

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2658

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2658, as amended, would amend the statute governing conditions of probation, suspension of sentence, or assignment to a community correctional services program (supervision).

The bill would clarify that general conditions of supervision would consist of a list of required conditions modified by the bill, but that a court would retain its authority to impose or modify any special conditions of supervision the court deems proper.

Required General Conditions of Probation

The bill would remove a list of supervision conditions a court may impose and expand and modify the list of conditions of supervision the court would be required to impose.

[*Note:* Some of the required conditions added by the bill would be modified from the current list of conditions a court may impose, as described below.]

Modified Currently Required Conditions

The bill would modify the following currently required conditions of probation:

*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>

- A requirement to obey laws would be simplified and would also include a requirement to report any law enforcement contact within 24 hours to the supervision officer;
- Requirements regarding searches and drug and alcohol testing would be moved and reworded.

Modified Added Required Conditions

The bill would modify the following conditions from the current list of conditions a court may impose and would make them required conditions:

- A requirement for the defendant to report to the supervision officer as directed and be truthful in all matters, which would add the requirement of truthfulness;
- A requirement for the defendant to remain in Kansas and other specified areas as defined by the defendant's supervision officer, which would add "other specified areas" to the locations where a defendant must remain;
- A requirement for the defendant to participate in assessments, treatment, programming, or other directives by the court or the defendant's supervision officer, modified from the current requirement of residing in a residential facility located in the community and participate in educational, counseling, work, and other correctional or rehabilitative programs; and
- A requirement to pay restitution, court costs, supervision fees, and other costs as directed by the court or the defendant's supervision officer, which would combine and reword two current conditions.

Added Required Conditions

The bill would add the following required conditions:

- To not engage in physical violence or threats of violence;
- To not use, purchase or possess a dangerous weapon, including a firearm, if the defendant has been convicted of a felony or is otherwise prohibited by law from possessing such dangerous weapon;
- To reside at the defendant's approved residence unless the defendant's supervision officer has authorized the defendant to relocate and to notify such supervision officer of any emergency changes in residence or contact information within 24 hours;
- To not possess, use, or distribute any illegal drugs or controlled substances, except that a defendant may possess and use medications prescribed by a licensed healthcare provider; and not possess or consume any form of alcohol or intoxicating substance and not enter any establishment where alcohol is sold or consumed as the primary business.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice by a representative of Riley County Community Corrections on behalf of the Kansas Criminal Justice Reform Commission.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on February 16, 2022, a representative of Reno County Community Corrections presented **proponent** testimony on behalf of a representative of Riley County Community Corrections and the Kansas Criminal Justice Reform Commission. A representative of the Council of State Governments Justice Center also presented proponent testimony. Proponents generally stated the bill is a result of the Commission's collaboration with court services, community services agencies, and the Kansas Department of Corrections to create consistent conditions of supervision based on realistic, relevant, research-supported practices to aid in successful completion of supervision.

No other testimony was provided.

On February 17, 2022, the House Committee amended the bill to remove the language "or engaged in criminal activity" in the condition regarding searches by a defendant's supervision officer or a law enforcement officer.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission estimates enactment of the bill could have an effect on prison admissions and bed space, but the effect cannot be determined. The Kansas Department of Corrections indicates enactment of the bill would have no fiscal effect. The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Probation; suspension of sentence; assignment to community correctional services program; standard conditions