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Ray Roberts, Secretary

Sam Brownback, Governor

Testimony on SB 394  
to  
The Senate Judiciary Committee

By Ray Roberts  
Secretary  
Kansas Department of Corrections  
February 14, 2012

The Department of Corrections supports SB 394. SB 394 provides for the amendment of K.S.A. 75-5220 to extend the threshold for the discharge of an offender instead of requiring the transfer of that offender when the offender has a minimal amount of time remaining to be served. In 2010, the legislature addressed the use of resources by sheriffs in transporting sentenced offenders and the department in admitting and processing those offenders whose prison sentences had or would expire in a matter of days. K.S.A. 75-5220 was amended to provide for the first time, a threshold for when the remaining balance of a prison sentence to be served was so short that the expense and burden to sheriffs and the department for the transfer was not justified and the offender could be discharged immediately from the jail and begin the postrelease supervision obligation.

That threshold established by the 2010 amendment of K.S.A. 75-5220 was 10 or fewer days remaining to be served on the prison portion of the sentence at the time the offender was ready for transfer from the jail to a KDOC facility. SB 394 would increase that threshold to 20 or fewer days. The department notes that when the threshold proposal was introduced by the department to this Committee in 2010, the Committee on its own motion amended the bill to provide for a 20 day threshold.

The threshold for a discharge from confinement in lieu of transfer from a jail to a KDOC facility does not shift the cost of confining the offender from the department to county jails since the offender is ordered to be discharged from the remaining balance of the prison portion of the sentence. In other words, pursuant to SB 394 if the offender awaiting transfer has twenty or fewer days remaining to be served, the offender is released from the balance of the prison portion of the sentence and begins to serve the postrelease supervision obligation.

A threshold for the release from the prison portion of a sentence for offenders awaiting transfer results in savings to counties relative to their transportation costs to a KDOC facility and the resources of the department in admitting and processing the offender into the department's reception and diagnostic unit when the offender is going to be released and returned to the same community in a matter of days. During FY 11, pursuant to the 10 day threshold, 46 offenders were released from jails. This resulted in KDOC bed savings of 325 days which at a contract jail rate of \$40 per day equals \$13,000. For FY 12 it is projected that 70 offenders would be released from jails pursuant to the 10 day threshold. Pursuant to a 20 day threshold of SB 394 it is projected that an additional 32 offenders would have been released during FY 12.

The department urges favorable consideration of SB 394.