

Disposition of Detainers; SB 392

SB 392 amends the Uniform Mandatory Disposition of Detainer Act by specifying it is to apply to an inmate in the custody of the Secretary of Corrections (Secretary). The bill requires delivery of an inmate's request of final disposition and adds the Secretary to those persons to whom the request must be sent.

General language regarding a warden, superintendent, or other official having custody of prisoners is replaced with the term "Secretary," and the term "prisoner" is replaced with the term "inmate."

Language regarding delivery of the request is clarified to specify that the Secretary is to promptly take certain actions upon receiving the inmate's request.

A reference to the State Board of Probation and Parole is updated to reflect the Prisoner Review Board's succession.

Provisions are added specifying that detainers shall be disposed of in the order in which they are placed with the Secretary. If an inmate has detainers from multiple jurisdictions, the district or county attorneys in those jurisdictions may agree to a different order of disposition. The Secretary is directed to allow transportation of inmates for the disposition of detainers.

The existing 180-day time limit to bring an indictment, information, or complaint to trial, or a motion to revoke probation for hearing, is clarified to provide that, in the case of detainers from multiple jurisdictions, the first detainer shall be brought within 180 days and each subsequent detainer shall be brought within 180 days after return of the inmate to the Secretary or transportation of the inmate to the jurisdiction following disposition of the previous detainer.

The existing continuance provision is replaced with a provision stating the time limits shall not apply to time during which a continuance or delay has been requested or agreed to by the inmate or the inmate's attorney, to time during which a motion to determine competency of the inmate is pending, or to time during which an inmate is determined to be incompetent to stand trial.

The word "uniform" is struck from the title of the act in light of the changes made by the bill.