

HOUSE BILL No. 2327

By Committee on Corrections and Juvenile Justice

Requested by Representative Lewis

2-7

1 AN ACT concerning the secretary of corrections; relating to releasing
2 inmates; requiring the secretary to issue a certificate of employability to
3 certain inmates; authorizing such certificates to be used as evidence in
4 negligent hiring actions.
5

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

7 Section 1. (a) Upon release of an inmate from the custody of the
8 secretary of corrections, the secretary shall identify the educational and
9 training history of the inmate. The secretary shall issue a certificate of
10 employability to such inmate if:

11 (1) Prior to incarceration or while incarcerated, such inmate earned a
12 high school diploma, a general educational development credential, a
13 college degree, certification from a vocational or technical education
14 program or a diploma or degree from a correspondence postsecondary
15 education program;

16 (2) such inmate received no major disciplinary violations during the
17 year immediately preceding release; and

18 (3) such inmate received the necessary score on a job skills
19 assessment test as determined by the secretary.

20 (b) The secretary shall revoke a certificate of employability from an
21 inmate if such inmate is convicted of a felony after release from custody.
22 An inmate whose certificate of employability has been revoked may
23 appeal such decision to the secretary. The secretary shall not be liable for
24 damages based on the secretary's decision to issue, deny or revoke a
25 certificate of employability.

26 (c) (1) The secretary shall make all inmates aware of the opportunity
27 to obtain a certificate of employability and, upon request, shall confirm
28 whether or not a certificate of employability has been issued to a particular
29 inmate.

30 (2) An inmate shall not state or represent oneself as having been
31 issued a valid certificate of employability knowing that such statement or
32 representation is false. Violation of this paragraph is a class B nonperson
33 misdemeanor.

34 (d) In a proceeding involving a claim against an employer for
35 negligent hiring:

1 (1) Having relied on a certificate of employability issued pursuant to
2 this section may be a defense to such claim; and

3 (2) a certificate of employability issued pursuant to this section may
4 be admitted as evidence of the employer's due care in hiring the inmate.

5 (e) Prior to January 15, 2026, and each January 15 thereafter, the
6 secretary shall submit a report to the governor, the speaker of the house of
7 representatives and the president of the senate that includes:

8 (1) The number of certificates of employability issued during the
9 preceding year; and

10 (2) the rate of recidivism among inmates who received a certificate of
11 employability.

12 (f) The secretary may adopt rules and regulations to carry out the
13 provisions of this act.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.