

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by CHAIRMAN MILLER at _____
Chairperson

1:30 a.m./p.m. on March 21, 1988 in room 526S of the Capitol.

All members were present except:

Representative Peterson

Committee staff present:

Mary Torrence, Revisor's Office
Mary Galligan, Research Department
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Brigadier General Philip B. Finley
Jonathan Small
Representative Wanda Fuller
Representative Bob Wunsch
Roger Endell, Department of Corrections
Steve Robinson, Ombudsman for Corrections
Elwaine Pomeroy, Parole Board

HB3087 - Kansas Code of Military Justice

Brigadier General Philip B. Finely, Kansas Adjutant General, gave testimony in support of the bill which addresses a critical need of the Kansas National Guard by amending and adding several new provisions to the Kansas Code of Military Justice. These changes are necessary to correct several existing ambiguities and frailties with the present act and just as importantly to move the existing code into closer alignment with the Federal Uniform Code of Military Justice. (Attachment A)

Jonathan Small highlighted some of the changes in the bill which are designed to improve the Kansas Code of Military Justice too provide commanders with a more efficient and effective judicial system while at the same time enhancing procedural and substantive due process rights of our members under that system.

Mr. Small suggested that the reference to the death penalty in Sec. 56 be deleted.

Hearings were concluded on HB3087.

SB557 - Providing multi-disciplinary teams in investigation and recommendation of service for child in need of care

Representative Sprague made a motion, seconded by Representative Hensley, to amend the bill as per attached balloon. The motion carried. See attachment B.

Representative Sprague made a motion, seconded by Representative Hensley, to report SB557 favorably as amended. The motion carried.

HB3079 - Parole based on completion of programs required by Kansas Parole Board

Representative Wanda Fuller explained the bill which gives the secretary of Corrections the authority to place on a six month supervised furlough any inmate who is classified at a custody level not higher than minimum and who will be eligible for parole under KSA 22-3717. The bill also states that within 60 days after a program is recommended for an inmate, the Kansas Parole Board shall hold initial informational hearings with the inmate and shall enter into a written agreement with the inmate that he will be released on parole when this program agreement has been completed. Also for the purpose of determining an inmates eligibility for parole or conditional release, good time credits are allocated on an earned basis and are listed in New Section 2.

Representative Bob Wunsch expressed support of the bill and recommends that the good time credits be at the front end.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on March 21, 19

Roger Endell, Secretary of Corrections, expressed support of the bill which is an effort to mend a variety of problems. The secretary emphasized the need for setting up programs at the front door for the inmates and the need for letters of agreement at the onset. There is momentum building for the release of more than 400 inmates. This is not a one time shot; it will be ongoing. Secretary Endell said he felt comfortable that this bill will take care of the problem of overcrowding over a period of time.

There was discussion of supervised furlough. Secretary Endell told the committee that these are inmates who can safely be released into community release programs and are low risk offenders. There is a fourth level of supervision being added, community custody, to minimum, medium and maximum security.

Steve Robinson, Ombudsman for Corrections, gave testimony in support of the bill. He spoke to the reasons for the growth of the Kansas inmate population. HB3079 addresses more liberal allocation of good time credits, sets up parole hearings one month before parole eligibility, allows the Secretary of Corrections to assign the level of supervision, establishes written agreements between the parole board and the inmate for program participation and establishes authority for the Secretary of Corrections to place inmates on extended supervised furloughs six months before parole eligibility. This bill is cost effective, reduces overcrowding, provides predictability and provides for a cohesive relationship between the parole board and the Department of Corrections. Mr. Robinson suggested that the bill should include the good credit table. See attachment C.

Elwaine Pomeroy, Kansas Parole Board, gave testimony in opposition to the bill although he said he was in support of the concept. He said he felt this bill was not necessary. The inmates need to be told what programs they need and he thinks the new Secretary will make sure this will be done. The biggest problem the Department of Corrections has is funding. Mr. Pomeroy said he felt the bill focuses on programs to the exclusion of everything else and hope that Kansas does not allow themselves to get in the same situation as California did with with Frank Singleton Case. He questions whether programs should be the only criteria for parole. See attachment D.

Secretary Endell told the committee that programs would not be the only criteria for parole; the behavioral aspects of the inmate will be included and a look at the whole spectrum of things. He said that if there were certain individuals the Legislature did not want in the prison system, these should be named in statute to avoid putting the Secretary of Corrections in the position of reversing judges decisions.

When asked if the parole board should be eliminated altogether, the secretary said that this should be something the Criminal Justice Coordinating Council should address.

Hearings were concluded.

SB111 - Crime of causing injury while under the influence of alcohol or drugs

Representative Barr made a motion, seconded by Representative Jenkins, to report SB111 favorably.

Representative Sprague made a substitute conceptual motion, seconded by Representative Ramirez, to amend the bill to establish the E felony and add to that penalty the DUI penalties so that you can't plea bargain away. The motion carried.

Representative Barr made a motion, seconded by Representative Jenkins, to report SB111 favorable as amended. The motion carried.

SB484 - Requiring tests for alcohol and drug in the blood of certain victims of fatal accidents

Representative Walker made a motion, seconded by Representative Barr to report SB484 favorable for passage. The motion carried.

Representative Roper made a motion, seconded by Representative Roy, to approve the minutes as corrected. The motion carried.

The meeting was adjourned.

A

STATE OF KANSAS
THE ADJUTANT GENERAL

P.O. BOX C-300
MILITARY DIVISION
TOPEKA, KANSAS 66601-0300

March 21, 1988

Members of the House of Representatives,
Federal and State Affairs Committee
State Capitol
Topeka, Kansas 66603

Dear Representatives:

I appear today in support of 1988 House Bill 3087 and ask for your favorable consideration and recommendation for its passage by the House of Representatives.

HB 3087 addresses a critical need of the Kansas National Guard by amending and adding several new provisions to the Kansas Code of Military Justice (KCMJ; K.S.A. 48-2301 et seq.). These changes are necessary to correct several existing ambiguities and frailties with our present act and just as importantly to move our code into closer alignment with the federal Uniform Code of Military Justice (UCMJ; 10 U.S.C. §§801 et seq.).

All individuals serving in the Kansas National Guard upon entering service are first required to take an oath to the United States and become a member of the National Guard of the United States. This status and allegiance remains at all times superior to that given to the state of Kansas. As a consequence Guardsmen are subject to two different penal codes, which as a result of recent changes in the federal code, have become important to address at this time. The significance of this dual membership status is constantly emphasized by the fact that at several times during any given year, guardsmen perform duty of one kind or the other in a federal status. This means that our members are frequently subjected to different judicial codes depending upon which sovereign they are serving. The substantive differences between these codes make it very difficult for our airmen and soldiers to comprehend these dissimilarities, particularly as concerns their understanding of what is expected of them as Guardsmen and their statutory rights in a particular situation.

Most of the amendments and changes to the KCMJ presented in HB 3087 emanate from the federal UCMJ which has undergone several significant modifications over the past two years. The nearer we are able to synchronize our code with the federal code the more effective we become in maintaining discipline and our readiness to perform military missions, both key components of our program which are so interrelated as to be inseparable.

Attach A

The major substantive code changes presented in the bill are designed to improve the KCMJ to provide commanders with a more efficient and effective judicial system while at the same time enhancing procedural and substantive due process rights of our members under that system.

The changes which I would like to highlight for you are:

(1) rules for apprehension of soldiers absent from duty are clarified and defined (Sec. 3);

(2) a special court martial is established allowing for an intermediate trial authority (Sec. 11 and various additional sections throughout the bill);

(3) penalties are adjusted to authorize a \$500 fine and up to six month's confinement (New Sec. 12);

(4) provision is made to restructure and redefine the appellate review process and a court of military review is established (New Sec. 44 and various additional sections);

(5) redefines operating vehicles under the influence of intoxicants and also the possession of controlled substances. (Sec. 37 and New Sec. 58);

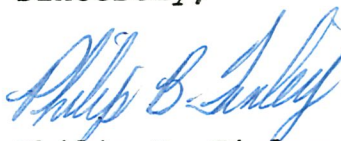
(6) authority to provide service of process and other courts martial documents is more clearly explained (Sec. 63);

(7) enhanced enforceability of payment of fines (Sec. 64).

The KCMJ if amended by the provisions of HB 3087 will in my judgment greatly improve the present military penal code for the Kansas National Guard. It will strengthen our ability to administer discipline within our ranks, which in turn will enhance our ability to timely perform our missions not only here in Kansas but around the globe wherever and whenever we might be called to serve.

Thank you for your consideration.

Sincerely,



Philip B. Finley
Brigadier General, Kansas
Army National Guard
The Adjutant General

0120 not include the child's other parent.

0121 (q) "Court-appointed special advocate" means a responsible
0122 adult other than an attorney guardian *ad litem* who is appointed
0123 by the court to represent the best interests of a child, as provided
0124 in K.S.A. 38-1505a and amendments thereto, in a proceeding
0125 pursuant to this code.

0126 (r) "*Multidisciplinary team*" means a group of persons des-
0127 ignated by the state department of social and rehabilitation which
0128 services ~~who~~ has knowledge of the circumstances of a child in
0129 need of care.

0130 Sec. 2. K.S.A. 38-1507 is hereby amended to read as follows:
0131 38-1507. (a) All records and reports concerning child abuse or
0132 neglect received by the department of social and rehabilitation
0133 services or a law enforcement agency in accordance with K.S.A.
0134 38-1522 and amendments thereto are confidential and shall not
0135 be disclosed except under the following conditions:

0136 (1) Upon the order of any court after a determination by the
0137 court issuing the order that the records and reports are necessary
0138 for the conduct of proceedings before it and are otherwise
0139 admissible in evidence, except that access shall be limited to *in*
0140 *camera* inspection unless the court determines that public dis-
0141 closure of the information contained in the records and reports is
0142 necessary for the resolution of an issue then pending before it.

0143 (2) The secretary or the law enforcement agency where the
0144 report is filed shall authorize access to any records or reports
0145 concerning child abuse or neglect to any of the following persons
0146 upon order of any court and may authorize access to such persons
0147 without a court order if the child involved is a subject of the
0148 record or report:

0149 (A) A person licensed to practice the healing arts who has
0150 before that person a child whom the person reasonably suspects
0151 may be abused or neglected;

0152 (B) a court-appointed special advocate for a child, which
0153 advocate reports to the court, or an agency having the legal
0154 responsibility or authorization to care for, treat or supervise a
0155 child;

0156 (C) a parent or other person responsible for the welfare of a

0157 child, with protection for the identity of reporters and other
0158 appropriate persons;

0159 (D) the guardian *ad litem* for such child;

0160 (E) a police or other law enforcement agency investigating a
0161 report of known or suspected child abuse or neglect; or

0162 (F) an agency of another state charged with the responsibility
0163 of preventing or treating physical, mental or emotional abuse or
0164 neglect or sexual abuse of children within that state, if the state
0165 of the agency requesting the information has standards of confi-
0166 dentiality as strict or stricter than the requirements of this code;

0167 or a person who is a member

0168 (G) ~~members~~ of a multidisciplinary team designated for a
0169 particular child, if the person has signed a confidentiality
0170 agreement with standards as strict or stricter than the require-
0171 ments of this code.

No

0172 (b) ~~It is unlawful for any~~ individual, association, partnership,
0173 corporation or other entity ~~to~~ willfully or knowingly permit or
0174 encourage the unauthorized dissemination of the contents of
0175 records or reports concerning child abuse or neglect received by
0176 the department of social and rehabilitation services or a law
0177 enforcement agency in accordance with K.S.A. 38-1522 and
0178 amendments thereto except as provided by this code.

shall

0179 ~~Sec. 3. K.S.A. 38-1524 is hereby amended to read as follows:~~
0180 ~~38-1524. (a) When a report to a law enforcement agency indicates~~
0181 ~~that a child may be in imminent danger, the law enforcement~~
0182 ~~agency shall promptly initiate an investigation. If the law en-~~
0183 ~~forcement officer reasonably believes the child is in imminent~~
0184 ~~danger, the officer shall remove the child from the location~~
0185 ~~where the child is found as authorized by K.S.A. 38-1527 and~~
0186 ~~amendments thereto.~~

Violation of this subsection is a class B misdemeanor.

0187 (b) Whenever any person furnishes information to the state
0188 department of social and rehabilitation services that a child
0189 appears to be a child in need of care, the department shall make a
0190 preliminary inquiry to determine whether the interests of the
0191 child require further action be taken. *The state department of*
0192 *social and rehabilitation services shall designate multidisci-*
0193 *plinary teams, as deemed appropriate, to assist the department*

0194 *in the investigation and recommendation for provision of ser-*
0195 *vices. Any person designated as a multidisciplinary team*
0196 *member may decline to serve and such person shall incur no civil*
0197 *liability as a result of such refusal.*

0198 (c) Whenever practicable, the inquiry shall include a pre-
0199 liminary investigation of the circumstances which were the sub-
0200 ject of the information, including the home and environmental
0201 situation and the previous history of the child. If reasonable
0202 grounds to believe abuse or neglect exist, immediate steps shall
0203 be taken to protect the health and welfare of the abused or
0204 neglected child as well as that of any other child under the same
0205 care who may be in danger of abuse or neglect. After the inquiry,
0206 if the department determines it is not possible to provide other-
0207 wise those services necessary to protect the interests of the child,
0208 the department shall recommend to the county or district attor-
0209 ney that a petition be filed.

0210 *New Sec. 4. (a) Any member of a multidisciplinary team*
0211 *who provides information without malice in the investigation of*
0212 *alleged abuse of a child or recommends services for a child shall*
0213 *have immunity from any civil liability that might otherwise be*
0214 *incurred or imposed. Such member shall have the same immu-*
0215 *nity with respect to participation in any judicial proceedings*
0216 *resulting from the investigation.*

0217 *(b) This section shall be part of and supplemental to the*
0218 *Kansas code for care of children.*

0219 Sec. ~~4-5.~~ K.S.A. 38-1507 and 38-1524 and K.S.A. 1987 Supp.
0220 38-1502 are hereby repealed.

0221 Sec. ~~5-6.~~ This act shall take effect and be in force from and
0222 after its publication in the statute book *Kansas register.*

Insert section 3, attached

4

5

New Sec. 3. (a) The state department of social and rehabilitation services, as deemed appropriate, may designate a multidisciplinary team to assist the department in making recommendations regarding provision of services to a child who has been adjudicated a child in need of care by reason of physical, mental or emotional abuse or neglect or sexual abuse. Any person designated as a member of such team may decline to serve and shall incur no civil liability as the result of declining to serve.

(b) Any information received by a multidisciplinary team, or a member thereof, in confidential communications between such team or member and the perpetrator of the abuse or neglect in the course of carrying out the team's or member's functions under this section shall be privileged and the perpetrator has a privilege to: (1) Refuse to disclose any such communication, if the perpetrator is a witness in a criminal proceeding; (2) prevent the team or member from disclosing it in a criminal proceeding; or (3) prevent any other witness from disclosing it if it came to the knowledge of such witness in the course of its transmittal between the perpetrator and the team or team member, in a manner not reasonably to be anticipated by the perpetrator or as a result of disclosure by the team or team member.

(c)

**CORRECTIONS OMBUDSMAN BOARD
OFFICERS**

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Shari Caywood, Vice-Chairperson
Floyd Gaunt, Secretary



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FOR CORRECTIONS**

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Bob Wunsch

STATE OF KANSAS

TESTIMONY OF STEVEN A. ROBINSON,
OMBUDSMAN FOR CORRECTIONS, BEFORE THE HOUSE FEDERAL
AND STATE AFFAIRS COMMITTEE ON H.B. NO. 3079
March 21, 1988

I. Growth of Kansas inmate population - reasons

- A. Increased Incarceration Rates
- B. Decreased Allocated Good Time Credits
- C. Decreased Numbers of Inmates Paroled

II. What H.B. No. 3079 Addresses -

- A. Provides more liberal allocation of good time credits
 1. allows for earlier parole eligibility and conditional release
 2. reduces length of time parole board has discretion
 3. helps reduce inmate population upon enactment
- B. Set up parole hearing one month before parole eligibility
 1. frees up bed space earlier
 2. allows DOC to anticipate parole releases
- C. Allows SOC to assign level of supervision
 1. provides for level of supervision to be based upon actual needs
 2. provides more flexibility and efficiency in case load management
- D. Establishes written agreement between parole board and inmate for program participation
 1. requirements are set by SOC based upon inmate needs and program availability
 2. puts the responsibility for successful program completion and appropriate adaptive behavior directly with the inmate
 3. allows the agreement to be modified should inmate needs or program availability change
 4. limits length of pass by parole board to one year
 5. allows DOC to anticipate program needs

Attach c

- E. Establishes authority for SOC to place inmates on extended supervised furloughs six months before parole eligibility
 - 1. allows the SOC latitude to reduce over-crowding
 - 2. allows deserving inmates to be slowly reintegrated into their communities under a supervised program
 - 3. allows for automatic parole of those successfully completing the extended furlough program

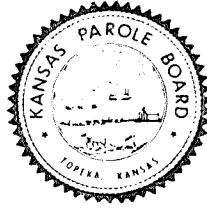
III. Primary Benefits of H.B. 3079

- A. Cost effective
- B. Reduces over-crowding
- C. Provide predictability
- D. Provides for a cohesive relationship between the parole board and DOC

IV. Amend K.S.A. 22-3724 to show new good time table

APPENDIX I

Fiscal year	1980	1981	1982	1983	1984	1985	1986	1987	1988 1st Half
Crime Index - incidence per 100,000 population	52.9	54.3	50.4	46.0	43.6	43.7	47.6	44.5	N/A
Number of prisoners in custody of SOC - End of FY	2406	2638	2966	3353	3968	4490	4934	5586	5875
Number of state prisoners per 100,000 population	102	118	129	152	173	193	204	229	N/A
Number of Parole Releases	1234	1168	1344	1399	997	1063	1256	1193	804
Number of Paroles and Conditional Releases Revoked - technical violations	160	215	185	202	242	254	334	393	276
Number of Paroles and Conditional Releases Revoked - new sentence	148	228	218	240	249	158	162	197	92
Total Number of Paroles and Con- ditional Releases Revoked	308	443	403	442	491	412	496	590	368



Members'

Elwaine F. Pomeroy
Chairman

Joan M. Hamilton
Vice-Chairman

Frank S. Henderson, Jr. TOPEKA, KANSAS 66612-1220
(913) 296-3469

KANSAS PAROLE BOARD
LANDON STATE OFFICE BUILDING
900 JACKSON STREET, 4TH FLOOR
ROOM 452 S

George V. Jones
Director

OUTLINE OF REMARKS

By Elwaine F. Pomeroy

Chairman, Kansas Parole Board

House Federal and State Affairs Committee

House Bill 3079

March 21, 1988

Support intent and purpose

Agree inmates should know programs needed

Disagree with method

Could lead to a California-type fiasco

Present method of conducting initial hearings

Parole eligibility is not set by Kansas Parole Board

Support lines 66 to 72

Line 72, change "Prior" to "At"

Urge careful reading of changes

Compare on page 2, (e) (1) and (e) (3)

Contrast with (e) (2)

Program completion becomes sole criteria

Contrast (f) (1) and (f) (2)

Again, programs sole criteria

Attach D

Kansas Parole Board mandated to enter into contract

Kansas Parole Board has no input into contract

Secretary can modify contract, not Kansas Parole Board

Needless paper work

Disregards:

Attitude

Circumstances of crime

Prior incarcerations

Failures on probation

Parole revocations

Parole plan

Impact on victim

Input from public

Views of officials

Do we want repeat of California fiasco? (FRANK Singleton)

Communications can be improved

Horror stories can be eliminated

Would require more hearings

Increased decisions concerning inmates

FY 1985 - 2,325

FY 1986 - 2,718

Fy 1987 - 2,072

First half FY 1988 - 1,785

Increased revocation hearings

FY 1985 - 402

FY 1986 - 496

FY 1987 - 590

Increased number of institutions

Increased hearing days - calendar crowded

Lines 133 to 142 eliminates Kansas Parole Board imposed supervision

Required hearings for those given probation

"Just tell us to release when parole eligible"

Support some increase in good time

Urge expansion of table

Advantages of present table

We would probably parole a person under Section 3

Inconsistency with committee amendment to Senate Bill 366

Possible legislative prison overcrowding approaches

Make consideration of capacity a factor

Make public input a statutory factor

Increased, full funding of programs

More court services officers

More parole officers

Vocational rehabilitation services

Work release in metropolitan Kansas City area

Permit Secretary to release community corrections

type inmates from non-participating counties

Extended work release

Give Secretary more flexibility

Raise threshold of felonies

Funding of halfway houses

Credit for time in community corrections residential facilities

Risk assessment device

Hearing examiners for parole board

22-3717a.

History: L. 1981, ch. 156, § 2; Repealed, L. 1982, ch. 137, § 4; July 1.

22-3718. Conditional release. An inmate who has served the inmate's maximum term or terms, less such work and good behavior credits as have been earned, shall, upon release, be subject to such written rules and conditions as the Kansas parole board may impose, until the expiration of the maximum term or terms for which the inmate was sentenced or until the inmate is otherwise discharged. If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board shall order as a condition of release that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the inmate was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release, the parole board shall order as a condition of release that the inmate make restitution for the damage or loss caused by the inmate's crime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the inmate was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board shall not order restitution as a condition of release unless the board finds compelling circumstances which justify such an order.

History: L. 1970, ch. 129, § 22-3718; L. 1972, ch. 317, § 91; L. 1986, ch. 128, § 4; July 1.

CASE ANNOTATIONS

1. Conditional release is mandatory, not discretionary; imposition of conditions is discretionary. *Beck v. Kansas Adult Authority*, 241 K. 13, 19, 29, 30, 34, 735 P.2d 222 (1987).

22-3720. Adult authority subpoena power. The authority shall have power to issue subpoenas requiring the attendance of any witnesses and the production of any records, books, papers and documents that it considers necessary for the investigation of the issues before it. Subpoenas may be signed and oaths administered by any member of the authority. Subpoenas so issued may be served by any law enforcement officer, in the same manner as similar process in the district court. Any person who testifies falsely, fails to appear when subpoenaed or fails or refuses to produce material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any district court of this state, upon application of the authority, may in its discretion compel the attendance of witnesses, the production of material and the giving of testimony before the authority, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before the district court.

History: L. 1970, ch. 129, § 22-3720; L. 1972, ch. 317, § 93; L. 1973, ch. 339, § 67; L. 1984, ch. 112, § 10; July 1.

22-3722.

CASE ANNOTATIONS

2. Cited; jail time credit (21-4614) while in community corrections facility on probation, authority to commit discussed. *State v. Fowler*, 238 K. 326, 337, 710 P.2d 1268 (1985).

22-3724. Good time credits. (a) "Good time credit," as used in this section and in chapter 22, for all inmates sentenced after July 1, 1982, shall be allocated as follows:

SENTENCE		GOOD TIME TABLE* (Assumed 360 Day Year) (Months of 30 Days Each)					
Minimum (or) maximum	Years	GOOD TIME EARNED			MUST SERVE		
		Months	Days**	Years	Months	Days***	
1 Year	0	3	0	0	9	0	
2 Years	0	6	23	1	5	7	
3 Years	0	10	15	2	1	15	
4 Years	1	1	15	2	10	15	
5 Years	1	5	8	3	6	22	

6 Years	1	9	0	4	3	0
7 Years	2	0	0	5	0	0
8 Years	2	3	23	5	8	7
9 Years	2	7	15	6	4	15
10 Years	2	11	8	7	0	22
11 Years	3	2	8	7	9	22
12 Years	3	6	0	8	6	0
13 Years	3	9	23	9	2	7
14 Years	4	0	23	9	11	7
15 Years	4	4	15	10	7	15
16 Years	4	8	8	11	3	22
17 Years	5	0	0	12	0	0
18 Years	5	3	0	12	9	0
19 Years	5	6	23	13	5	7
20 Years	5	10	15	14	1	15
21 Years	6	1	15	14	10	15
22 Years	6	5	8	15	6	22
23 Years	6	9	0	16	3	0
24 Years	7	0	0	17	0	0
25 Years	7	3	23	17	8	7
26 Years	7	7	15	18	4	15
27 Years	7	11	8	19	0	22
28 Years	8	2	8	19	9	22
29 Years	8	6	0	20	6	0
30 Years	8	9	23	21	2	7
31 Years	9	0	23	21	11	7
32 Years	9	4	15	22	7	15
33 Years	9	8	8	23	3	22
34 Years	10	0	8	24	0	0
35 Years	10	3	0	24	9	0
36 Years	10	6	23	25	5	7
37 Years	10	10	15	26	1	15
38 Years	11	1	15	26	10	15
39 Years	11	5	8	27	6	22
40 Years	11	9	0	28	3	0
41 Years	12	0	0	29	0	0
42 Years	12	3	23	29	8	7
43 Years	12	7	15	30	4	15
44 Years	12	11	8	31	0	22
45 Years	13	2	8	31	9	22
46 Years	13	6	0	32	6	0
47 Years	13	9	23	33	2	7
48 Years	14	0	23	33	11	7
49 Years	14	4	15	34	7	15
50 Years	14	8	8	35	3	22
51 Years	15	0	0	36	0	0
52 Years	15	3	0	36	9	0
53 Years	15	6	23	37	5	7
54 Years	15	10	15	38	1	15
55 Years	16	1	15	38	10	15
56 Years	16	5	8	39	6	22
57 Years	16	9	0	40	3	0
58 Years	17	0	0	41	0	0
59 Years	17	3	23	41	8	7
60 Years	17	7	15	42	4	15
61 Years	17	11	8	43	0	22
62 Years	18	2	8	43	9	22
63 Years	18	6	0	44	6	0
64 Years	18	9	23	45	2	7
65 Years	19	0	23	45	11	7

66 Years	19	4	15	46	7	15
67 Years	19	8	8	47	3	22
68 Years	20	0	0	48	0	0
69 Years	20	3	0	48	9	0
70 Years	20	6	23	49	5	7
71 Years	20	10	15	50	1	15
72 Years	21	1	15	50	10	15
73 Years	21	5	8	51	6	22
74 Years	21	9	0	52	3	0
75 Years	22	0	0	53	0	0
76 Years	22	3	23	53	8	7
77 Years	22	7	15	54	4	15
78 Years	22	11	8	55	0	22
79 Years	23	2	8	55	9	22
80 Years	23	6	0	56	6	0
81 Years	23	9	23	57	2	7
82 Years	24	0	23	57	11	7
83 Years	24	4	15	58	7	15
84 Years	24	8	8	59	3	22
85 Years	25	0	0	60	0	0
86 Years	25	3	0	60	9	0
87 Years	25	6	23	61	5	7
88 Years	25	10	15	62	1	15
89 Years	26	1	15	62	10	15
90 Years	26	5	8	63	6	22
91 Years	26	9	0	64	3	0
92 Years	27	0	0	65	0	0
93 Years	27	3	23	65	8	7
94 Years	27	7	15	66	4	15
95 Years	27	11	8	67	0	22
96 Years	28	2	8	67	9	22
97 Years	28	6	0	68	6	0
98 Years	28	9	23	69	2	7
99 Years	29	0	23	69	11	7
100 Years	29	4	15	70	7	15

* Based on the established good time formula of one day for every three days served and one month for every year served as set forth in statute.

** Rounded up to avoid partial days.

*** Rounded down to avoid partial days.

(b) If an inmate was sentenced after July 1, 1982, and such inmate's sentence is not covered by the provisions of subsection (a), such inmate shall be allocated credit of one day for every three days served and one month for every year served.

(c) Good time credits shall be awarded on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

History: L. 1987, ch. 118, § 2; July 1.

Article 38.—COSTS IN CRIMINAL CASES

22-3801. Liability for costs. (a) If the defendant in a criminal case is convicted, the court costs shall be taxed against the

defendant and shall be a judgment against the defendant which may be enforced as judgments for payment of money in civil cases.

(b) Jury fees are not court costs and shall be paid by the county in all criminal cases.

(c) Whenever jury fees are paid by the county in a case in which the defendant was a person who had been committed to an institution under the control of the secretary of corrections and had not been finally discharged or released from the institution, the department of corrections shall reimburse the county for jury fees paid by the county. The reimbursement shall be paid from funds made available by the legislature for that purpose.

(d) The county shall not be reimbursed