

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2051

As Amended by Senate Committee of the Whole

Brief*

HB 2051, as amended, would increase the amount of good time credit an inmate sentenced for a drug severity level 3 crime committed on or after July 1, 2012, may earn, from 15 percent to 20 percent. The bill would allow the same inmates to earn program credits and would increase the amount of time that may be earned by any eligible inmate for program credits from 60 days to 90 days.

The Secretary of Corrections (Secretary) would be directed to publish program credits earned by an inmate on the Department of Correction's public website if the inmate consents and publication is not contrary to State or Federal law. The Secretary would be required to implement this provision no later than July 1, 2015.

The bill would provide immunity for the State, the Secretary, and the Secretary's agents and employees for damages caused by negligent or wrongful acts or omissions in making good time or program credit calculations. The bill would direct the Secretary to make the good time and program credit calculations authorized by the bill no later than January 1, 2016, and the provisions of the bill would be construed and applied retroactively.

The bill also would amend the list of adult offenders who are eligible to be placed in community correctional services programs to remove placements based on offense classification and expand placements based on the use of a standardized risk assessment tool specified by the Kansas

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Sentencing Commission. Those offenders who are determined, on or after July 1, 2014, to be moderate- or very-high-risk by this tool would be eligible for placement. (Note: offenders who are determined to be high-risk by this tool are eligible under current law.)

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission. As introduced, the bill contained the good time and program credit provisions.

In the House Committee, the Executive Director of the Sentencing Commission and the Secretary of Corrections testified in support of the bill. There was no neutral or opponent testimony.

In the Senate Committee on Corrections and Juvenile Justice, the same conferees testified as before the House Committee. There was no other testimony.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*, to provide immunity with regard to good time and program credit calculations, and to add the language of HB 2056 regarding risk assessment for community corrections placement. Further background information regarding HB 2056 follows the fiscal information for HB 2051.

The Senate Committee of the Whole amended the bill to require the Secretary to publish program credits earned by an inmate on the Department of Correction's website.

According to the fiscal note prepared by the Division of the Budget on HB 2051, as introduced, the Sentencing

Commission estimates the bill would reduce adult prison bed needs by 119 beds in FY 2016 and by 181 beds by FY 2017.

As of January 12, 2015, available prison bed capacity was 9,636. Based upon the Sentencing Commission's most recent ten-year projection, the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. The bill would alleviate the projected shortfalls in FY 2016 and FY 2017, although the Department of Corrections may need to house inmates in contract beds in FY 2015. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.

In addition to the bed estimates described above, the Sentencing Commission's bed impact assessment for the bill indicates it would save 173 prison beds in FY 2025.

Background of HB 2056

HB 2056 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Sentencing Commission. In the House Committee, the Executive Director of the Sentencing Commission and representatives of the Office of Judicial Administration, Riley County Community Corrections, and the Kansas Association of Counties testified in support of the bill. There was no neutral or opponent testimony.

In the Senate Committee on Corrections and Juvenile Justice, the Executive Director of the Sentencing Commission and representatives of the Kansas Community Corrections Association and the Office of Judicial Administration testified in support of the bill. The Secretary of Corrections and a representative of the Kansas Association of Counties provided written testimony supporting the bill. There was no neutral or opponent testimony.

As noted previously, the Senate Committee added the contents of HB 2056 to HB 2051.

The fiscal note prepared by the Division of the Budget indicates any fiscal effect resulting from the enactment of HB 2056 could be handled within current community corrections program funds in the Department of Corrections. The bill would have no fiscal effect on the Judicial Branch and no fiscal effect on local governments.