

REVISED
SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2484

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2484, as amended, would amend law related to the amount of good time incarceration credit and program credit allowed by the Kansas Department of Corrections (KDOC) for persons convicted of certain crimes.

- The bill would specify the current good time incarceration credits would be limited to crimes committed between the dates in current law and June 30, 2020. The bill would also allow the following good time incarceration credit for crimes committed after July 1, 2020:
 - 25.0 percent of the prison part of the sentence for a person felony; and
 - 40.0 percent of the prison part of the sentence for a nonperson felony.

Current law allows the following good time incarceration credit:

- 15.0 percent:
 - Crimes committed on or after July 1, 1993; and
- 20.0 percent:

*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>

- Non-drug severity level 7 through 10 crimes committed on or before January 1, 2008;
- Drug severity level 3 or 4 crimes committed on or after January 1, 2008, but prior to July 1, 2012; or
- Drug severity levels 3 through 5 crimes committed on or after July 1, 2012.

Current law provides that the State of Kansas, the Secretary of Corrections, and the Secretary's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission in making good time and program credit calculations. The bill would remove "wrongful" from this immunity provision.

Further, the bill would allow up to 150 days of program credit, which may be awarded based upon the completion of certain KDOC programs while a person is incarcerated. Current law allows for up to 120 days of such program credit.

Finally, the bill would also make technical amendments to remove outdated language regarding previously required good time and program credit calculations by the Secretary of Corrections and to ensure consistency in statutory phrasing.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (Commission).

In the House Committee hearing, representatives of the American Civil Liberties Union, the Commission, and the Kansas Association of Criminal Defense Lawyers testified in support of the bill, stating the bill would help incentivize good behavior of inmates while also reducing the number of prison beds needed. Opponent testimony was provided by representatives of the Kansas Association of Chiefs of Police, Kansas County and District Attorneys Association, Kansas

Peace Officers Association; and the Kansas Sheriffs Association, stating the bill, as introduced, would not consider the seriousness of underlying offenses and would not account for crime victims. Written-only neutral testimony was provided by KDOC.

The House Committee amended the bill by inserting provisions that base available good time incarceration credit on the underlying offense, amending the liability for damages caused by acts or omissions in credit calculation, and raising the amount of program credit available.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Commission indicates enactment of the bill would result in a decrease of 150 adult prison beds needed by the end of FY 2021 and a decrease of 2,020 adult prison beds needed by the end of FY 2030. The Commission indicates the bill would have no effect on prison admissions. KDOC indicates enactment of the bill could help the State avoid millions of dollars in costs for future construction, operations, and contract beds between FY 2022 and FY 2029. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.