

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 392

As Recommended by Senate Committee on
Corrections and Juvenile Justice

Brief*

SB 392 would amend the Uniform Mandatory Disposition of Detainer Act by specifying it is to apply to an inmate in the custody of the Secretary of Corrections (Secretary). The bill would require delivery of an inmate's request of final disposition and would add the Secretary to those persons to whom the request must be sent.

General language regarding a warden, superintendent, or other official having custody of prisoners would be replaced with the term "Secretary," and the term "prisoner" would be replaced with the term "inmate."

Language regarding delivery of the request would be clarified to specify that the Secretary is to promptly take certain actions upon receiving the inmate's request.

A reference to the State Board of Probation and Parole would be updated to reflect the Prisoner Review Board's succession.

Provisions would be added specifying that detainees shall be disposed of in the order in which they are placed with the Secretary. If an inmate has detainees from multiple jurisdictions, the district or county attorneys in those jurisdictions may agree to a different order of disposition. The Secretary would be directed to allow transportation of inmates for the disposition of detainees.

The existing 180-day time limit to bring an indictment, information, or complaint to trial, or a motion to revoke

*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>

probation for hearing, would be clarified to provide that in the case of detainers from multiple jurisdictions, the first detainer shall be brought within 180 days and each subsequent detainer shall be brought with 180 days after return of the inmate to the Secretary or transportation of the inmate to the jurisdiction following disposition of the previous detainer.

The existing continuance provision would be replaced with a provision stating the time limits shall not apply to time during which a continuance or delay has been requested or agreed to by the inmate or the inmate's attorney, to time during which a motion to determine competency of the inmate is pending, or to time during which an inmate is determined to be incompetent to stand trial.

The word "uniform" would be struck from the title of the act in light of the changes made by the bill.

Background

The bill was introduced by the Senate Committee on Corrections and Juvenile Justice at the request of the Kansas County and District Attorneys Association (KCDAA). In the hearing before the Senate Committee, a representative of the KCDAA testified in support of the bill, stating it was requested to clarify that the Act is to apply only to inmates in the custody of the Secretary and not to county jail inmates (in response to the Kansas Supreme Court's decision in *State v. Burnett*, 297 Kan. 447 (2013)) and to clarify the procedures in the Act. A representative of the Kansas Association of Criminal Defense Lawyers offered neutral testimony with a suggested amendment.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates the bill could decrease the number of filings, but an accurate estimate cannot be provided until the courts have operated under the bill's provisions. The Kansas Department of Corrections states the bill would not have a fiscal effect on agency operations. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.