



Kansas County & District Attorneys Association

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To: Senate Judiciary Committee

From: Marc Bennett, Deputy District Attorney - On Behalf of Nola Tedesco Foulston, District Attorney Eighteenth Judicial District and the Kansas County and District Attorneys Association

Date: March 7, 2012

Re: **Sub. for HB 2055**

Honorable Chairman Owens and Members of the Senate Judiciary Committee:

As originally drafted in 2011, HB 2055 sought to repeal both K.S.A. 21-3432 and K.S.A. 21-4632. Following discussion with representatives from the Kansas Department of Corrections, an amendment was submitted in the House Corrections and Juvenile Justice Committee which addressed the concerns of all parties. The House committee adopted the suggested amendment.

K.S.A. 22-3432, requires the county or district attorney to furnish certain information to the secretary of corrections regarding individuals that have been convicted of a felony and sentenced to imprisonment. K.S.A. 2010 Supp. 21-4632(c), requires that the court provide similar information to the secretary, including a "county or district attorney report." Finally, K.S.A. 223427 requires the court to provide "county and district attorney reports" to the KDOC. Substitute for HB 2055 seeks to remove or amend language in each of these three statutes in order to reduce the unnecessary re-production and compilation of information.

K.S.A. 22-3432 currently states that:

It shall be the duty of the county or district attorney of the county in which a person has been convicted of a felony and sentenced to imprisonment to furnish to the secretary of corrections information pertaining to the facts and circumstances surrounding the commission of the offense, including any aggravating or mitigating circumstances, and such other information which has come to the attention of the county attorney which might have a bearing in determining the possibility of the inmate thereafter becoming a useful citizen. This information shall be set forth on forms provided by the secretary and shall be submitted at the time the inmate is committed. Such information shall be forwarded by the secretary to the correctional institution receiving such inmate.

K.S.A. 2010 Supp. 21-4632(c), as amended in 2010 by SB 346 requires that: “[t]he court shall forward a copy of all complaints, supporting affidavits, county and district attorney reports, presentence investigation reports and other diagnostic reports on the offender received by the district court, including any reports received from the state security hospital, to the officer having the offender in custody for delivery with the offender to the correctional institution.”

K.S.A. 22-3427 requires the court to forward, among other documents, a copy of the “county and district attorney reports, . . .” to the KDOC.

Rarely if ever would the information required by K.S.A. 22-3432 or the “county and district attorney reports” included in K.S.A. 2010 Supp. 21-4632(c), provide any additional details concerning a matter which cannot already be gleaned from the materials provided by the court to the secretary of corrections per K.S.A. 22-3427.

The typical content in the reports (commonly called DOC sheets) is information readily available in the Journal Entries of Judgment and other documents provided under K.S.A. 2010 Supp. 21-4632(c). In the rare case where particular information about an inmate such as gang affiliation, a codefendant, or special mental needs of a defendant may be important for the KDOC to know, the information would be provided in compliance with the new language proposed in the amendment to K.S.A. 22-3432, requiring production of “special facts and circumstances . . . that cannot be obtained from records provided . . . under K.S.A. 22-3427.”

The Substitute for HB 2055, should streamline the production of information, eliminate redundancies across three current statutes by removing unnecessary administrative burdens, while still allowing a mechanism for special information to flow to the KDOC as needed.

Therefore, the KCDA respectfully request that the Substitute for HB 2055 be passed.

Thank you for your time, attention and consideration in this matter and I will be happy to answer any questions.

Respectfully submitted,

Marc Bennett
Deputy District Attorney
Eighteenth Judicial District