

February 9, 2016

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 392 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 392 is respectfully submitted to your committee.

SB 392 would amend procedures by which detainees for inmates are disposed. Under current law, a detainer applies to any person who is imprisoned in a penal or correctional institution in Kansas and the official who has custody of the person. SB 392 would amend the law to apply to only one inmate in the custody of the Secretary of Corrections. The bill would require that detainees be disposed of in the order in which they are placed with the Secretary of Corrections, except if an inmate has detainees from multiple jurisdictions, which the district or county attorney may agree to a different order of disposition. The Secretary would be required to allow transportation of the inmate for the disposing of detainees.

SB 392 would require the Secretary to issue a certificate to the court identifying prescribed factors related to the inmate's confinement. Once the court receives the certificate from the Secretary, the pending action would be brought for trial within a specified timeframe. The timeframe would be 180 days if the inmate has one detainer. If the inmate has detainees from multiple jurisdictions, the first detainer would be brought within 180 days and each subsequent detainer would be brought within 180 days after the return of the inmate to the Secretary or transportation of the inmate to the jurisdiction following disposition of a previous detainer.

The Office of Judicial Administration cannot estimate how many detainees are being filed, but enactment of SB 392 could decrease the number of filings because the bill limits detainees to only an inmate in the custody of the Secretary. Until the courts have had an opportunity to operate under the provisions of SB 392, an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given.

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The Kansas Department of Corrections states enactment of SB 392 would not have any fiscal effect on agency operations. Any fiscal effect associated with SB 392 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Adam Pfannenstiel, Corrections
Melissa Wangemann, Association of Counties
Ashley Michaelis, Judiciary