

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 459

As Amended by Senate Committee of the Whole

Brief*

SB 459, as amended, would change the membership requirements of the Prisoner Review Board (PRB) and would require parole hearings to be postponed if proper notice of the public comment session is not made to the victim.

PRB

The bill would expand the membership of the PRB from three to five members, each subject to Senate confirmation:

- One would be appointed by the Governor with at least five years of law enforcement experience;
- One would be appointed by the Governor with experience serving victims of crime;
- One would be appointed by the Governor;
- One would be appointed by the Attorney General (AG) with at least five years of experience as a prosecutor; and
- One would be appointed by the AG.

The bill would require each of the members of the PRB to have knowledge of the rights of victims of crimes and associated issues, the criminal justice system, and the

*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 <https://klrd.gov/>

necessary factors for successful reintegration and reduced recidivism.

The bill would require that no more than two of the five members of the PRB be from the same congressional district.

The bill would require the Governor to select a member to serve as chairperson and the AG to select a member to serve as vice chairperson.

The bill would require the members to serve terms of four years and until their successors are appointed and confirmed, except that:

- The members first appointed by the Governor would serve terms as follows:
 - The member subject to Senate confirmation only would serve one year;
 - The member with experience serving victims of crime would serve two years; and
 - The member with experience in law enforcement would serve three years.
- The members first appointed by the AG would serve terms as follows:
 - The member subject to Senate confirmation only would serve one year; and
 - The member with experience as a prosecutor would serve four years.

The bill would require that the terms of the PRB members who are serving on the PRB on the effective date of the bill would expire on the effective date of the bill.

Notice

The bill would require:

- The PRB to give notice to the AG of each parole hearing;
- The public comment session of a parole hearing to be held in person unless the victim or victim's family requests otherwise; and
- The PRB to postpone the public comment session until 30 days after notice if the inmate was convicted of an off-grid or class A felony.

The bill would also prohibit the PRB from:

- Making a decision on parole of an inmate until after the public comment session for such inmate is held; and
- Considering the capacity of state correctional institutions when evaluating whether to grant parole.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas State Troopers Association.

Senate Committee on Judiciary

In the Senate Committee hearing, a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association and a representative of the Kansas State Troopers Association provided **proponent** testimony. Proponents stated the bill would provide more balanced, experienced, and specialized

decision-making by the PRB. They stated the bill would also strengthen notice requirements and elevate the voices of victims and their families.

Written-only proponent testimony was provided by representatives of the Office of the Attorney General and the Kansas State Lodge Fraternal Order of Police.

Neutral testimony was provided by a representative of the Board of Indigents' Defense Services, who expressed concerns that the bill could decrease impartiality and due process, and suggested several amendments to the PRB provisions of the bill.

Written-only neutral testimony was provided by the Secretary of Corrections.

Written-only **opponent** testimony was provided by a private citizen, who expressed concerns over the bill's changes to the formation of the PRB, the technical implementation of those changes, and the elimination of correctional capacity as a criterion for parole consideration.

No other testimony was provided.

The Senate Committee amended the bill to:

- Remove PRB members assigned by the President of the Senate and the Speaker of the House of Representatives;
- Allow the Governor and AG to each appoint one additional PRB member;
- Require that no more than three of the five PRB members be members of the same political party;
- Remove a requirement that each PRB member have a minimum of five years of experience in a relevant field;

- Require the Governor to select a PRB member to serve as chairperson and the AG to select a member to serve as vice chairperson;
- Set the duration of the terms each PRB member shall serve; and
- Require that the terms of the PRB members who are serving on the PRB on the effective date of the bill will expire on the effective date of the bill.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to replace the requirement that no more than three of the five members be from the same political party with a requirement that no more than two of the five members be from the same congressional district.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Corrections estimates that enactment of the bill would increase State General Fund expenditures by \$260,726 in FY 2021 and \$297,995 in FY 2028. The estimated cost of adding two PRB member FTE positions would be \$275,846 in FY 2027 and \$282,743 in FY 2028. If the PRB returned to three in-person hearings per month, travel costs associated with those hearings are estimated at \$14,880 in FY 2027 and \$15,252 in FY 2028. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Judiciary; prisoner review board; parole hearings; public comment