

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2469

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2469, as amended, would raise the allowed release of inmates by the Kansas Department of Corrections (KDOC) for a terminal medical condition from 30 days to 120 days.

Current law allows the Prisoner Review Board (Board) to approve the release of an inmate if a doctor determines the inmate has a terminal medical condition likely to cause death within 30 days and does not represent a future risk to public safety. Release of an inmate is conditional and may be revoked if the:

- Person's illness or condition significantly improves;
- Person does not die within 30 days of release;
- Person fails to comply with conditions of release; or
- Board otherwise concludes the person presents a threat or risk to public safety.

The bill would replace references to 30 days with 120 days, and would allow release if an inmate's terminal medical condition is likely to cause death within 120 days, or revocation of release if the person does not die within 120 days of release.

*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

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

In the House Committee hearing, Representative Highberger; and representatives of the American Civil Liberties Union, Kansas Association of Criminal Defense Lawyers, and Kansas Sentencing Commission testified in support of the bill. Written neutral testimony was provided by a representative of the KDOC.

The House Committee amended the bill by raising the allowed release for a terminal medical condition to 120 days. [Note: Current law allows release if the terminal medical condition is likely to cause death within 30 days. The bill, as introduced, would have increased this time limitation to 90 days.]

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDOC indicates that it has released one inmate under the current process since 2013 and states that expanding the window to 90 days would likely increase the number of potential candidates for release. However, KDOC anticipates that the number of individuals who would be eligible for consideration and release would be minimal, and any fiscal impact could be absorbed within existing resources.

The Kansas Sentencing Commission indicates enactment of the bill would have no effect on prison admissions, but the bill could affect prison bed space depending on the number of individuals released.

The Office of Judicial Administration indicates enactment of the bill would have no fiscal effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.