

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 433

As Amended by Senate Committee on
Judiciary

Brief*

SB 433 would amend the driving under the influence (DUI) law relating to offenders convicted of fourth and subsequent offenses and would make changes in a statute dealing with notice to the Secretary of Corrections when a person is sentenced to prison by a district court. The bill incorporates the intermediate period of time that an offender serves in substance abuse treatment programs into the postrelease supervision period; requires the Department of Corrections be provided with a copy of the sentencing order by the law enforcement officer maintaining custody of the defendant within three days of the receipt of the order from the court where the sentence is imposed; and provides that the transfer of the custody of the offender by the local law enforcement agency to the Department occur at a location designated by the Department.

SB 433 provides that the required participation in a substance abuse treatment program selected by the Department occur during the postrelease supervision period, including aftercare or mental health counseling, and these requirements satisfy conditions imposed by the Kansas Parole Board.

KSA 75-3218 is amended dealing with the notice to the Secretary of Corrections regarding all other inmates sentenced to his custody. The bill provides that the clerk of the court shall deliver to the officer having charge of the offender the judgment form or journal entry together with the order of commitment. Within three business days of receipt of the order of commitment and the judgment form or journal entry, the officer shall forward certified copies to the Secretary of Corrections.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

Background

The bill was requested by the Kansas Department of Corrections. The Office of Judicial Administration requested the amendments adopted by the Senate Committee including adding provisions of SB 494.

The bill has no fiscal impact.