

Ray Roberts, Secretary

Sam Brownback, Governor

Testimony on HB 2683
to
The Senate Judiciary Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
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The Department of Corrections supports HB 2683. HB 2683 repeals the series of statutes that implemented the creation of a “Director of Penal Institutions” the predecessor to the current Secretary of Corrections. HB 2683 is the result of Governor Brownback’s initiative to repeal outmoded, unreasonable, duplicative or unduly burdensome statutes and regulations. The House passed HB 2683 by a vote of 124-0.

HB 2683 provides for the repeal of K.S.A. 75-5207, 75-5208 and 75-5213. Additionally, HB 2683 amends K.S.A. 22-3416 to reflect the current law designation of a “secretary of correction” as the chief executive officer for the state correctional system rather than the outdated “director of penal institutions”. A copy of the repealed statutes is attached for the Committee’s convenience.

These statutes were enacted in 1973 to implement the creation of a single authority over previously autonomous correctional facilities. Now, the chief executive officer for the state’s Department of Corrections is designated as the Secretary of Corrections. See K.S.A. 75-5203. These statutes creating and implementing the office of the Director of Penal Institutions are outmoded.

HB 2683 also amends K.S.A. 22-3416 to replace its current reference to the “director of penal institutions” with “secretary of corrections”. HB 2683 recognizes that the substantive provisions of K.S.A. 22-3416 governing the availability of incarcerated prisoners to testify in criminal proceedings remain important and therefore HB 2683 only amends that statute to employ updated references to the secretary of corrections.

The department urges favorable consideration of HB 2683.

Statutes Repealed by HB 2683

75-5207. Rules and regulations of state director of penal institutions continued in effect. All rules and regulations of the state director of penal institutions which are in force and effect on the date this act takes effect, relating to government, conduct, operation, or discipline in any correctional institution shall constitute and be rules and regulations of the secretary of corrections until the same are revoked, suspended, revised or amended as provided by law.

75-5208. Certain records and property transferred to department of corrections; certain records transmitted to secretary. All records, papers and property of the state director of penal institutions shall, on the date this act takes effect, become and be the property of the department of corrections. Copies of all records and papers relating to paroles and parolees on file with the Kansas adult authority shall be transmitted, on the effective date of this act, to the secretary.

75-5213. Transfer of existing powers, duties and functions. (a) All the powers, duties and functions of the existing state director of penal institutions are hereby transferred to and conferred and imposed upon the secretary of corrections created by this act.

(b) Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of corrections created by this act shall be deemed to have the same force and effect as if performed by the state director of penal institutions in whom such functions were vested prior to the effective date of this act.

(c) Whenever the state director of penal institutions, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of corrections created by this act.