

SENATE BILL No. 351

By Senator Shallenburger

1-21

1 AN ACT concerning correctional facilities and jails; relating to telephone
2 calls made by inmates and prisoners; requiring correctional facilities
3 and jails to allow inmates and prisoners to make telephone calls at no
4 cost; amending K.S.A. 12-4213, 19-1919 and 75-5210 and repealing
5 the existing sections.

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

8 Section 1. K.S.A. 12-4213 is hereby amended to read as follows: 12-
9 4213. (a) Any person arrested by a law enforcement officer shall be taken
10 immediately by the law enforcement officer to the police station of the city
11 or the office in the city designated by the municipal judge. At that time, the
12 person shall have the right to post bond for the person's appearance, in
13 accordance with K.S.A. 12-4301 and 12-4302, and amendments thereto,
14 except as hereinafter provided.

15 (b) (1) A law enforcement officer may detain a person arrested for
16 violation of a municipal ordinance in protective custody for a period not to
17 exceed six hours, including custody in a city or county jail, if such officer
18 has probable cause to believe that:

19 (A) Such person may cause injury to oneself or others, or damage
20 to property; and

21 (B) there is no responsible person or institution to which such
22 person might be released.

23 (2) Any person so held in protective custody shall be permitted to
24 consult with counsel or other persons who may act on such person's behalf.
25 Such person held in protective custody for six hours shall be given an
26 opportunity to post bond for such person's appearance in the municipal
27 court.

28 (c) Any person held in custody pursuant to the provisions of this
29 section, and who has not made bond for such person's appearance, may be
30 held in custody until the earliest practical time for such person's
31 appearance in municipal court upon a warrant being issued by the
32 municipal court in accordance with K.S.A. 12-4209, and amendments
33 thereto.

34 (d) Any person who remains in custody for 48 hours pursuant to the
35 provisions of this section after arrest, and who is awaiting a first
36 appearance before a municipal judge in the absence of a warrant being

1 issued, shall be released on the person's personal recognizance. Bond shall
2 be set within 18 hours of the person being placed in custody.

3 *(e) Any person held in custody pursuant to the provisions of this*
4 *section shall not be charged any amount of money to make telephone calls.*
5 *Such persons shall not be required to make collect telephone calls or set*
6 *up a prepaid collect account for making telephone calls. A city or county*
7 *jail may adopt policies related to the duration and frequency of telephone*
8 *calls made by persons in custody.*

9 Sec. 2. K.S.A. 19-1919 is hereby amended to read as follows: 19-
10 1919. (a) All prisoners shall be treated with humanity, and in a manner
11 ~~which~~ that promotes their reform. Juveniles shall be kept in quarters
12 separate from adult criminals. The visits of parents and friends shall at all
13 reasonable times be permitted.

14 *(b) When a prisoner is in the custody of the sheriff in a county jail,*
15 *such prisoner shall not be charged any amount of money to make*
16 *telephone calls. Prisoners shall not be required to make collect telephone*
17 *calls or set up a prepaid collect account for making telephone calls. A*
18 *county jail may adopt policies related to the duration and frequency of*
19 *telephone calls made by prisoners.*

20 Sec. 3. K.S.A. 75-5210 is hereby amended to read as follows: 75-
21 5210. (a) Persons committed to the institutional care of the secretary of
22 corrections shall be dealt with humanely, with efforts directed to their
23 rehabilitation and return to the community as safely and promptly as
24 practicable. For these purposes, the secretary shall establish programs of
25 classification and diagnosis, education, casework, mental health,
26 counseling and psychotherapy, chemical dependency counseling and
27 treatment, sexual offender counseling, prerelease programs—~~which~~ that
28 emphasize re-entry skills, adjustment counseling and job placement,
29 vocational training and guidance, work, library, physical education and
30 other rehabilitation and recreation services; the secretary may establish
31 facilities for religious worship; and the secretary shall institute procedures
32 for the study and classification of inmates. The secretary shall maintain a
33 comprehensive record of the behavior of each inmate reflecting
34 accomplishments and progress toward rehabilitation as well as charges of
35 infractions of rules and regulations, punishments imposed and medical
36 inspections made.

37 (b) Programs of work, education or training shall include a system of
38 promotional rewards entitling inmates to progressive transfer from high
39 security status to a lesser security status. The secretary shall have authority
40 at any time to transfer an inmate from one level of status to another level
41 of status. Inmates may apply to the secretary for such status privileges. The
42 secretary shall adopt a custody classification manual establishing standards
43 relating to the transfer of an inmate from one status to another, and in

1 developing such standards the secretary shall take into consideration
2 progress made by the inmate toward attaining the educational, vocational
3 and behavioral goals set by the secretary for the individual inmate. In order
4 to facilitate the reintegration into the community of some inmates who are
5 scheduled for release within the next 90 days, there shall be a presumption
6 of minimum security status for those offenders who have been returned to
7 prison for violating conditions of their postrelease supervision not
8 involving a new criminal conviction and whose last facility security
9 custody status was not either special management or maximum. Inmates
10 sentenced to a state facility designated by the secretary to participate in an
11 intensive substance abuse treatment program, shall have a presumption of
12 minimum security status. These presumptions of minimum security status
13 shall be applied to the initial security custody upon readmission into a
14 correctional facility or admission into a state facility to participate in an
15 intensive substance abuse treatment program, unless the security custody
16 status is increased pursuant to policies adopted by the secretary. The
17 security custody status designated by the department shall not be subject to
18 judicial review.

19 (c) The secretary, with the cooperation of the department of health
20 and environment, shall adopt rules and regulations establishing and
21 prescribing standards for health, medical and dental services for each
22 institution, including preventive, diagnostic and therapeutic measures on
23 both an outpatient and a hospital basis, for all types of patients. An inmate
24 may be taken, when necessary, to a medical facility outside the institution.

25 (d) (1) Under rules and regulations adopted by the secretary, directors
26 of institutions may authorize visits, correspondence and communication,
27 under reasonable conditions, between inmates and appropriate friends,
28 relatives and others.

29 (2) *An inmate in the custody of the secretary of corrections shall not
30 be charged any amount of money to make telephone calls. Inmates shall
31 not be required to make collect telephone calls or set up a prepaid collect
32 account for making telephone calls. The secretary may adopt policies
33 related to the duration and frequency of telephone calls made by inmates.*

34 (e) The secretary shall adopt rules and regulations under which
35 inmates, as part of a program anticipating their release from minimum
36 security status, may be granted temporary furloughs from a correctional
37 institution or contract facility to visit their families or to be interviewed by
38 prospective employers.

39 (f) (1) The secretary shall adopt rules and regulations for the
40 maintenance of good order and discipline in the correctional institutions,
41 including procedures for dealing with violations. Disciplinary rules and
42 regulations may provide a system of punishment including segregation,
43 forfeitures of good time earned, fines, extra work, loss of privileges,

1 restrictions and payment of restitution.

2 (2) The secretary and any persons designated by rules and regulations
3 of the secretary may administer oaths for the purpose of conducting
4 investigations and disciplinary proceedings pursuant to rules and
5 regulations adopted by the secretary under this subsection and under
6 K.S.A. 75-5251, and amendments thereto. For this purpose, the secretary
7 shall adopt rules and regulations designating those persons who may
8 administer oaths in such investigations and proceedings and the form and
9 manner of administration of the oaths.

10 (g) A copy of the rules and regulations adopted pursuant to subsection
11 (f) shall be provided to each inmate. Other rules and regulations of the
12 secretary-~~which~~ *that* are required to be published pursuant to K.S.A. 77-
13 415 through 77-437, and amendments thereto, shall be made available to
14 inmates by placing a copy in the inmate library at the institution or by
15 some other means providing reasonable accessibility to inmates.

16 (h) Any inmate participating in work and educational release
17 programs under the provisions of K.S.A. 75-5267, and amendments
18 thereto, shall continue to be in the legal custody of the secretary of
19 corrections, notwithstanding the inmate's absence from a correctional
20 institution by reason of employment, education or for any other purpose
21 related to such work and educational release programs, and any employer
22 or educator of that person shall be considered the representative or agent
23 for the secretary.

24 (i) The secretary shall establish administrative and fiscal procedures
25 to permit the use of regional or community institutions, local governmental
26 or private facilities or halfway houses for the placement of inmates
27 released for the purposes of this act and for the work and educational
28 release programs under K.S.A. 75-5267, and amendments thereto.

29 (j) The secretary may establish correctional work facilities and select
30 inmates to be assigned to such facilities.

31 (k) The secretary may acquire, in the name of the state, by lease,
32 purchase or contract additional facilities as may be needed for the housing
33 of persons in the secretary's custody.

34 (l) The secretary is hereby authorized to use any of the inmates
35 assigned to the secretary's custody in the construction and repair of
36 buildings or property on state owned or leased grounds.

37 (m) For the purposes of establishing and carrying out the programs
38 provided for by subsection (a) and by K.S.A. 75-5267, and amendments
39 thereto, the secretary may contract with qualified individuals, partnerships,
40 corporations or organizations, with agencies of the state, or with the
41 United States or any political subdivision of the state, or any agency
42 thereof.

43 Sec. 4. K.S.A. 12-4213, 19-1919 and 75-5210 are hereby repealed.

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.