

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 411**

As Amended by House Committee on  
Judiciary

**Brief\***

SB 411, as amended, would amend existing law by adding three factors to the list of factors considered by the Kansas Parole Board when making determinations regarding parole suitability. The three new factors are risk factors revealed by any risk assessment of the inmate and recommendations by the staff of the facility where the inmate is incarcerated, and proportionality of the time the inmate has served to the sentence a person would receive under the Kansas Sentencing Guidelines for the conduct that resulted in the inmate's incarceration.

**Background**

This issue of parole suitability factors was studied by the 2007 Special Committee on Judiciary. SB 411, as introduced, is the product of the Committee's discussion.

There was no proponent of the bill.

There was no testimony in opposition to the bill.

Patricia Biggs, Parole Board Member, provided neutral testimony to the Senate Committee. Ms. Biggs testified that, although not currently required by statute, the Parole Board already considers risk factors identified by risk assessment instruments as well as the recommendations of the Kansas Department of Corrections' staff. Therefore, she does not

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\*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>

foresee any challenges to implementing these two factors. However, Ms. Biggs does foresee numerous challenges in implementing the proportionality factor.

The Committee amended the bill to strike the proportionality factor from the list of new factors considered by the Kansas Parole Board when making determinations regarding parole suitability.

The House Committee inserted the proportionality provision.

The fiscal note from the Division of Budget states that passage of the bill, as introduced, would have required additional resources from the State General Fund. However, according to the Kansas Parole Board, the amendment to the bill by the Senate Committee obviates the need for additional funding. Additionally, the Kansas Sentencing Commission concludes the bill as amended by the Senate Committee would have no bed space impact on adult prison beds.