

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 479

As Amended by Senate Committee on
Judiciary

Brief*

SB 479, as amended, would amend current law to clarify postrelease supervision for certain offenders. Offenders with a life sentence or an indeterminate sentence for an offense committed prior to July 1, 1993, who subsequently commit and are convicted of a crime after July 1, 1993 would remain on postrelease supervision for life, or the longest term of post incarceration supervision imposed for all crimes upon which sentence was imposed, or until discharged from supervision by the Kansas Parole Board.

The provisions of this bill would apply retroactively.

Background

Under current law, offenders who are incarcerated under a life sentence and who are subsequently convicted of a guidelines-level crime for an offense committed during the offender's incarceration, are required to serve the postrelease supervision for the subsequent crime rather than the life time supervision. The effect of current law is to possibly shorten the postrelease supervision of the offender.

The proponents of the bill are Tom Stanton, President of the Kansas County and District Attorneys Association and Robert Sanders, member and on behalf of the Kansas Parole Board.

*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.kslegislature.org>

There was no testimony in opposition to the bill.

The Senate Committee on Judiciary amended the bill to clarify that the bill also applies to those offenders sentenced to an indeterminate term of incarceration less than a life sentence. Additionally, the Committee amended the bill to make it clear that the provisions of the bill would apply retroactively.

The Kansas Sentencing Commission states that the effect of this bill on prison admissions and bed space cannot be estimated. The Kansas Department of Corrections indicates that the passage of the bill could increase parole caseloads and, therefore, increase prison admissions due to violations of supervision, but no specific estimates are offered. The Kansas Parole Board states that the number of cases affected by this bill would be negligible. The fiscal note states any fiscal effect resulting from the passage of the bill is not accounted for in *The FY 2009 Governor's Budget Report*.