

Joint Committee on Corrections and Juvenile Justice Oversight

Historical Research on Recommendations and
Proposed Legislation

Kansas Legislative Research Department

November 28, 2022

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Recommendations for 2022

Outcomes

<p>The Joint Committee on Corrections and Juvenile Justice Oversight (CJJO) recommended the Kansas Department of Corrections (KDOC) Community and Field Services Division (Community Corrections) and the Secretary of Corrections immediately develop an incentives plan to include new-hire bonuses, retention bonuses, and referral bonuses, to be presented to the Strengthening People and Revitalizing Kansas (SPARK) Task Force for payment from COVID-19 federal relief funds.</p>	<p>2022 Legislature added \$2.6 million from the State General fund (SGF) in FY 2022 and \$8.5 million SGF for FY 2023 to increase aid to local Community Corrections agencies for the purpose of salary increases.</p>
<p>The Secretary of Corrections should then come before the 2022 Legislature with a pay enhancement package to address wages, night differentials, and premium pay.</p>	<p>2022 Legislature added \$18.6 million, all from the federal ARPA Fund, in FY 2022 and \$34.3 million, including \$33.9 million SGF, for FY 2023 to implement the 24/7 Pay Plan at correctional facilities, as recommended by the SPARK Task Force and approved by the State Finance Council. The plan provides base pay increases, differentials, and premium pay.</p>
<p>The Committee recommended strong support for a \$6.6 million proposal to use maintenance of effort funds for information technology upgrades for Wi-Fi devices and tablet computers, as well as equipment such as the welding tools and commercial driver training simulators, for educational programs at correctional facilities. If maintenance of effort moneys are not needed, the Committee recommends the SPARK Committee approve use of federal ARPA funds for this purpose.</p>	<p>2022 Legislature added \$6.7 million SGF for the Pathways for Success initiative, which provides technical education equipment to correctional facilities, in FY 2022. Equipment includes virtual welders, commercial driver's license simulators, and mobile devices.</p>
<p>The Committee expressed concern regarding expenditures from the Evidence-based Programs Account being limited only to programs identified in the annual budgeting process, and suggests rolling grant application cycles be implemented. The Committee recommended the House Committee on Corrections and Juvenile Justice and the Senate Committee on Judiciary consider a bill that clarifies the distribution of funds in the Evidence-based Programs Account.</p>	<p>Proposed 2022 HB 2200 would expand allowable expenditures from the Evidence-based Juvenile Programs and require KDOC to develop grant program available to any provider of evidence-based community programs for juveniles. Further, the bill would require expenditures from the account be made on a rolling basis. The bill was passed out of the House Committee.</p>
<p>The Committee recommended allowing all KDOC employees to be included in the Kansas Public Employees Retirement System Corrections Plan, with first priority given to juvenile correctional officers.</p>	<p>2022 Legislature deleted \$10.0 million SGF from the State Finance Council for conversion of certain KDOC employees, including juvenile correctional officers, and Kansas Department of Wildlife and Parks law enforcement officers to the Kansas Police & Firemen's retirement system for FY 2023. Funds were deleted due to not passing HB 2713 or SB 524, which would implement the policy change for this conversion.</p>
<p>The Committee encouraged the Senate Committee on Judiciary to take action on 2021 HB 2030, which would allow for the release of an inmate with a terminal medical condition likely to cause death within 120 days rather than within 30 days pursuant to current law. The Committee notes the House vote on February 10, 2021, was 96 Yeas and 29 Nays.</p>	<p>2021 HB 2030 died in Senate Judiciary Committee on May 23, 2022.</p>
<p>The Committee recommended the Legislature consider eliminating fines and fees for justice-involved youth to include expungement fees set by each county.</p>	<p>February 14, 2022: Informational hearing held in House Corrections and Juvenile Justice Committee</p>

The Committee recommended KDOC conduct an outreach program, webinar, or campaign or some combination of those on how to apply for Evidence-based Programs Fund Account of the State General Fund moneys.	
The Committee recommended adding funding for the creation of a Jobs for America's Graduates – Kansas (JAG-K) program at the Kansas Juvenile Correctional Complex (KJCC).	2022 Legislature added language directing that up to \$3.5 million SGF from the Evidence-based Juvenile Programs account be made available to the JAG-K program both in FY 2022 and for FY 2023.
The Committee recommended KDOC submit an appropriation request for Career Technical Education facility renovation at the KJCC.	
The Committee recommended support of the offender registration bill, HB 2092, recommended by the Kansas Judicial Council's Advisory Committee on Sex Offenses and Registration.	2022 SB 366 became law on May 12, 2022.
The Committee recommended postponing consideration of changes to Topeka Correctional Facility and KJCC until the report on regional juvenile correctional facilities from Clark & Enersen is complete; it is due July 1, 2022.	See Clark & Enersen report
The Committee recommended the Legislature adopt the Kansas Sentencing Commission's policy recommendations (ten bills introduced in the 2021 Session):	
● Establishing a more robust KDOC compassionate release policy, HB 2030;	2021 HB 2030 died in Senate Judiciary May 23, 2022.
● Incentivizing offenders to be successful in prison, HB 2031;	2021 HB 2031 died in House Corrections and Juvenile Justice Committee May 23, 2022.
● Incentivizing offenders to be successful on probation, HB 2084;	2021 HB 2084 died in House Corrections and Juvenile Justice Committee May 23, 2022.
● Modifying offender registries, HB 2092;	2021 HB 2092 died in House Corrections and Juvenile Justice Committee May 23, 2022. (See 2022 SB 366)
● Clarifying multiple sentencing of offenders, HB 2081;	2021 HB 2081 died in Senate Judiciary May 23, 2022.
● Early release for certain drug offenders, HB 2147;	2021 HB 2147 died in House Corrections and Juvenile Justice Committee May 23, 2022.
● Sentencing proportionality for drug possession offenses, HB 2139;	2021 HB 2139 died in House Corrections and Juvenile Justice Committee May 23, 2022.
● Sentencing drug grid modification to reflect sentencing realities, HB 2146;	2021 HB 2146 was stricken from the House calendar on March 5, 2021.
● Sentencing nondrug grid modification to reflect sentencing realities, HB 2350; and	2021 HB 2350 died in House Corrections and Juvenile Justice Committee May 23, 2022.
● Sentencing proportionality of property crimes, SB 5.	2021 SB 5 died in Senate Judiciary Committee May 23, 2022.
Proposed Legislation for 2022	

<p>The Committee requested the filing of a bill that restores \$21.1 million to the Evidence-based Programs Account. This bill would be introduced in both the Senate Committee on Ways and Means and the House Committee on Appropriations;</p>	<p>2022 Legislature added \$21.1 million SGF to the Evidence-based Juvenile Programs account in FY 2022 to restore funding lapsed in the previous budget cycle as part of the reduced resources budget pursuant to SB 267. 2022 SB 320 was introduced for this same purpose, but died in Committee.</p>
<p>The Committee requested the filing of a bill that would prohibit the physical restraint of juveniles in court appearances without a showing of just cause.</p>	<p>2022 HB 2471 died in House Corrections and Juvenile Justice Committee May 23, 2022.</p>
<p>Recommendations for 2021</p>	
<p>The Committee recognized the efforts of the Secretary of Corrections and the staff of KDOC in managing the COVID-19 pandemic in department facilities and extends its deepest gratitude to the staff working in those facilities who placed themselves in harm's way every day to protect the people of the State of Kansas. Additionally, to the families, friends, and co-workers of those staff who died as a result of COVID-19 while in service to the state, the Committee extends its deepest sympathies.</p>	
<p>The Committee recommended the Legislature hold firm on limitations placed on the Evidence-based Programs Account of the State General Fund and not use it to balance the state budget.</p>	<p>2021 Legislature deleted \$21.1 million from the Evidence-based Juvenile Programs account in FY 2021, which restored half of the \$42.2 million proposed by the Governor to be lapsed to align with the June 2020 allotment plan.</p>
<p>The Committee recommended addressing conditions of confinement of the female inmates at the Topeka Correctional Facility, through the possible repurposing of the Kansas Juvenile Correctional Complex, or through other facility improvements.</p>	<p>See Clark & Enersen report</p>
<p>The Committee recommended improvements to the juvenile legal defense system be explored.</p>	
<p>The Committee recommended that adult and juvenile offenders, preferably during their term of confinement, or upon release, have the opportunity to be involved in WorkKeys or another nationally recognized educational program to prepare them for work, and that work preparation be emphasized.</p>	
<p>The Committee recommended an expedited study of the potential of repurposing the Kansas Juvenile Correctional Complex (KJCC) in Topeka, perhaps for adult KDOC use, and creating three smaller, regionally dispersed juvenile facilities in south-central, northeast, and western Kansas (possibly including the former juvenile correctional facility in Larned), including the potential use of reinvestment funds and bonding paid through the Juvenile Detention Facilities Fund for such a project without new SGF funding. The purpose would be to better utilize KJCC bed capacity, to keep offenders nearer to families, and to utilize smaller facilities consistent with best practices for juvenile correctional facilities.</p>	<p>2021 Legislature added \$200,000, all from the State Institutions Building Fund, for FY 2022 to study the repurposing of the Kansas Juvenile Correctional Complex and establishment of three or more smaller regional juvenile facilities. The Legislature also added language requiring the study to address future plans for the former Larned Juvenile Correctional Facility and other underutilized facilities within the correctional system. See Clark & Enersen report</p>

<p>The Committee recommended the Legislature revisit 2020 HB 2547, as amended by the House Committee on Corrections and Juvenile Justice, making changes to suspended drivers' license requirements, and 2020 SB 275, as amended by House Committee on Transportation, regarding eligibility requirements for restricted driving privileges, exclusion from an additional 90-day waiting period, and removing and changing certain fees that apply for failure to comply with a traffic citation. The Committee also recommended further study be undertaken to seek an appropriate method to provide the financial support necessary for Kansas courts to operate, should this legislation be enacted, and that in the course of such study careful consideration be given to all fees that are assessed, including those for expungements, to fund the Courts in lieu of SGF support.</p>	<p>2021 HB 2193 was referred to the House Transportation Committee.</p> <p>SB 100 was added by conference committee to 2021 SB 127 and became law on May 6, 2021.</p>
<p>The Committee stated it supports the restoration of funding to the KDOC budget for facility renovation to create 250 beds for substance abuse treatment for inmates, to ensure that those who need substance abuse treatment while in KDOC custody can receive it.</p>	<p>2022 Legislature added \$12.7 million, including \$6.6 million SGF, in capital improvement expenditures for reconstruction projects involving a 200-bed substance abuse treatment center at the Lansing Correctional Facility and a 241-bed assisted living unit and substance abuse treatment center at the Winfield Correctional Facility. The Legislature also budgeted for \$9.6 million SGF and 104.1 FTE positions to operate these recently reconstructed facilities for FY 2023.</p>
<p>The Committee recommended the expansion of successful, evidence-based programs involving early intervention and early childhood, and consideration of the potential impact of these.</p>	
<p>The Committee continues to be concerned regarding the lack of progress on juvenile crisis intervention centers, and asks the appropriate standing committees to carefully study any proposal by the Department for Children and Families or the Department for Aging and Disability Services.</p>	
<p>The Committee requested KDOC explore the possibility of an expanded medical and compassionate release program.</p>	
<p>The Committee stated it supports consideration of the possible removal of barriers to employment for those receiving technical education or occupational licensing while incarcerated or while trying to reintegrate into society.</p>	
<p>The Committee recommended the Legislature consider the possibility of amnesty for those with outstanding suspended driver's licenses and reinstatement fees due.</p>	<p>2021 HB 2193 was referred to the House Transportation Committee, SB 100 was added by conference committee to 2021 SB 127 and became law on May 6, 2021.</p>
<p>Proposed Legislation for 2021</p>	
<p>The Committee requested legislation based on the following bills that passed the House or were recommended favorably by the House Committee on Corrections and Juvenile Justice in 2020 be prefiled in both the House and Senate, if approved by the Legislative Coordinating Council, and that the chairperson and vice-chairperson of this Committee meet with leadership following the December elections to coordinate between chambers to expedite the consideration of the legislation, including joint House and Senate committee hearings:</p>	

<ul style="list-style-type: none"> ● HB 2469, as amended by the House Committee on Corrections and Juvenile Justice, extending terminal medical release to inmates in the custody of the Department of Corrections with a condition likely to cause death within 120 days; 	<p>2021 SB 7 1/10/21 Introduced in Senate; 1/12/21 Referred to Senate Judiciary; 1/26/21 Hearing; 5/23/21 Died in Senate Judiciary</p> <p>2021 HB 2030 1/11/21 Introduced in House; 1/11/21 Referred to House Corrections and Juvenile Justice; 2/10/21 Passed House 96-29; 2/11/21 Referred to Senate Judiciary; 5/23/21 Died in Senate Judiciary</p>
<ul style="list-style-type: none"> ● HB 2484, as amended by House Committee, increasing good time credits and program credits for certain offenders; 	<p>2021 SB 8 3/30/21 Motion to strike from calendar adopted</p> <p>2021 HB 2031 5/23/22 Died in House Corrections and Juvenile Justice</p>
<ul style="list-style-type: none"> ● HB 2485, as introduced, aligning the felony loss thresholds for certain property crimes; 	<p>2021 SB 5 5/23/22 Died in Senate Judiciary</p> <p>2021 HB 2028 3/5/21 Stricken from calendar</p>
<ul style="list-style-type: none"> ● HB 2494, as introduced, amending the criminal penalties for unlawfully tampering with electronic monitoring equipment; 	<p>2021 SB 4, added to 2021 HB 2026 in conference, 7/1/21 became law</p>
<ul style="list-style-type: none"> ● HB 2518, as introduced, counting any crime with a domestic violence designation as a prior conviction under domestic battery; and 	<p>2021 SB 6 Died in Senate Judiciary</p> <p>2021 HB 2029 Died in Senate Judiciary</p>
<ul style="list-style-type: none"> ● HB 2708, as introduced (with small changes suggested by the Judicial Branch), creating a drug abuse treatment program for people on diversion and allowing county attorneys to enter into agreements with court services and community corrections for supervision. 	<p>2021 HB 2026, 7/1/21 became law</p>
<p>Recommendations for 2020</p>	
<p>The Committee recommended the Legislature ensure the Evidence-based Programs Account of the State General Fund, created by KSA 75-52,164, be protected to serve the purposes set forth in that statute and that moneys from that fund be accessible only through an appropriation approved by the Legislature. The Committee further recommended the Secretary of Corrections ensure there is a public process for application for moneys from the fund, and the Secretary and the Juvenile Justice Oversight Committee be vigilant and engaged in assessing needs for development of programs with moneys from the fund.</p>	

<p>The Committee noted its concern regarding information received from conferees suggesting youth within the child welfare system are subject to repeated and multiple moves and placements that do not serve this population well and place them at higher risk to becoming crossover youth. In light of this concern, the Committee recommended, as agencies who serve this population develop software information management systems, the agencies should ensure such systems are capable of sharing and extracting data regarding this population so it may be used in a meaningful way. The Committee further recommended the Legislature continue to study current requirements regarding records, the variables and agencies that should be included in data collection and records requirements, and whether elements of military compact provisions regarding educational records could be adapted for use in this context.</p>	<p>2020 HB 2744</p>
<p>The Committee noted its disappointment at the lack of equity in the treatment of female inmates in Kansas, and recommends female inmates receive similar access to treatment and training as male inmates and the Secretary of Corrections be asked to develop a strategy so male and female inmates have the highest access to programs designed to mitigate risks. The Committee notes if strategies such as increased good time credit are authorized by the Legislature, the legislative budget committees should be aware of the need there will be for community services.</p>	
<p>As correctional workforce stability is achieved, the Committee requests the Secretary of Corrections consider and develop a plan to address the unintended consequences of recent salary increases on salary equity based on education level requirements and inform the Legislature whether additional resources are needed to implement such a plan.</p>	
<p>The Committee recommended, if progress has not been made by the start of the 2020 Legislative Session on a plan to provide expanded career programs through Pell Grants, the Legislature adopt a joint resolution encouraging the development of such a plan.</p>	
<p>The Committee recommended further study by appropriate legislative committees of the issue of unruly, disruptive, and potentially dangerous children and limitations on alternatives for short-term care and custody.</p>	
<p>To help inform the Legislature regarding the other issues addressed in its recommendations, the Committee requested legislative leadership invite Dr. Elizabeth Cauffman from the University of California, Irvine, to present to both legislative chambers on the topic of brain development.</p>	
<p>The Committee noted its concern regarding information received from conferees with regard to payments for kinship placements and, notwithstanding the agency's incremental increase, the Committee recommended further study of the topic to determine whether additional enhancement of payments is necessary.</p>	
<p>Proposed Legislation for 2020</p>	
<p>The Committee requested legislation to allow detention of runaways for a 24-hour period.</p>	<p>2020 HB 2445 5/21/20 Died in House Corrections and Juvenile Justice</p>
<p>Recommendations for 2019</p>	
<p>The Committee recommended appropriate agencies address the issue of Medicaid suspension versus termination for persons entering the correctional system.</p>	

The Committee recommended the Legislature consider ways to increase the use of electronic surveillance of offenders as an alternative to expanding prison bed space.	
In light of lawsuits in other states regarding screening and treatment of inmates with hepatitis C, the Committee recommends KDOC consider implementing treatment for inmates with hepatitis C.	2019 Legislature added \$4.5 million SGF for hepatitis C treatment among inmates for FY 2020. Funds were appropriated each subsequent fiscal year for this purpose, including \$6.0 million SGF for FY 2023.
The Committee recommended the Legislature provide the necessary funding for the expanded provision of SB 123 Program services.	
Noting comments from KDOC employees regarding the difficulties presented by the current level of pay and benefits, the Committee recommended the Legislature increase pay and benefits for KDOC employees. Committee members suggested various options the Legislature could consider to accomplish this recommendation, although the Committee did not have an opportunity to further vet the suggestions. The suggestions included:	2019 Legislature added \$11.6 million SGF for correctional officer salary increases for FY 2020
<ul style="list-style-type: none"> • Bringing facility correctional officers within the Kansas Police and Firemen's Retirement System 	<p>2018 HB 2448 5/4/2018 Died on Senate General Orders</p> <p>2019 SB 121 3/4/2020 Stricken from calendar</p> <p>2019 HB 2139 5/21/20 Died in House Committee on Financial Institutions and Pensions</p> <p>2019 HB 2165 5/21/20 Died in House Committee on Financial Institutions and Pensions</p>
<ul style="list-style-type: none"> • Implementing a 15.0 percent across-the-board increase in compensation for KDOC • Allowing the Secretary of Corrections to implement special incentives for KDOC • Eliminating classified positions to allow more ability to provide incentives and merit pay; and • Building a 401(k) system. 	
Proposed Legislation for 2019	
Lapse \$6.0 million from the Kansas Department of Health and Environment (KDHE) Evidence-based Programs Account and restore \$6.0 million to the KDOC Evidence-based Programs Account for FY 2019, while also considering the possible need to move other funds to KDHE to cover Medicaid caseloads for FY 2019 that would have been covered by part of the lapsed \$6.0 million; and	<p>2019 SB 14 5/21/20 Died in Senate Ways and Means Committee</p> <p>2019 HB 2027 2/21/20 Died in House Committee on Transportation and Public Safety Budget</p>

Expand the allowable purposes of the Evidence-based Programs Account of the State General Fund, created by KSA 75-52-164, to allow expenditures to be made for transportation and electronic monitoring costs related to the programs and practices served by the Account.	2019 HB 2028 2/21/20 Died in House Committee on Transportation and Public Safety Budget
Recommendations for 2018	
The House Committee on Appropriations and the Senate Committee on Ways and Means should consider a plan to restore \$1.5 million in funding for inmate treatment programs in state institutions for each of the next three years;	
The House Committee on Corrections and Juvenile Justice should not pass HB 2352 as proposed or as amended, but continue to study the issue and consider legislation changing how juvenile dispositions are treated with regard to future application of the offender;	
The House Committee on Corrections and Juvenile Justice should monitor the state budget and, if possible, recommend passage and funding of 2017 HB 2087, HB 2088, and HB 2090, concerning modifications to the SB 123 program;	2018 HB 2458 Became law on 7/1/2018
The House Committee on Corrections and Juvenile Justice should recommend to the full House a bill similar to 2017 HB 2092, aligning all financial loss crimes with the current threshold of \$1,500;	2018 HB 2568 5/4/18 Died in Senate Judiciary Committee
The Joint Committee on State Building Construction and the State Finance Council should delay the process for approving construction at the Lansing Correctional Facility until February 15, 2018, to give the Legislature an opportunity to more fully vet and approve plans for construction;	
The House Committee on Corrections and Juvenile Justice and the Senate Committee on Judiciary should meet jointly to discuss human trafficking with input from the Attorney General's Human Trafficking Advisory Board, representatives of the Wichita State University Center for Human Trafficking, and other stakeholders;	
The House Corrections and Juvenile Justice and Senate Judiciary Committees should continue to study possible changes to Kansas' Romeo and Juliet laws; and	Kansas Judicial Council study
The Kansas Sentencing Commission should reconvene its proportionality committee and make recommendations based on the category and severity of crimes to the 2018 Joint Committee on Corrections and Juvenile Justice Oversight and the 2019 Legislature.	
The Committee also recommended sending letters to Chief Justice Lawton Nuss concerning implementation of multidisciplinary teams required to be appointed pursuant to KSA 2016 Supp. 38-2393; the Secretary for Children and Families concerning the placement of runaways and status offenders in detention; and the Secretary of Corrections asking for more detail on the substantial increase in capacity at El Dorado Correctional Facility without the need for additional staff.	
Proposed Legislation for 2018	

The Committee requested legislation to stay limits on overall case lengths for juvenile offenders who abscond from supervision such that the case timeline does not begin until the dispositional order is entered;	2018 HB 2456, added to 2018 HB 2454 in conference, Became law on 7/1/2018
The Committee requested legislation to clarify a fee may be assessed as part of applications under the Immediate Intervention Program, specify the fee shall not exceed \$100, and allow juvenile corrections advisory boards to determine the amount of the fee;	2018 HB 2453 5/4/18 Died in House Corrections and Juvenile Justice Committee
The Committee requested legislation to amend KSA 2017 Supp. 75-52,161(d)(7) to change “calculate” to “monitor,” as requested by the Juvenile Justice Oversight Committee; and	2018 HB 2455, added to 2018 HB 2454 in conference, Became law on 7/1/2018
The Committee requested legislation to allow a juvenile’s attorney to waive appearance at the 14-day detention review hearing in KSA 2017 Supp. 38-2343, or allow the juvenile to appear via audio-video communications.	2018 HB 2454 Became law on 7/1/2018