

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2654

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2654 would provide guidance for the consolidation of supervision into one supervision entity or agency for an offender under the supervision of two or more supervision entities or agencies.

The bill would amend the statute governing transfer of supervision of persons on parole, on probation, assigned to a community correctional services program, or under suspended sentence to allow the district court where the defendant is currently being supervised to use the guidelines to determine whether it is appropriate to transfer jurisdiction of the defendant to a different district court or retain the jurisdiction.

***District Court Transferring Supervised Offenders to
Another District Court***

If the defendant is being sentenced and is already being supervised on parole, on probation, assigned to a community corrections program, or under suspended sentence, then the district court where the defendant is currently being supervised would be authorized to use the guidelines to determine whether it is appropriate to transfer jurisdiction of the defendant to different district court.

*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>

Two Supervision Entities or Agencies

If a new sentence would place the defendant under the supervision of two supervision entities or agencies, the bill would authorize the court to consider:

- Granting jurisdiction to the court with jurisdiction over the offense that has the longest underlying sentence of imprisonment; and
- Whether the severity of the new offense requires a higher level of supervision.
- If a higher level of supervision is not required, the bill would state there may be a preference for maintaining supervision of the defendant by the current supervising entity or agency for the duration of supervision.
- If a higher level of supervision is required, the bill would state there may be a preference for transferring supervision responsibility of the defendant to the appropriate supervision entity or agency for the duration of the supervision.

Two or More Supervision Entities or Agencies and Equal Sentences

If two or more supervision entities or agencies are supervising the defendant for equal sentences, the bill would authorize the court to consider:

- Residency of the defendant;
- Ability of the defendant to travel to the supervision office from the defendant's residence, place of employment, and school;

- Resources for residential and nonresidential sanctions or rehabilitative treatment available from each supervision entity or agency; and
- Level of supervision available to the defendant by each supervision entity or agency.

District Court Retaining Jurisdiction

Under continuing law moved within the section by the bill, the district court from which the defendant is on parole, probation, assignment to a community correctional services program, or suspended sentence may retain jurisdiction of the defendant. The bill would add language providing that if this happens, the defendant would be supervised by one supervision entity or agency.

Memorandum of Understanding

The bill would require the Kansas Department of Corrections (KDOC) and the Office of Judicial Administration (OJA) to enter into a memorandum of understanding (MOU) providing that a defendant on parole, probation, assignment to a community correctional services program, or suspended sentence would be supervised by one supervision agency or entity. The MOU would be required to include, but not be limited to, provisions related to:

- Criteria for determining the most appropriate supervision agency or entity;
- How the financial obligations of supervision will be managed;
- Conditions of supervision;
- Sanctions for violations of supervision;

- Standards for seeking revocation of parole, probation, assignment to a community correctional services program, or suspended sentence;
- Termination of supervision; and
- Information sharing between supervision entities or agencies.

Background

The bill was introduced in the House Committee on Corrections and Juvenile Justice by a representative of Riley County Community Corrections on behalf of the Kansas Criminal Justice Reform Commission.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on February 16, 2022, a representative of Reno County Community Corrections presented **proponent** testimony on behalf of a representative of Riley County Community Corrections and the Kansas Criminal Justice Reform Commission. A representative of the Council of State Governments Justice Center also presented proponent testimony.

Written-only **opponent** testimony was provided by a representative of the Kansas Association of Court Services Officers.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, the Office of Judicial Administration indicates the bill could have a fiscal effect due to the effect of the number of cases supervised by court services officers. Additionally, the bill could affect supervision fees received by

the courts. The fiscal effect could not be determined because the increase or decrease in cases could not be estimated.

The Kansas Sentencing Commission and the Kansas Department of Corrections indicate enactment of the bill would have no fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Criminal procedure; supervision consolidation; Kansas Department of Corrections; Office of Judicial Administration