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DENNIS "BOOG" HIGHBERGER
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TESTIMONY ON HB 2030
Before the Committee on Corrections and Juvenile Justice

January 26, 2021

Chairman Jennings and Members of the Committee,

Thank you for the opportunity to testify today on HB 2030, which would amend the state statute on terminal medical release for prison inmates.

This bill comes to us from the Kansas sentencing commission, where I first raised the issue in the summer of 2019. Under current Kansas law, the Prisoner review Board may grant release to any inmate deemed by a doctor to have a terminal medical condition likely to cause death within 30 days. It is my understanding that the short time limit in this statute is problematic because the applications often take more than 30 days to process and inmates often die before their applications have been approved. An average of less than one inmate per year is released under the current law. Most states with a similar statute have a time limit of six months or more, which I would prefer, but extending the time limit to 120 days should increase the number of inmates who can be successfully released under this statute.

Although it is not part of the current bill, I believe that the state should adopt a more expansive medical and compassionate release policy, similar to the criteria for federal prisoners that were adopted as part of the First Step Act of 2019. The percentage of our prison population that is mentally or physically incapacitated continues to grow, and it makes no sense for me to be in the nursing home business. I have heard the objection that inmates should not escape part of their punishment merely because of a medical condition, but it seems to me that the punishment suffered by an incapacitated inmate is essentially the same whether the inmate is in a prison hospital or a nursing home. Furthermore, provided that Medicaid is expanded in Kansas, moving incapacitated inmates out of the custody of the Department of Corrections could provide a significant reduction in prison medical care costs. I look forward to discussing an expanded compassionate release policy with the members of the committee at some point in the future.

I would be happy to stand for questions at the appropriate time.