIC is a new organizational unit of the Bureau of Prisons, that kind of coordination does not yet exist between our Community Programs division and NIC. Perhaps on my next visit to Topeka we could discuss the role of NIC and ways it's service could best be utilized for the benefit of all concerned. I will enclose some other literature regarding NIC for your information. Best wishes to Robert Raines and the rest of your staff.

Sincerely,

Joseph P. Class
Joseph P. Class, CPO
Kansas City, Missouri

JC/jm

enclosures



~~The Prison Farm (P-Farm), a one story facility, was designed and built primarily for the minimum security offender. There is no security area to receive or monitor the admittance of inmates, staff or visitors. The facility has three major living areas. Unit 1 consists of two living units with each unit having six four-bed cells for a total of 48. Unit 2 has two living units with three four-bed cells with a total of 24. Unit 3 has two living units with seven four-bed cells for a total of 56. The three units have~~

a total capacity of 128. Each of these units is equipped with showers, beds in the cells and a lavatory and toilet in each cell. The dayrooms of each living unit have a bench. We recommend moving tables from the mess area to the dayroom and the inmates being fed in their living units. The living units of the facility are not very close together which is advantageous for effective classification, yet the living units are close enough together that some staff can be shared.

There is a food service area in the institution as well as ample space which can be converted into program areas.

Problem #3--Review structural condition of Prison Farm Building, including plumbing, electrical, heating and ventilating systems.

Some corrosion was noted where close nipples were used in the plumbing system. All individual fixtures appear to be in good condition, and consist of both vitreous china conventional fixtures and enameled cast aluminum security-type fixtures. Sanitary drain lines, vent lines, and hot and cold water lines are of adequate size and in good condition.

Electrical service to the facility is adequate although it is 4-wire Delta. Lighting is very poor, especially in all cells and dayroom areas. Cells have one light fixture each, which is located in tunnel or pipe chase, using an incandescent bulb. Light shines through a small hole in the cell wall.

The heating and ventilating system was in operation at time of visit and all areas were well heated. There were no specifications

available as to the size of boiler, which is a natural gas fired hot water system. Some corrosive fittings were noted and a seal was leaking on one of the circulating pumps. No fresh air makeup was noted in the ventilation system other than opening windows.

Locking devices are in very good condition and should require no more than routine maintenance and lubrication.

Windows are security sash with double strength glass, and ~~with small bottom sash that opens out with a hand crank.~~ There is no insect screening on any of the windows.

Problem #3

It is quite evident that the entire facility ~~is~~ in need of maintenance to become operational for housing inmates.

We recommend repairs be made to plumbing where required. Some flush valve parts and valve stem packing will require replacement as system is reactivated. We recommend replacing vitrous china lavatories and commodes on an "as required" basis, and with stainless steel units rather than aluminum.

Lighting should be upgraded with security type fixtures installed in cells rather than present location. The local power company has recommended that existing electrical service be changed to 208-V, Delta-Y. We do not feel this to be required to reopen Prison Farm. However, it should be considered in future planning and installation of additional electrical equipment.

Heating system is in need of general maintenance although it is operational. We would recommend fresh air makeup be provided in inmate living areas by installing additional duct work.

Instead of a concrete wall around the facility, we would recommend a chain link fence with breakaway arms and security wire on top, with two pedestrian gates and one vehicle gate electrically operated. Replace existing exterior lighting with mercury vapor fixtures to upgrade lighting in this area.

Relocate existing visiting area and construct a Control Center in this location.

A secure intake/receiving area should be constructed in the area of the existing booking area.

Modify existing public rest rooms to accommodate handicapped persons, and construct a ramp at front entrance for same purpose.

We would recommend some minor repairs be made to existing roof, rather than replacing roof at this time.

Recap of Recommendations and Cost: At the very least we recommend an expenditure of \$90,000 to upgrade the Prison Farm to make it acceptable for occupancy.

Furnishings to include office equipment & supplies, sanitation supplies, etc.	\$15,000.00
Plumbing repairs	3,000.00
Electrical repairs and lighting	5,000.00
Labor for lighting installation (contract)	5,000.00
Upgrade ventilation system	3,000.00
Exterior lighting	5,000.00
Interior painting	2,000.00
Modify public restrooms	3,000.00
Chain link fence	15,000.00
Control Center, visiting area relocation and intake area	25,000.00
Roof repairs	1,000.00
Contingencies	8,000.00
	<u>90,000</u>
	Total 90,000

If additional funds are available we would recommend the closed-circuit surveillance system at a cost of \$50,000.

WICHITA PRISON FARM - RENOVATION/STAFFING COSTS

Federal and city estimates of renovation and staffing costs differ as shown in the charts below:

Renovation Estimates

	Federal Estimate	City Estimate
Cost	\$90,000 - \$140,000	\$442,000 maximum

Staffing Estimates (annual)

	Federal Estimate	City Estimate
Cost	\$227,000	\$305,000
Number Needed	25	39

Attachment I

TO: Special Committee on Corrections
FROM: David Barclay
RE: Revised KSP/KSIR Cellhouse Renovation Costs
and Schedule
DATE: 12/13/77

Atch. I

REVISED KSP/KSIR CELLHOUSE RENOVATION SCHEDULE

Assumptions

- 1) 10 month construction period per cellhouse.
- 2) Spaces will be found by doubling up inmates and/or through alternatives to incarceration to permit two cellhouses (one in KSP and one in KSIR) to be renovated simultaneously.
- 3) Cellhouses with the smallest population capacity will be renovated first.
- 4) Only Outside Dorms I and II at KSP can be renovated with inmates in them.
- 5) To roughly determine the cost savings from the use of inmate labor, reduce the cost estimate by half.

<u>Cellhouse</u>	<u>Bid Date</u>	<u>Cost Escalated to Bid Date</u>
KSP Outside Dorm I	March 1979	\$ 91,000
KSP Outside Dorm II	March 1979	261,000
KSP Cellhouse D	March 1979	395,000
KSIR Cellhouse A	March 1979	477,000
KSP Cellhouse A	Jan. 1980	514,000
KSIR Cellhouse B	Jan. 1980	510,000
KSP Cellhouse C	Nov. 1980	1,578,000
KSIR Cellhouse C	Nov. 1980	543,000
KSP Cellhouse B	Sept. 1981	918,000
KSIR Cellhouse D	Sept. 1981	2,197,000
TOTAL		\$7,484,000



Attachment VI

CONCURRENT RESOLUTION NO. _____

By Special Committee on Corrections
Re Proposal No. 14

A CONCURRENT RESOLUTION providing for a special committee to make a legislative study concerning the ~~Kansas juvenile code~~ and facilities and programs for care, treatment or detention of juveniles ~~thereunder~~. *under the Ks juv code*

Be it resolved by the _____ of the State of Kansas, the

_____ concurring therein: That the legis-

lative coordinating council appoint or designate a special committee to study the following: ~~The Kansas juvenile code~~ and public and private facilities and programs for the care, treatment or detention of juveniles under said ^{1/2 juv} code and such other matters as the legislative coordinating council may specify. Such special committee shall make its report and recommendations to the legislature and transmit the same to the legislative coordinating council on or before December 1, 1978, unless such council authorizes an extension of such time.

John

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#2
DRAFT BILL

Attachment VII

For Consideration by Special Committee on Corrections

Re Proposal No. 14

AN ACT concerning adoption of certain administrative rules and regulations by the secretary of corrections; amending K.S.A. 77-415 and repealing the existing section.

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

Section 1. K.S.A. 77-415 is hereby amended to read as follows: 77-415. As used in this act, unless the context clearly requires otherwise:

(1) "State agency" means any officer, department, bureau, division, board, authority, agency, commission, or institution of this state, except the judicial and the legislative branches, which is authorized by law to promulgate rules and regulations concerning the administration, enforcement or interpretation of any law of this state.

(2) "Person" means firm, association, organization, partnership, business trust, corporation or company.

(3) "Board" means the state rules and regulations board established under the provisions of K.S.A. 77-423 and any amendments thereto.

(4) "Rule and regulation," "rule," "regulation" and words of like effect mean a standard, statement of policy or general order, including amendments or revocations thereof, of general application and having the effect of law, issued or adopted by a state agency to implement or interpret legislation enforced or administered by such state agency or to govern the organization or procedure of such state agency. Every rule and regulation adopted by a state agency to govern its enforcement or administration of legislation shall be adopted by the state agency and filed as a rule and regulation as provided in this act. The fact

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common carriers or public utilities subject to the jurisdiction of the state corporation commission, except when a statute specifically requires the same to be fixed by a rule or regulation; ~~(m)~~ (l) determines the valuation of securities held by insurance companies; ~~(n)~~ (m) is a statistical plan relating to the administration of rate regulation laws applicable to casualty insurance or to fire and allied lines insurance; ~~(o)~~ (n) is a form, the content or substantive requirements of which are prescribed by regulation or statute; ~~(p)~~ (o) relates to the exploration for or to the production, conservation or sale of crude oil or natural gas, or to the injection of air, gas, water or other fluid under pressure into oil or gas producing sands, strata or formations for the purpose of recovering the oil and gas contained therein, or to the disposal of oil-field or gas-field brines, mineralized waters and wastes; or ~~(q)~~ (p) is a pamphlet or other explanatory material not intended or designed as interpretation of legislation enforced or adopted by a state agency but is merely informational in nature.

Sec. 2. K.S.A. 77-415 is hereby repealed.

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

#3

Attachment VIII

BILL NO. _____

By Special Committee on Corrections

Re Proposal No. 14

AN ACT relating to the department of corrections; evaluation of persons committed to the secretary of corrections; work release and other rehabilitational programs;

amending K.S.A. 75-5210, 75-5218, 75-5220, 75-5229, 75-5262 and 75-5667

and repealing the existing sections.

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

Section 1. K.S.A. 75-5210 is hereby amended to read as follows: 75-5210. (a) Persons committed to the institutional care of the secretary of corrections shall be dealt with humanely, with efforts directed to their rehabilitation and return to the community as safely and promptly as practicable. For these purposes, the secretary shall establish programs of classification and diagnosis, education, casework, mental health, counseling and psycho-therapy, chemical dependency counseling and treatment, sexual offender counseling, vocational training and guidance, work, library, physical education and other rehabilitation and recreation services, and pre-release programs which emphasize re-entry skills and adjustment counseling; ~~he or she~~ the secretary may establish facilities for religious worship; and ~~he or she~~ the secretary shall institute procedures for the study

Atch. VIII

and classification of inmates. The secretary shall maintain a comprehensive record of the behavior of each inmate reflecting accomplishments and progress toward rehabilitation as well as charges of infractions of rules and regulations, punishments imposed and medical inspections made.

(b) Programs of work, education or training shall include a system of promotional rewards entitling inmates to progressive transfer from high security status to a lesser security status. The secretary shall have authority at any time to transfer an inmate from one level of status to another level of status. Inmates may apply to the secretary for such status privileges. The secretary shall promulgate standards relating to the transfer of an inmate from one status to another, and in promulgating such standards the secretary shall take into consideration progress made by the inmate toward attaining the educational, vocational and behavioral goals set by the secretary for the individual inmate.

(c) The secretary, with the cooperation of the state health department, shall establish and prescribe standards for health, medical and dental services for each institution, including preventive, diagnostic and therapeutic measures on both an out-patient and a hospital basis, for all types of patients. An inmate may be taken, when necessary, to a medical facility outside the institution.

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

(e) The secretary shall ~~promulgate~~ adopt rules and regulations under which inmates, as part of a program anticipating their release from minimum security status, may be granted temporary furloughs from a correctional institution or contract facility to visit their families or to be interviewed by prospective employers.

(f) The secretary shall ~~prescribe~~ adopt rules and regula-

tions for the maintenance of good order and discipline in the correctional institutions, including procedures for dealing with violations. A copy of the rules and regulations shall be provided to each inmate.

(g) Any inmate participating in work and educational release programs under the provisions of K.S.A. 75-5267, as amended, shall continue to be in the legal custody of the secretary of corrections, notwithstanding ~~his--or--her~~ the inmate's absence from a correctional institution by reason of employment, education or for any other purpose related to such work and educational release programs, and any employer or educator of that person shall be considered the representative or agent for the secretary.

(h) The secretary shall establish administrative and fiscal procedures to permit the use of regional or community institutions, local governmental or private facilities or halfway houses for the placement of inmates released for the purposes of this act and for the work and educational release programs under K.S.A. 75-5267, as amended.

(i) The secretary may establish honor camps and select inmates to be assigned to such camps.

(j) The secretary may acquire, in the name of the state, by lease, purchase or contract additional facilities as may be needed for the housing of persons in his or her custody.

(k) The secretary is hereby authorized to use any of the inmates assigned to his or her custody in the construction and repair of buildings or property on state owned or leased grounds.

(l) The secretary may contract with qualified persons, private corporations or organizations and local governmental agencies to provide facilities, programs and services for the work and educational release programs under K.S.A. 75-5267, as amended, established for inmates in the legal custody of the secretary who are participating in such programs.

Sec. 2. K.S.A. 75-5218 is hereby amended to read as follows: 75-5218. (a) When any person is sentenced to the custody

of the secretary of corrections pursuant to the provisions of K.S.A. 1977 Supp. 21-4609, the clerk of the court wherein said conviction was had shall within three (3) days notify the secretary of corrections. Said

(b) The clerk shall also deliver to the officer having said offender in charge a record containing a copy of the indictment or information, the verdict of the jury, the name and residence of the officer before whom the preliminary trial was had, the judge presiding at the trial, and of the witnesses sworn on said trial, together with a copy of all presentence investigation and other diagnostic reports on the offender received by the district court, including reports received from the Kansas state reception and diagnostic center, and the commitment to the Kansas-reception and-diagnostic-center;--which custody of the secretary. This record shall be delivered to the officers conveying said offender to the Kansas reception and diagnostic center or such other correctional institution designated by the secretary of corrections under K.S.A. 75-5220, as amended. Any-female-offender-sentenced-according-to-the-provisions-of-K.S.A.-75-5229 shall not be committed-to-the-Kansas-reception-and-diagnostic-center-but-shall be--conveyed--directly-to-the-Kansas-correctional-institution-for women.

Sec. 3. K.S.A. 75-5220 is hereby amended to read as follows: 75-5220. (a) Within three (3) days of receipt of the notice provided for in K.S.A. 75-5218, as amended, the secretary shall notify the sheriff having such offender in his or her custody to convey said offender forthwith to the Kansas reception and diagnostic center or if space is not available at such center, then to some other state correctional institution until space at the center is available, except that, in the case of first offenders who are conveyed to a state correctional institution other than the Kansas reception and diagnostic center, such offenders shall be segregated from the inmates of such correctional institution who are not being held in custody at such institution pending transfer to the Kansas reception and

diagnostic center when space is available therein. ~~Any offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of such offender's trial and conviction as made up by the clerk.~~ The expenses of any such conveyance shall be charged against and paid out of the general fund of the county whose sheriff shall convey said offender to the institution as herein provided.

(b) Any female offender sentenced according to the provisions of K.S.A. 75-5229, as amended, shall not be conveyed to the Kansas reception and diagnostic center but shall be conveyed by the sheriff having such offender in his or her custody directly to the Kansas correctional institution for women. The expenses of such conveyance to the Kansas correctional institution for women shall be charged against and paid out of the general fund of the county whose sheriff shall convey such female offender to such institution.

(c) Each offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of such offender's trial and conviction as prepared by the clerk of the district court and by a copy of all presentence investigation and other diagnostic reports received by the district court, including any reports that were received from the Kansas state reception and diagnostic center.

Sec. 4. K.S.A. 75-5229 is hereby amended to read as follows: 75-5229. (a) 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.

(b) Every female person sentenced to the custody of the secretary of corrections shall be ~~provided~~ given a scientific

examination ~~at the Kansas correctional institution for women~~ and study and shall have a rehabilitation program planned and recommended for such person, which examination, study and program shall be similar to the examination, study and program provided to male felons at the Kansas reception and diagnostic center as provided in K.S.A. 75-5262, as amended. At the direction of and in accordance with procedures prescribed by the secretary, such examination shall be given and such study shall be made at the Kansas correctional institution for women or at another appropriate state institution in the manner prescribed in K.S.A. 75-5209, other than another correctional institution, or at a local facility which has been approved by the secretary for these purposes.

The rehabilitation program for each female person sentenced to the custody of the secretary of corrections shall be prepared at the Kansas correctional institution for women.

Sec. 5. K.S.A. 75-5262 is hereby amended to read as follows: 75-5262. (a) The primary function and purpose of the Kansas state reception and diagnostic center shall be to provide a thorough and scientific examination and study of all felony offenders of the male sex sentenced by the courts of this state to the custody of the secretary of corrections so that each such offender may be assigned to a state correctional institution having the type of security (maximum, medium or minimum) and programs of education, employment or treatment designed to accomplish a maximum of rehabilitation for such offender. All such offenders shall be delivered to said center as provided in K.S.A. 75-5220, upon being sentenced by the court.

(b) Each inmate so delivered to the center shall be examined and studied and shall have a rehabilitation program planned and recommended for him. An inmate shall be held at the Kansas state reception and diagnostic center for a period not exceeding sixty (60) days ~~except that~~ as determined by the director of the center and an inmate may be held for a longer period of time at the center on order of the secretary. Upon the completion of the case study, diagnosis and report on an inmate, he the inmate

shall be assigned to one of the state correctional institutions or facilities for confinement, which shall be selected as the secretary shall prescribe, based on the examination and study of the inmate, or ~~he~~ the inmate may be paroled or he may be assigned to one of the state hospitals for further treatment not exceeding sixty (60) days where an ultimate parole is indicated at the expiration of said additional time.

Sec. 6. K.S.A. 75-5267 is hereby amended to read as follows: 75-5267. The secretary of corrections is hereby authorized to establish a work release program under which inmates committed to the custody of the secretary may be granted the privilege of leaving actual confinement for the following purposes:

(a) To travel to and from and visit at a specified place or places for a period of not to exceed thirty (30) days for the following purposes:

(1) To visit a member of the inmate's immediate family who is in danger of death;

(2) to attend the funeral services or other last rites of a member of the inmate's immediate family;

(3) to obtain health services otherwise not available to the inmate at an institution operated by the state;

(4) to interview prospective employers;

(5) any other purpose consistent with the public interest.

(b) To work at paid employment or participate in a program of job training, if:

(1) The rates of pay, hours and other conditions of employment will be substantially comparable to those afforded others in the community for the performance of work of a similar nature;

(2) such paid employment or job training will not result in the significant displacement of employed workers in the community.

The placement of any inmate in a community pursuant to the provisions of this subsection shall be in accordance with any applicable federal rules or regulations.

In areas where facilities, programs and services suitable

for these purposes are not available within the state correctional system when needed, the secretary shall contract with the proper authorities of political subdivisions of the state, with the federal government, ~~or~~ with available ~~community-based~~ community corrections centers or facilities funded by private sources, or with qualified individuals, private corporations or organizations for quartering inmates with such privileges in suitable confinement facilities, ~~prisoners with such privileges~~ and for programs and services for prisoners in such facilities. Nothing in this act shall be construed to prevent inmates from working for and the products of their labor being disposed of by any state agency, local agency, federal government, or any other state or political subdivision thereof. ~~Provided, except~~ that merchandise made by prisoners when said merchandise is for personal benefit of inmates, may be sold or exchanged with the confines of the institution subject to rules and regulations of the secretary.

Sec. 7. K.S.A. 75-5210, 75-5218, 75-5220, 75-5229, 75-5262 and 75-5267 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO.

#4

Attachment IX

By Special Committee on Corrections

Re Proposal No. 14

AN ACT relating to crimes and punishments; concerning the disposition of persons convicted of crimes; concerning presentence investigations and reports; amending K.S.A. 21-4604 and K.S.A. 1977 Supp. 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. 1977 Supp. 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 and the court finds that an adequate presentence investigation cannot be conducted by resources available within the judicial district, the court may require that a presentence investigation be conducted by the Kansas state reception and diagnostic center or by the Larned state hospital. If such offender is sent to the Kansas state reception and diagnostic center or the Larned state hospital, ~~the Kansas reception and diagnostic center~~ such institution may keep such person confined for a maximum of one hundred twenty (120) days or until the court calls for the return of such offender. The Kansas state reception and diagnostic center or the Larned state hospital 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, regardless of whether 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

Atch. IX

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 said 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 or court of appeals. 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) 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 Kansas state 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 such conviction, as provided by law, without regard to whether 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. Whenever a defendant is convicted of a ~~crime or~~ offense misdemeanor, the court before whom the conviction is had may request a presentence investigation by a probation officer of

#5

DRAFT BILL

For Consideration by Special Committee on Corrections

Re Proposal No. 14

AN ACT relating to pretrial diversion procedures in lieu of criminal proceedings.

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

Section 1. As used in this act:

(a) "District attorney" means district attorney or county attorney.

(b) "Complaint" means complaint, indictment or information.

(c) "Diversion" means referral of a defendant in a criminal case to a supervised performance program prior to adjudication.

(d) "Diversion agreement" means the specification of formal terms and conditions which a defendant must fulfill in order to have the charges against him or her dismissed.

Sec. 2. (a) After a complaint has been filed charging a defendant with commission of a crime and prior to conviction thereof, and after the district attorney has considered the factors listed in section 3, if it appears to the district attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the district attorney may propose a diversion agreement to the defendant the terms of which are established by the district attorney in conformance with section 4. [Diversion shall not be proposed to any defendant who has previously entered into a diversion agreement or who is charged with a crime which involves personal injury to another person.]

(b) Each district attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with this act. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases

the court. Whenever a defendant is convicted of a felony upon verdict or plea, the court shall require that a presentence investigation be conducted by a probation officer or in accordance with K.S.A. 1977 Supp. 21-4603, as amended, unless the court finds that adequate and current information is available in a previous presentence investigation report or from other sources. In all cases, presentence investigation reports shall be in the form and contain the information prescribed by rules and regulations of the secretary of corrections adopted in accordance with K.S.A. 77-415 et seq., and amendments thereto, and shall contain such other information as may be prescribed by the court. 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 conducting the presentence investigation such criminal records as ~~the probation~~ said officer may request. Where in the opinion of the court it is desirable and resources are available therefor, the presentence investigation conducted within the judicial district 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. publication in the statute book.

Sec. 3. K.S.A. 1977 Supp. 21-4610 is hereby amended to read as follows: 21-4610. ~~The Kansas adult authority may adopt general rules and 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 said officer 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 said defendant at 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 and in the manner as directed by the court;
- (h) Make reparation or restitution to the aggrieved party for the damage or loss caused by the offense in an amount to be determined by the court;
- (i) Support said defendant's dependents;
- (j) Obey the laws of the United States, the state of Kansas or any other jurisdiction to whose laws said defendant may be subject;
- (k) Reimburse the aid to indigent defendants fund for counsel and other defense service expenditures, in one or several sums as directed by the court.
- (l) Reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;
- (m) Perform community or public service work for local

governmental agencies or for private not for profit corporations or charitable or social service organizations performing services for the community:

(n) Perform services under a system of day fines whereby the defendant is required to satisfy monetary fines or costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors.

Sec. 4. K.S.A. 21-4604 and K.S.A. 1977 Supp. 21-4603 and 21-4610 are hereby repealed.

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

where the district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant who is eligible to be considered for diversion under this act shall be informed in writing of the diversion program and the policies and guidelines adopted by the district attorney. The district attorney may require the defendant to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and may be represented by counsel at the diversion conference with the district attorney, and, in cases where the crime charged is punishable by imprisonment of more than one year, the defendant shall be represented by counsel at the diversion conference.

Sec. 3. In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the district attorney shall consider at least the following factors among all factors considered:

(a) The nature of the crime charged and the circumstances surrounding it;

(b) any special characteristics or circumstances of the offender;

(c) whether the defendant is a first-time offender and if the offender has previously participated in diversion, according to the certification of the judicial administrator;

(d) whether there is a probability that the defendant will cooperate with and benefit from diversion;

(e) whether the available diversion program is appropriate to the needs of the offender;

(f) the impact upon the community of the diversion of the defendant;

(g) recommendations, if any, of the involved law enforcement agency;

- (h) recommendations, if any, of the victim;
- (i) provisions for restitution; and
- (j) any mitigating circumstances.

Sec. 4. (a) A diversion agreement shall provide if the defendant fulfills the obligations of the program described therein, as determined by the district attorney, the district attorney shall act to have the criminal charges filed against the defendant dismissed with prejudice. It shall include specifically the waiver of the right to a speedy trial. It may include, but is not limited to, payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services.

(b) No defendant shall be required to enter any plea to a criminal charge as a condition for diversion. Except for sentencing proceedings, the following shall not be admissible as evidence in criminal proceedings which are assumed under section 6: (1) Participation in a diversion program; (2) the facts of such participation; (3) any statements made by the defendant or counsel in a diversion conference or other discussions of a proposed diversion agreement; or (4) the diversion agreement entered into.

Sec. 5. If the district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to the terms of the proposed agreement, including a waiver of the right to a speedy trial, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

Sec. 6. (a) If the district attorney finds at the termination of the diversion period or any time prior thereto that the defendant has failed to fulfill the terms of the specific diversion agreement, the district attorney shall inform the district

court of such finding and the district court shall resume the criminal proceedings on the complaint. (If the defendant is convicted, the court may take into consideration at the time of the sentencing any partially successful fulfillment by such person of the terms of his or her diversion agreement.)

(b) If the district attorney finds that the defendant has fulfilled the terms of the diversion agreement the district attorney shall inform the district court thereof and, the district court shall dismiss with prejudice the criminal charges filed against the defendant.

(c) A record of the fact that an individual has participated in diversion shall be forwarded to and kept by the judicial administrator, and shall be made available upon request to any district attorney who subsequently considers diversion of such person.

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

#6 Attachment XI

DRAFT BILL

For Consideration by the Special Committee
on Corrections

Re Proposal No. 14

AN ACT relating to the Kansas adult authority; membership; amend-
ing K.S.A. 22-3707 and repealing the existing section.

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

Section 1. K.S.A. 22-3707 is hereby amended to read as follows: 22-3707. (a) The Kansas adult authority shall consist of five (5) members ~~to~~. Four (4) members shall be appointed by the governor with the advice and consent of the senate and one (1) member shall be appointed by the secretary of corrections with the advice and consent of the senate. ~~After January 1, 1975,~~ No more than three (3) members of such authority shall be members of the same political party. At least two (2) members shall be chosen from among the following: Psychiatrists, psychologists, sociologists or persons licensed to practice medicine and surgery. At least one (1) member shall be a person admitted to practice law before the supreme court of Kansas. The term of office of the members of the authority shall be four (4) years. The secretary of corrections shall appoint a member for the office of the member whose term expires on June 30, 1978, and thereafter upon the expiration of the term of such office. In case of a vacancy in the membership of the authority occurring before the expiration of the term of office a successor shall be appointed in like manner as original appointments are made, for the remainder of the unexpired term.

(b) Members serving on the state board of probation and parole on the effective date of this act shall be and remain the members of the authority created by this section and shall hold their respective offices until their terms expire and their

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respective successors are appointed and qualified or until a vacancy occurs. Of the two (2) members added by this act, one (1) shall be appointed for an initial term of three (3) years and one (1) for a term of four (4) years, commencing July 1, 1974.

(c) The governor may not remove any member of the authority appointed by the governor and the secretary of corrections may not remove the member appointed by the secretary. except for disability, inefficiency, neglect of duty or malfeasance in office. Before such removal, ~~he~~ will the governor or the secretary of corrections, as the case may be, shall give the member a written copy of the charges against ~~him~~ the member and shall fix the time when ~~he~~ the member can be heard in his or her defense at a public hearing, which shall not be less than ten (10) days thereafter. Upon removal, the governor or the secretary of corrections, as the case may be, shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon, with a complete record of the proceedings.

Sec. 2. K.S.A. 22-3707 is hereby repealed.

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