

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 453

As Amended by Senate Committee of the Whole

Brief*

SB 453 would create new law authorizing the Secretary of Corrections (Secretary) to transfer certain offenders to house arrest pursuant to a community parenting release if the following conditions are met:

- The offender is serving a current sentence for a nondrug severity level 4 through 10 felony or a drug severity level 3 through 5 felony and is determined to be low, low-moderate, or moderate risk on a standardized risk assessment;
- The offender has no prior or current conviction for a sex offense or inherently dangerous felony (not to include a drug severity level 3 through 5 felony);
- The offender has not been found by the U.S. Attorney General to be subject to a deportation detainer or order;
- The offender signs any release of information waivers relating to any current or prior child in need of care (CINC) cases involving the offender;
- The offender had physical custody of such offender's minor child or was a legal guardian or custodian with physical custody of a minor child at the time the offense for which the offender is serving a sentence was committed;

*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 offender has 12 months or less remaining of the offender's sentence; and
- The Secretary determines that such placement is in the best interests of the child.

The duties of the Secretary under the community parenting release would include:

- Obtaining and reviewing any CINC records involving the offender to determine the best interests of the child prior to making a transfer;
- Approving the offender's residence and living arrangement prior to making a transfer;
- Requiring the offender to comply with all provisions of house arrest;
- Requiring the offender to participate in programming and treatment as needed; and
- Assigning a parole officer to monitor the offender's compliance with the conditions of the release.

The Secretary would have the authority to return any offender to a correctional facility to serve the remainder of the offender's sentence if the offender fails to comply with the requirements of the release.

Background

The bill was introduced in the Senate Committee on Corrections and Juvenile Justice at the request of Senator King. At the hearing before the Senate Committee on Judiciary, Senator King, a representative of the Kansas Association of Criminal Defense Lawyers, and a representative of the Kansas Department of Corrections (KDOC) testified in support of the bill. No neutral or opposing testimony was presented. The proponents were in agreement

that enactment of the bill would help to improve incarcerated individuals' parenting skills and would lead to reduced recidivism rates.

The Senate Committee on Judiciary amended the bill to incorporate KDOC's suggestion to strike a requirement for offenders participating in the release to wear GPS-monitoring devices and to assign parole officers, rather than community corrections officers, to supervise offenders participating in the release.

The Senate Committee on the Whole amended the bill to exclude offenders serving a current sentence for a drug severity level 1 or 2 felony from participating in the parenting release. The amendment also would allow offenders with prior or current convictions for drug severity level 3 through 5 inherently dangerous felonies to participate in the parenting release.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, enactment of the bill has the potential to create savings for KDOC and to reduce prison beds. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.