

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2447

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

HB 2447, as amended, would increase the maximum number of days an inmate's sentence may be shortened for earning program credits from 90 days to 120 days. The provisions of the bill would be construed and applied retroactively, and the bill would direct the Secretary of Corrections to make the program credit calculations authorized by the bill no later than January 1, 2017.

The bill also would permit the dismissal of parole, conditional release, or post-release supervision violation charges to be conditioned upon the released inmate agreeing to credit being withheld for the period of time from the date the Secretary of Corrections issued a warrant to the date the offender was arrested or returned to Kansas. The bill would require the time to be credited to the released inmate's sentence if the violation charge was dismissed without the agreement described above or the violation was not established to the satisfaction of the Prisoner Review Board.

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

Background

The bill was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight. As introduced, the bill contained the provisions regarding program credits. In

*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>

the House Committee on Corrections and Juvenile Justice, proponent testimony was provided by the interim Secretary of Corrections and a private citizen. There was no neutral or opponent testimony.

The House Committee adopted an amendment proposed by the interim Secretary of Corrections to make the bill effective upon publication in the *Kansas Register* and to specify that the program credit calculations must be made by January 1, 2017.

In the Senate Committee on Corrections and Juvenile Justice, proponent testimony was provided by the interim Secretary of Corrections. There was no neutral or opponent testimony. The Senate Committee amended the bill to add the language of HB 2620. Further background for HB 2620 is included below.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission estimates HB 2447, as introduced, would save 115 adult prison beds in FY 2017. As of January 15, 2016, the available bed capacity is 9,636. Based upon the Commission's most recent 10-year projection, the year-end population will exceed the available male capacity by 326 inmates in FY 2016 and 516 inmates in FY 2017.

Based on a contract rate of \$40 per day, the Department of Corrections estimates the bill could help it avoid costs of \$791,200.00 in FY 2017 to house inmates in contract beds.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

Background of HB 2620

HB 2620 was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Department of Corrections (KDOC). In the hearing before the

House Committee, a representative of KDOC offered proponent testimony explaining the bill would apply to offenders who abscond from parole, conditional release, or post-release supervision. No neutral or opponent testimony was provided.

The same conferee testified in the hearing before the Senate Committee on Corrections and Juvenile Justice.

According to the fiscal note prepared by the Division of the Budget, KDOC indicates enactment of HB 2620 could have a fiscal effect on agency operations; however, KDOC cannot estimate a fiscal effect at this time. The Kansas Sentencing Commission estimates enactment of the bill could have an effect on prison admission and bed space; however, the Commission cannot provide an estimate at this time. If the Commission provides an estimate, a revised fiscal note will be issued. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.