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Testimony on HB 2704
to
The Senate Judiciary Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
March 12, 2012

The Department of Corrections supports HB 2704. The House passed HB 2704 by a vote of 124-0. HB 2704 provides for the repeal of the 1973 series of statutes that incorporated the unique function of the diagnostic and reception facility into a correctional system of other institutions headed by a Director of Penal Institutions. HB 2704 is the result of Governor Brownback's initiative to repeal outmoded, unreasonable, duplicative or unduly burdensome statutes and regulations. HB 2704 provides for the repeal of K.S.A. 75-5262, 75-5263, 75-5264 and 75-5265 since those statutes are outmoded. A copy of those statutes is attached for the Committee's convenience.

These statutes were enacted in 1973 and reflected the role of the Topeka Correctional Facility (formerly the State Reception and Diagnostic Center) as the reception and diagnostic facility that distinguished it from the other correctional facilities of the department. Correspondingly, these statutes also addressed the staffing of TCF and transfers to and from that facility relative to other KDOC institutions. Since 1973, additional correctional facilities have been added to the department and the roles of the facilities have changed. Additionally, the Topeka Correctional Facility, as a facility within the department, is subject to the same appropriation processes relative to its authorized staffing and the statutes, regulations and policies of the department applicable to all of the department's facilities. Therefore, these statutes are outmoded and should be repealed.

The department urges favorable consideration of HB 2704.

Statutes Repealed by HB 2704

75-5262. Topeka correctional facility, primary purpose; delivery of offenders; examination and study. The primary function and purpose of the Topeka correctional facility shall be to provide for examination and study of all felony offenders sentenced by the courts of this state to the custody of the secretary of corrections so that each such offender may be assigned to a state correctional institution having the type of security and programs designed to accomplish a maximum of rehabilitation for such offender. Such offenders shall be delivered to the center as provided in K.S.A. 75-5220 and amendments thereto, upon being sentenced by the court.

75-5263. Appointment of psychiatrists, psychologists and other employees. The warden of the Topeka correctional facility shall appoint such psychiatrists, psychologists, social workers, chaplains, and other officers and employees, with the approval of the secretary, as shall be deemed necessary by the secretary. The remaining duties of the warden shall be such as may be prescribed by the secretary.

75-5264. Requisitions of inmates for examination and study; assignment. The secretary may make requisition upon the warden of a state correctional institution for any inmate at such institution and transfer the inmate to the Topeka correctional facility for examination and study; and upon the completion of such study and examination such inmate shall be assigned to confinement as provided by K.S.A. 75-5206 and amendments thereto.

75-5265. Requisition of inmates to perform work at Topeka correctional facility. The secretary may make requisition upon the warden of any state correctional institution for any inmate at such correctional institution and transfer the inmate to the Topeka correctional facility for the purpose of performing work or services at the facility. Inmates so employed shall be entitled to the same goodtime allowances as they would receive at the state correctional institution from which they are transferred.