

As Amended by House Committee

Session of 2012

SENATE BILL No. 394

By Committee on Judiciary

2-7

1 AN ACT concerning the secretary of corrections; **establishing the justice**
2 **reinvestment working group**; relating to transfer or discharge of
3 certain offenders; amending K.S.A. 2011 Supp. 75-5220 and repealing
4 the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 **New Sec. 1. (a) The secretary of corrections shall establish the**
8 **justice reinvestment working group.**

9 **(b) The working group shall consist of the following members:**

10 **(1) One senator appointed by the president of the senate;**

11 **(2) one representative appointed by the speaker of the house of**
12 **representatives;**

13 **(3) one senator appointed by the minority leader of the senate;**

14 **(4) one representative appointed by the minority leader of the**
15 **house of representatives;**

16 **(5) one member appointed by the governor;**

17 **(6) one member appointed by the attorney general;**

18 **(7) one member appointed by the chief justice of the supreme**
19 **court;**

20 **(8) one member shall represent court services officers, appointed**
21 **by the chief justice of the supreme court;**

22 **(9) the secretary of corrections;**

23 **(10) the director of victims services of the department of**
24 **corrections;**

25 **(11) one member shall represent community corrections,**
26 **appointed by the secretary of corrections;**

27 **(12) one member of the prisoner review board, appointed by the**
28 **secretary of corrections;**

29 **(13) one member shall be a prosecuting attorney, appointed by**
30 **the Kansas county and district attorneys association;**

31 **(14) one member shall represent public defenders, appointed by**
32 **the executive director of the state board of indigents' defense services;**

33 **(15) one member shall represent mental health providers,**
34 **appointed by the secretary for aging and disability services;**

35 **(16) one member shall be a sheriff, appointed by the Kansas**
36 **sheriff's association; and**

1 **(17) one member shall be a law enforcement officer, appointed by**
2 **the Kansas association of chiefs of police.**

3 **(c) The member appointed by the attorney general shall serve as**
4 **chairperson of the working group. The working group shall meet on**
5 **call of the chairperson or on the request of nine members of the**
6 **working group. Nine members of the working group shall constitute a**
7 **quorum. All actions of the working group shall be taken by a majority**
8 **of all members of the working group.**

9 **(d) The working group shall undertake a study of the data-**
10 **driven, fiscally responsible policies and practices that can increase**
11 **public safety and reduce recidivism and spending on corrections in**
12 **Kansas.**

13 **(e) On or before January 1, 2013, the working group shall submit**
14 **a report of the working group's activities and recommendations**
15 **regarding increased public safety and reducing recidivism and**
16 **spending on corrections in Kansas to the secretary of the senate and**
17 **the chief clerk of the house of representatives.**

18 **(f) The members of the working group attending meetings of such**
19 **working group, or attending a subcommittee meeting thereof**
20 **authorized by such working group, shall receive amounts provided for**
21 **in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon**
22 **vouchers approved by the secretary of corrections or a person or**
23 **persons designated by the secretary.**

24 ~~Section 1.~~ **Sec. 2.** K.S.A. 2011 Supp. 75-5220 is hereby amended to
25 read as follows: 75-5220. (a) Except as provided in subsections (d), (e) and
26 (f), within four business days of receipt of the notice provided for in
27 K.S.A. 75-5218, and amendments thereto, the secretary of corrections
28 shall notify the sheriff having such offender in custody to convey such
29 offender immediately to the department of corrections reception and
30 diagnostic unit or if space is not available at such facility, then to some
31 other state correctional institution until space at the facility is available,
32 except that, in the case of first offenders who are conveyed to a state
33 correctional institution other than the reception and diagnostic unit, such
34 offenders shall be segregated from the inmates of such correctional
35 institution who are not being held in custody at such institution pending
36 transfer to the reception and diagnostic unit when space is available
37 therein. The expenses of any such conveyance shall be charged against and
38 paid out of the general fund of the county whose sheriff conveys the
39 offender to the institution as provided in this subsection.

40 **(b) Any female offender sentenced according to the provisions of**
41 **K.S.A. 75-5229, and amendments thereto, shall be conveyed by the sheriff**
42 **having such offender in custody directly to a correctional institution**
43 **designated by the secretary of corrections, subject to the provisions of**

1 K.S.A. 75-52,134, and amendments thereto. The expenses of such
2 conveyance to the designated institution shall be charged against and paid
3 out of the general fund of the county whose sheriff conveys such female
4 offender to such institution.

5 (c) Each offender conveyed to a state correctional institution pursuant
6 to this section shall be accompanied by the record of the offender's trial
7 and conviction as prepared by the clerk of the district court in accordance
8 with K.S.A. 75-5218, and amendments thereto.

9 (d) If the offender in the custody of the secretary is a juvenile, as
10 described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, such
11 juvenile shall not be transferred to the state reception and diagnostic center
12 until such time as such juvenile is to be transferred from a juvenile
13 correctional facility to a department of corrections institution or facility.

14 (e) Any offender sentenced to a facility designated by the secretary of
15 corrections to participate in an intensive substance abuse treatment
16 program shall not be transferred to the state reception and diagnostic
17 center but directly to such facility, unless otherwise directed by the
18 secretary. The secretary may transfer the housing and confinement of any
19 offender sentenced to a facility to participate in an intensive substance
20 abuse treatment program to any institution or facility pursuant to K.S.A.
21 75-5206, and amendments thereto.

22 (f) If the offender has ~~40~~ 20 or less days remaining to be served on
23 the prison portion of the sentence at the time the notice provided for in
24 K.S.A. 75-5218, and amendments thereto, is received by the secretary of
25 corrections, the secretary may order the offender discharged from the
26 prison portion of the sentence.

27 (g) All costs incurred for medical care and treatment of the offender
28 while in the actual physical custody of the secretary of corrections shall be
29 the responsibility of the secretary of corrections.

30 ~~Sec. 2.~~ **3.** K.S.A. 2011 Supp. 75-5220 is hereby repealed.

31 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its
32 publication in the statute book.