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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 10, 2021

Subject: Bill Brief on HB 2147

HB 2147 allows early discharge from prison for certain drug offenders.

The bill creates a new provision of law to provide that upon application by an offender in the custody of the secretary of corrections who is serving a sentence for only a severity level 2 through 5 drug crime or a sentence for a primary crime that is a severity level 2 through 5 drug crime, the prisoner review board may grant release to probation for the remainder of such offender's sentence if the offender has successfully served 50% of the prison part of the original sentence. The board shall examine each application and shall not approve an application unless the board determines that the offender does not represent a future risk to public safety.

The board shall establish conditions related to release of these offenders. If an offender released pursuant to this section fails to comply with probation or the board finds the offenders presents a threat or risk to public safety, the release shall be subject to revocation. The district court in which the offender was convicted shall have jurisdiction over the offender, and revocation shall not be subject to the provisions commonly referred to as justice reinvestment in K.S.A. 22-3716(c)(1). Offenders released under this section shall be supervised by community correctional services.

The board's decision regarding release shall be final. In making a determination, the board shall consider whether 50% of the sentence has been served, the risk or threat to public safety if the offender is released, whether a release plan has been established, whether the offender has completed all programs required by the department of corrections and any other factors deemed relevant by the board. This section shall only apply to offenders directly sentenced to prison and not those who are in prison because of a probation revocation.

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An offender may make an application pursuant to this section once during their sentence unless the board allows subsequent applications. This section does not apply to offenders sentenced to prison for off-grid offenses or sentenced to death or life without the possibility of parole.

Section 2 amends K.S.A. 22-3716 to make conforming amendments to provide that offenders released to probation pursuant to section 1 shall not be subject to the revocation provisions in subsection (c)(1).