

HOUSE BILL No. 2056

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to community corrections; use of risk assessment tool; amending
3 K.S.A. 2014 Supp. 75-5291 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 75-5291 is hereby amended to read as
7 follows: 75-5291.(a) (1) The secretary of corrections may make grants to
8 counties for the development, implementation, operation and improvement
9 of community correctional services that address the criminogenic needs of
10 felony offenders including, but not limited to, adult intensive supervision,
11 substance abuse and mental health services, employment and residential
12 services, and facilities for the detention or confinement, care or treatment
13 of offenders as provided in this section except that no community
14 corrections funds shall be expended by the secretary for the purpose of
15 establishing or operating a conservation camp as provided by K.S.A. 75-
16 52,127, and amendments thereto.

17 (2) Except as otherwise provided, placement of offenders in a
18 community correctional services program by the court shall be limited to
19 placement of adult offenders, convicted of a felony offense:

20 (A) ~~Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the~~
21 ~~sentencing guidelines grid for nondrug crimes, in grid blocks 3-C, 3-D, 3-~~
22 ~~E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes~~
23 ~~for crimes committed prior to July 1, 2012, or in grid blocks 4-C, 4-D, 4-E,~~
24 ~~4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes for~~
25 ~~crimes committed on or after July 1, 2012. In addition, the court may place~~
26 ~~in a community correctional services program adult offenders, convicted~~
27 ~~of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-~~
28 ~~C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for~~
29 ~~nondrug crimes~~ *Who, on or after July 1, 2014, are determined to be*
30 *moderate risk, high risk or very high risk by use of a statewide,*
31 *mandatory, standardized risk assessment tool or instrument which shall be*
32 *specified by the Kansas sentencing commission;*

33 (B) whose severity level and criminal history score designate a
34 presumptive prison sentence on either sentencing guidelines grid but
35 receive a nonprison sentence as a result of departure;

36 (C) all offenders convicted of an offense which satisfies the definition

1 of offender pursuant to K.S.A. 22-4902, and amendments thereto, and
2 which is classified as a severity level 7 or higher offense and who receive a
3 nonprison sentence, regardless of the manner in which the sentence is
4 imposed;

5 (D) any offender for whom a violation of conditions of release or
6 assignment or a nonprison sanction has been established as provided in
7 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in
8 the offender being required to serve any time for the sentence imposed or
9 which might originally have been imposed in a state facility in the custody
10 of the secretary of corrections;

11 ~~(E) on and after January 1, 2011, for offenders who are expected to be~~
12 ~~subject to supervision in Kansas, who are determined to be "high risk or~~
13 ~~needs, or both" by the use of a statewide, mandatory, standardized risk~~
14 ~~assessment tool or instrument which shall be specified by the Kansas~~
15 ~~sentencing commission;~~

16 ~~(F)~~ (E) placed in a community correctional services program as a
17 condition of supervision following the successful completion of a
18 conservation camp program;

19 ~~(G)~~ (F) who have been sentenced to community corrections
20 supervision pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2014
21 Supp. 21-6824, and amendments thereto; or

22 (H) (G) who have been placed in a community correctional services
23 program for supervision by the court pursuant to K.S.A. 8-1567, and
24 amendments thereto.

25 (3) Notwithstanding any law to the contrary and subject to the
26 availability of funding therefor, adult offenders sentenced to community
27 supervision in Johnson county for felony crimes that occurred on or after
28 July 1, 2002, but before July 1, 2013, shall be placed under court services
29 or community corrections supervision based upon court rules issued by the
30 chief judge of the 10th judicial district. The provisions contained in this
31 subsection shall not apply to offenders transferred by the assigned agency
32 to an agency located outside of Johnson county. The provisions of this
33 paragraph shall expire on July 1, 2013.

34 (4) Nothing in this act shall prohibit a community correctional
35 services program from providing services to juvenile offenders upon
36 approval by the local community corrections advisory board. Grants from
37 community corrections funds administered by the secretary of corrections
38 shall not be expended for such services.

39 (5) The court may require an offender for whom a violation of
40 conditions of release or assignment or a nonprison sanction has been
41 established, as provided in K.S.A. 22-3716, and amendments thereto, to
42 serve any time for the sentence imposed or which might originally have
43 been imposed in a state facility in the custody of the secretary of

1 corrections without a prior assignment to a community correctional
2 services program if the court finds and sets forth with particularity the
3 reasons for finding that the safety of the members of the public will be
4 jeopardized or that the welfare of the inmate will not be served by such
5 assignment to a community correctional services program.

6 (b) (1) In order to establish a mechanism for community correctional
7 services to participate in the department of corrections annual budget
8 planning process, the secretary of corrections shall establish a community
9 corrections advisory committee to identify new or enhanced correctional
10 or treatment interventions designed to divert offenders from prison.

11 (2) The secretary shall appoint one member from the southeast
12 community corrections region, one member from the northeast community
13 corrections region, one member from the central community corrections
14 region and one member from the western community corrections region.
15 The deputy secretary of community and field services shall designate two
16 members from the state at large. The secretary shall have final
17 appointment approval of the members designated by the deputy secretary.
18 The committee shall reflect the diversity of community correctional
19 services with respect to geographical location and average daily population
20 of offenders under supervision.

21 (3) Each member shall be appointed for a term of three years and
22 such terms shall be staggered as determined by the secretary. Members
23 shall be eligible for reappointment.

24 (4) The committee, in collaboration with the deputy secretary of
25 community and field services or the deputy secretary's designee, shall
26 routinely examine and report to the secretary on the following issues:

- 27 (A) Efficiencies in the delivery of field supervision services;
- 28 (B) effectiveness and enhancement of existing interventions;
- 29 (C) identification of new interventions; and
- 30 (D) statewide performance indicators.

31 (5) The committee's report concerning enhanced or new interventions
32 shall address:

- 33 (A) Goals and measurable objectives;
- 34 (B) projected costs;
- 35 (C) the impact on public safety; and
- 36 (D) the evaluation process.

37 (6) The committee shall submit its report to the secretary annually on
38 or before July 15 in order for the enhanced or new interventions to be
39 considered for inclusion within the department of corrections budget
40 request for community correctional services or in the department's
41 enhanced services budget request for the subsequent fiscal year.

42 Sec. 2. K.S.A. 2014 Supp. 75-5291 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.