

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2030

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2030 would allow the Kansas Department of Corrections (KDOC) to release an inmate with a terminal medical condition likely to cause death within 120 days.

Current law allows the Prisoner Review Board (Board) to approve the release of an inmate if a doctor determines the inmate has a terminal medical condition likely to cause death within 30 days and does not represent a future risk to public safety. Release of an inmate is conditional and may be revoked if the:

- Person's illness or condition significantly improves;
- Person does not die within 30 days of release;
- Person fails to comply with any condition of release; or
- Board otherwise concludes the person presents a threat or risk to public safety.

The bill would retain those revocation conditions but replace all references to "30 days" with "120 days." It would allow revocation of release if the person does not die within 120 days of release.

*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>

Background

HB 2030 was prefiled for introduction by the Joint Committee on Corrections and Juvenile Justice Oversight on December 31, 2020.

[*Note:* HB 2030 contains provisions similar to those of 2020 HB 2469 as amended by the House Committee on Corrections and Juvenile Justice.]

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on January 26, 2021, Representative Highberger and representatives of the American Civil Liberties Union of Kansas, KDOC, and the Kansas Sentencing Commission testified as **proponents** of the bill.

Written-only **opponent** testimony was provided by a representative of the Johnson County Sheriff's Office and a private individual. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, KDOC indicates approximately 10 people per year could be eligible for consideration for terminal medical release if the period is extended to 120 days. KDOC received approximately 1 application per year under the 30-day-period requirement from fiscal year (FY) 2016 to FY 2020. KDOC indicates it could absorb any increases in workload within existing resources.

Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Terminal medical condition; release; death