

SENATE BILL No. 283

By Committee on Ways and Means

2-19

9 AN ACT concerning criminal procedure; relating to community correc-
10 tions; amending K.S.A. 2008 Supp. 75-5291 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 75-5291 is hereby amended to read as
15 follows: 75-5291. (a) (1) The secretary of corrections may make grants to
16 counties for the development, implementation, operation and improve-
17 ment of community correctional services that address the criminogenic
18 needs of felony offenders including, but not limited to, adult intensive
19 supervision, substance abuse and mental health services, employment and
20 residential services, and facilities for the detention or confinement, care
21 or treatment of offenders as provided in this section except that no com-
22 munity corrections funds shall be expended by the secretary for the pur-
23 pose of establishing or operating a conservation camp as provided by
24 K.S.A. 75-52,127 and amendments thereto.

25 (2) Except as otherwise provided, placement of offenders in com-
26 munity correctional services programs by the court shall be limited to
27 placement of adult offenders, convicted of a felony offense:

28 (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the
29 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,
30 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In
31 addition, the court may place in a community correctional services pro-
32 gram adult offenders, convicted of a felony offense, whose offense is clas-
33 sified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the
34 sentencing guidelines grid for nondrug crimes;

35 (B) whose severity level and criminal history score designate a pre-
36 sumptive prison sentence on either sentencing guidelines grid but receive
37 a nonprison sentence as a result of departure;

38 (C) all offenders convicted of an offense which satisfies the definition
39 of offender pursuant to K.S.A. 22-4902, and amendments thereto, and
40 which is classified as a severity level 7 or higher offense and who receive
41 a nonprison sentence, regardless of the manner in which the sentence is
42 imposed;

43 (D) any offender for whom a violation of conditions of release or

1 assignment or a nonprison sanction has been established as provided in
2 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting
3 in the offender being required to serve any time for the sentence imposed
4 or which might originally have been imposed in a state facility in the
5 custody of the secretary of corrections;

6 (E) on and after ~~July 1, 2010~~ *January 1, 2011*, for offenders who are
7 expected to be subject to supervision in Kansas, who are determined to
8 be “high risk or needs, or both” by the use of a statewide, mandatory,
9 standardized risk assessment tool or instrument which shall be specified
10 by the Kansas sentencing commission;

11 (F) placed in community correctional services programs as a condi-
12 tion of supervision following the successful completion of a conservation
13 camp program; or

14 (G) who has been sentenced to community corrections supervision
15 pursuant to K.S.A. 21-4729, and amendments thereto.

16 (3) ~~(A)~~ Notwithstanding any law to the contrary and subject to the
17 availability of funding therefor, adult offenders sentenced to community
18 supervision in Johnson county for felony crimes that occurred on or after
19 July 1, 2002, but before ~~July 1, 2010~~ *January 1, 2011*, shall be placed
20 under court services or community corrections supervision based upon
21 court rules issued by the chief judge of the 10th judicial district. The
22 provisions contained in this subsection shall not apply to offenders trans-
23 ferred by the assigned agency to an agency located outside of Johnson
24 county. The provisions of this paragraph shall expire on ~~July 1, 2010~~ *Jan-*
25 *uary 1, 2011*.

26 ~~(B) On or before the first day of the 2009 legislative session, the~~
27 ~~Kansas sentencing commission shall submit a written report on such of-~~
28 ~~fender program to the senate standing committee on judiciary and the~~
29 ~~house of representatives standing committee on judiciary.~~

30 (4) Nothing in this act shall prohibit a community correctional serv-
31 ices program from providing services to juvenile offenders upon approval
32 by the local community corrections advisory board. Grants from com-
33 munity corrections funds administered by the secretary of corrections
34 shall not be expended for such services.

35 (5) The court may require an offender for whom a violation of con-
36 ditions of release or assignment or a nonprison sanction has been estab-
37 lished, as provided in K.S.A. 22-3716, and amendments thereto, to serve
38 any time for the sentence imposed or which might originally have been
39 imposed in a state facility in the custody of the secretary of corrections
40 without a prior assignment to a community correctional services program
41 if the court finds and sets forth with particularity the reasons for finding
42 that the safety of the members of the public will be jeopardized or that
43 the welfare of the inmate will not be served by such assignment to a

1 community correctional services program.

2 (b) (1) In order to establish a mechanism for community correctional
3 services to participate in the department of corrections annual budget
4 planning process, the secretary of corrections shall establish a community
5 corrections advisory committee to identify new or enhanced correctional
6 or treatment interventions designed to divert offenders from prison.

7 (2) The secretary shall appoint one member from the southeast com-
8 munity corrections region, one member from the northeast community
9 corrections region, one member from the central community corrections
10 region and one member from the western community corrections region.
11 The deputy secretary of community and field services shall designate two
12 members from the state at large. The secretary shall have final appoint-
13 ment approval of the members designated by the deputy secretary. The
14 committee shall reflect the diversity of community correctional services
15 with respect to geographical location and average daily population of of-
16 fenders under supervision.

17 (3) Each member shall be appointed for a term of three years and
18 such terms shall be staggered as determined by the secretary. Members
19 shall be eligible for reappointment.

20 (4) The committee, in collaboration with the deputy secretary of com-
21 munity and field services or the deputy secretary's designee, shall rou-
22 tinely examine and report to the secretary on the following issues:

23 (A) Efficiencies in the delivery of field supervision services;

24 (B) effectiveness and enhancement of existing interventions;

25 (C) identification of new interventions; and

26 (D) statewide performance indicators.

27 (5) The committee's report concerning enhanced or new interven-
28 tions shall address:

29 (A) Goals and measurable objectives;

30 (B) projected costs;

31 (C) the impact on public safety; and

32 (D) the evaluation process.

33 (6) The committee shall submit its report to the secretary annually
34 on or before July 15 in order for the enhanced or new interventions to
35 be considered for inclusion within the department of corrections budget
36 request for community correctional services or in the department's en-
37 hanced services budget request for the subsequent fiscal year.

38 Sec. 2. K.S.A. 2008 Supp. 75-5291 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.