

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2071

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2071 would authorize the chairperson of the Prisoner Review Board (Board) to grant release to an inmate with a terminal medical condition likely to cause death within 120 days, rather than within 30 days as in current law. This is referred to as “terminal medical release” or “compassionate release.”

Continuing law allows the chairperson of the Board to approve the release of an inmate if a doctor determines the inmate has a terminal medical condition likely to cause death within the specified period and does not represent a future risk to public safety. Release of an inmate is conditional and may be revoked by the Secretary of Corrections if the:

- Person’s illness or condition significantly improves;
- Person does not die within the specified period;
- Person fails to comply with any condition of release; or
- Board otherwise concludes the person presents a threat or risk to public safety.

*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

This bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (Commission).

[*Note:* HB 2071 contains provisions similar to those of 2021 HB 2030 as passed by the House.]

House Committee on Corrections and Juvenile Justice

In the hearing on January 25, 2023, representatives of the Board of Indigents' Defense Services and the Commission provided **proponent** testimony, stating the recidivism rate is low for prisoners who receive terminal medical release; the bill would save the Kansas Department of Corrections (KDOC) money; and release would bring comfort to the incarcerated people who qualify for compassionate release, their families, and their defense attorneys.

No other testimony was provided.

Fiscal Information

According to the fiscal note provided by the Division of the Budget, KDOC estimates approximately 10 people per year could be eligible for terminal medical release with the enactment of this bill, and KDOC could absorb any increase in workload within existing resources.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Department of Corrections; terminal medical release; Prisoner Review Board; prisons; compassionate release