

SESSION OF 2007

**THIRD CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 14**

As Agreed to May 1, 2007

**Brief\***

House Sub. for SB 14 would:

- Enact a new grant program to encourage community corrections programs to reduce revocation rates by at least 20 percent;
- Grant eligible inmates the ability to earn 60 days of good time credit on a one-time basis upon program completion;
- Provide for good time credits for inmates convicted of a drug severity level 3 or 4 crime or a nondrug severity level 7 through 10 crime to be increased from the current 15 percent to 20 percent;
- Allow the Kansas Department of Corrections (KDOC) to grant financial aid to counties to defray all or part of the expenses of corrections advisory board members in carrying out official duties;
- Grant the Secretary of Corrections authority to disburse a reasonable amount of money earned by an inmate to pay restitution, costs, fines, and fees; and
- Establish the Kansas Criminal Code Recodification Commission.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **KDOC Grant to Reduce Revocation**

The bill would allow for the enactment of a new grant program to be administered by the KDOC to encourage community corrections programs to reduce revocation rates by at least 20 percent. The Secretary of KDOC would adopt grant requirements which would include provisions such as the following:

- Target offenders at medium and high risk for revocation;
- Reduce and specialize caseloads for community corrections officers;
- Provide offenders with needed supervision and services to improve the offender's opportunity to successfully complete community correctional services programs;
- Utilize an intermediate sanctions community supervision model;
- Provide needed staff training and skill development;
- Utilize treatment options including substance abuse treatment, mental health treatment, and cognitive and behavioral programs;
- Utilize gang intervention strategies;
- Address safety concerns of the community;
- Implement a method of tracking and reporting revocations;  
and
- Establish a goal of reducing the number of offenders.

### **Good Time Credits**

Another major provision of the bill would provide for good time credits for certain inmates to be increased from the current 15 percent to 20 percent. The offenders who would be eligible for the 20 percent good time credit would be limited to those offenders who commit a drug severity level 3 or 4, or a nondrug severity level 7 through 10 crime on or after January 1, 2008.

In addition, there would be program credits available to inmates for successful completion of certain programs, such as completion of a general education diploma, technical or vocational training, substance abuse treatment, or any other designated program. Eligible inmates would be able to earn 60 days of good time credit on a one-time basis upon program completion.

### **KDOC Grant**

The bill also would allow for the KDOC to grant financial aid to counties to defray all or part of the expenses of Corrections Advisory Board members in carrying out official duties. Likewise, KDOC would be required to award grants for community correction services. The determination of the amount would be based on staffing levels, administrative costs, funded contracts for services remaining unused, unreasonable indirect costs, client numbers, caseload projections, travel costs, contracted services' costs, shrinkage factors, vacancy savings, turnover rates, and comprehensive community corrections plan submitted to the DOC Secretary.

The Secretary also would be allowed to reduce a grant.

### **Disposition of Inmate Compensation**

The bill would authorize the Secretary of Corrections to disburse a reasonable amount of money, earned by an inmate who is allowed to participate in paid employment or job training

while incarcerated, to the clerk of the district court for payment of all costs, fines, fees, and restitution assessed in the inmate's criminal case. The order of priority for such payments would be restitution, costs, fines, and fees.

### **Kansas Criminal Code Recodification Commission**

The Commission would recodify the criminal code by:

- Reviewing the American Law Institute Model Penal Code, criminal codes in other states, and other resources. The Commission would then make recommendations concerning proposed modifications, amendments, and additions to the code;
- Analyzing and reviewing criminal statutes and make recommendations for legislation to ensure that sentences are appropriate and proportionate to other sentences, with emphasis on the sentencing guidelines grid for drug crimes;
- Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and to review possible adjustments that may relieve or eliminate prison capacity issues;
- Studying and making recommendations concerning statutory definitions of crimes and criminal penalties and evaluate if certain criminal conduct may be combined into one statute; and
- Studying and making revisions to clarify the code to facilitate just and expedient resolution of criminal prosecutions and resolve or prevent statutory conflicts.

In addition, the bill would establish that the Commission would be made up of sixteen members. That composition would be as follows:

- One legislator from the Senate Judiciary Committee appointed by the Senate President;
- One legislator from the Senate Judiciary Committee appointed by the Senate Minority Leader;
- One legislator from the House Judiciary Committee appointed by the Speaker of the House;
- One legislator from the House Judiciary Committee appointed by the House Minority Leader;
- One member from the Judicial Branch appointed by the Chief Justice of the Kansas Supreme Court;
- One member from law enforcement appointed by the Attorney General;
- One defense attorney or public defender appointed by the Governor;
- One county attorney or district attorney appointed by the Kansas County and District Attorney Association;
- Two law professors (one from the University of Kansas and one from Washburn University) appointed by the dean of each respective school of law;
- Two members from the Kansas Judicial Council Criminal Law Advisory Committee appointed by the Criminal Law Advisory Committee;
- One district court judge appointed by the Kansas District Judges Association;
- One member of the Kansas Sentencing Commission appointed by the Kansas Sentencing Commission;

- The Attorney General, or the Attorney General's designee;  
and
- The Secretary of Corrections, or the Secretary's designee.

The Commission members would receive compensation, subsistence allowances, mileage, and other expenses subject to appropriation. The Commission would have the authority to appoint task forces and subcommittees; accept grants and gifts; and hire and employ staff subject to appropriation. Interim reports from the Commission would be due to the Legislature on February 1, 2008, and February 1, 2009. A final report would be due January 11, 2009. The Commission would be assisted by staff from Legislative Research and the Office of Revisor of Statutes. The provisions of the bill would expire on July 1, 2010.

### **Conference Committee Action**

The Third Conference Committee adopted the House amendments to the bill with the following changes:

- Added the provisions of SB 55 concerning the Secretary of Correction's authority to disburse a reasonable amount of money earned by an inmate to pay restitution, costs, fines, and fees;
- Added the provisions of SB 391 concerning the establishment of the Kansas Criminal Code Recodification Commission; and
- Limited the offenders who would be eligible for the 20 percent good time credit to those offenders who commit a drug severity level 3 or 4, or a nondrug severity level 7 through 10 crime on or after January 1, 2008.

## **Background**

The bill, as it passed out of the Senate Committee, would have amended the Kansas Offender Registration Act to expand the list of offenders who are required to register pursuant to the Act.

The bill, as amended by the Senate Committee of the Whole, would have amended the statute which provides the offender shall pay a fee for registration on the Kansas Offender Registry. The amendment would clarify the money collected from the statutory fee would be used solely by the sheriff's office. The bill also would have required offenders convicted of unlawful manufacture or attempt to manufacture methamphetamine, offenders convicted of possession of precursor chemicals with the intent to use the product to manufacture methamphetamine, and offenders convicted of sale or distribution of opiate or narcotic drugs within 1,000 feet of school property, to register.

The House Committee deleted the original contents of SB 14 and inserted the provisions of HB 2141 (An act concerning corrections; creating a grant program to fight crime by strengthening community corrections and implementing risk reduction supervision) and HB 2142 (An act concerning corrections; relating to program credits) in a substitute bill. The House Sub. for SB 14 also contains a provision which would provide 20 percent good time credits to inmates, rather than the current 15 percent; grants eligible inmates the ability to earn 60 days of good time credit on a one-time basis upon program completion; and allows the Kansas Department of Corrections to grant financial aid to counties to defray all or part of the expenses of Corrections Advisory Board members in carrying out their official duties.

The First Conference Committee agreed to disagree on the House amendments to House Sub. for SB 14.

The Second Conference Committee agreed to the House position with the addition to insert the provisions of SB 55

(concerning the Secretary of Corrections, authority to disburse a reasonable amount of money earned by an inmate to pay restitution, costs, fines, and fees) and insert the provisions of SB 391 to establish the Kansas Criminal Code Recodification Commission. The funding provision was deleted by the Conference Committee.

On April 27, 2007, the House adopted the Second Conference Committee Report on a vote of 95 to 30. On the same day the Senate rejected the Second Conference Committee report on a vote of 14 to 25. A motion to reconsider was adopted and the bill was sent back to Conference Committee. A third Conference Committee was requested by the Senate and acceded to by the House.

On May 1, 2007, the Third Conference Committee adopted the House amendments to the bill with the following changes:

- Added the provisions of SB 55 concerning the Secretary of Correction's authority to disburse a reasonable amount of money earned by an inmate to pay restitution, costs, fines, and fees;
- Added the provisions of SB 391 concerning the establishment of the Kansas Criminal Code Recodification Commission; and
- Limited the offenders who are eligible for the 20 percent good time credit to those offenders who commit a drug severity level 3 or 4, or a nondrug severity level 7 through 10 crime on or after January 1, 2008.

community corrections