

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 520

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

SB 520, as amended, would amend current law to clarify that a city or county may allow persons incarcerated in a city or county jail, after a conviction of a misdemeanor or city ordinance, to work at suitable public or charitable employment for not more than 8 hours each working day. Such person would receive a \$5 credit for each full hour the person worked on any fines and costs imposed.

Additionally, the bill would require that persons incarcerated in a city or county jail, awaiting trial or held on civil process, who are likewise employed, receive a \$5 credit towards any fine and costs for each full hour the person worked, or if no fines and costs are outstanding, an amount agreed to by the person and the city or county, but not less than \$5 a day.

Finally, the bill would authorize a court to order community service in lieu of payment of fines imposed for a conviction and sentencing for a felony or misdemeanor. The person would receive a \$5 credit for each full hour worked and would be required to complete the community service ordered by the court within one year after the fine is imposed or earlier, if ordered by the court. The court is authorized to conditionally reduce a fine or reinstate a fine that is conditionally reduced if the court rescinds the conditional reduction for any reason, *i.e.*, probation violation or failure to pay the fine.

*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

Under current law, a person incarcerated is able to earn a maximum \$5 a day credit on any fines and costs imposed on the case for which the person is incarcerated. This bill increases the credit to \$5 per full hour the person worked, or in the case of the incarcerated person who is awaiting trial or is held on civil process and who does not owe any fine or costs, \$5 per full hour the person worked.

The bill was requested by Phillip B. Journey and introduced by the Senate Committee on Judiciary. The proponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was Phillip B. Journey.

There was no testimony in opposition to the bill in the Senate Committee hearing.

The Senate Committee amended the bill to clarify:

- That a city or county may allow persons incarcerated in a city or county jail, after a conviction of a misdemeanor or city ordinance, to work at a nonprofit for not more than 8 hours each working day; and
- That persons incarcerated in a city or county jail, awaiting trial or held on civil process, may be likewise employed and would receive a \$5 credit towards any fines and costs for each full hour the person worked, or if no fines and costs are outstanding, \$5 for each full hour the person worked.

The Senate Committee of the Whole amended the bill to change the rate of pay for persons incarcerated in a city or county jail, who are awaiting trial or held on civil process and do not have fines or costs outstanding. Rather than \$5 for each full hour the person worked, the person would be paid the amount agreed to by the person and the city or county, but not less than \$5 a day.

The House Committee amended the bill to authorize work at suitable charitable employment rather than nonprofit employment. The House Committee also amended the bill to add a provision to authorize community service, at a rate of \$5 credit for each full hour worked, and authorize conditional reduction or reinstatement of fines conditionally reduced if the court rescinds the conditional reduction for any reason.

The fiscal note on the bill, as introduced, may not be applicable because the bill has been amended.