

## HOUSE BILL No. 2655

By Committee on Corrections and Juvenile Justice

2-9

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1 AN ACT concerning the department of corrections; relating to inmates in  
2 the custody of the secretary; requiring the secretary to establish  
3 procedures to provide inmates an opportunity to take a nationally  
4 recognized career readiness assessment; amending K.S.A. 75-5210, 75-  
5 5210a and 75-5211 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 75-5210 is hereby amended to read as follows: 75-  
9 5210. (a) Persons committed to the institutional care of the secretary of  
10 corrections shall be dealt with humanely, with efforts directed to their  
11 rehabilitation and return to the community as safely and promptly as  
12 practicable. For these purposes, the secretary: (1) Shall establish programs  
13 of classification and diagnosis, education, casework, mental health,  
14 counseling and psychotherapy, chemical dependency counseling and  
15 treatment, sexual offender counseling, prerelease programs ~~which~~ that  
16 emphasize re-entry skills, *career readiness assessment and certification*,  
17 adjustment counseling and job placement, vocational training and  
18 guidance, work, library, physical education and other rehabilitation and  
19 recreation services; ~~the secretary~~ (2) may establish facilities for religious  
20 worship; ~~and the secretary~~ (3) shall institute procedures for the study and  
21 classification of inmates. ~~The secretary~~; and (4) shall maintain a  
22 comprehensive record of the behavior of each inmate reflecting  
23 accomplishments and progress toward rehabilitation as well as charges of  
24 infractions of rules and regulations, punishments imposed and medical  
25 inspections made.

26 (b) Programs of work, education, *career readiness assessment and*  
27 *certification* or training shall include a system of promotional rewards  
28 entitling inmates to progressive transfer from high security status to a  
29 lesser security status. The secretary shall have authority at any time to  
30 transfer an inmate from one level of status to another level of status.  
31 Inmates may apply to the secretary for such status privileges. The secretary  
32 shall adopt a custody classification manual establishing standards relating  
33 to the transfer of an inmate from one status to another, and in developing  
34 such standards the secretary shall take into consideration progress made by  
35 the inmate toward attaining the educational, vocational and behavioral  
36 goals set by the secretary for the individual inmate. In order to facilitate

1 the reintegration into the community of some inmates who are scheduled  
2 for release within the next 90 days, there shall be a presumption of  
3 minimum security status for those offenders who have been returned to  
4 prison for violating conditions of their postrelease supervision not  
5 involving a new criminal conviction and whose last facility security  
6 custody status was not either special management or maximum. Inmates  
7 sentenced to a state facility designated by the secretary to participate in an  
8 intensive substance abuse treatment program, shall have a presumption of  
9 minimum security status. These presumptions of minimum security status  
10 shall be applied to the initial security custody upon readmission into a  
11 correctional facility or admission into a state facility to participate in an  
12 intensive substance abuse treatment program, unless the security custody  
13 status is increased pursuant to policies adopted by the secretary. The  
14 security custody status designated by the department shall not be subject to  
15 judicial review.

16 (c) The secretary, with the cooperation of the department of health  
17 and environment, shall adopt rules and regulations establishing and  
18 prescribing standards for health, medical and dental services for each  
19 institution, including preventive, diagnostic and therapeutic measures on  
20 both an outpatient and a hospital basis, for all types of patients. An inmate  
21 may be taken, when necessary, to a medical facility outside the institution.

22 (d) Under rules and regulations adopted by the secretary, directors of  
23 institutions may authorize visits, correspondence and communication,  
24 under reasonable conditions, between inmates and appropriate friends,  
25 relatives and others.

26 (e) The secretary shall adopt rules and regulations under which  
27 inmates, as part of a program anticipating their release from minimum  
28 security status, may be granted temporary furloughs from a correctional  
29 institution or contract facility to visit their families or to be interviewed by  
30 prospective employers.

31 (f) (1) The secretary shall adopt rules and regulations for the  
32 maintenance of good order and discipline in the correctional institutions,  
33 including procedures for dealing with violations. Disciplinary rules and  
34 regulations may provide a system of punishment including segregation,  
35 forfeitures of good time earned, fines, extra work, loss of privileges,  
36 restrictions and payment of restitution.

37 (2) The secretary and any persons designated by rules and regulations  
38 of the secretary may administer oaths for the purpose of conducting  
39 investigations and disciplinary proceedings pursuant to rules and  
40 regulations adopted by the secretary under this subsection and under  
41 K.S.A. 75-5251, and amendments thereto. For this purpose, the secretary  
42 shall adopt rules and regulations designating those persons who may  
43 administer oaths in such investigations and proceedings and the form and

1 manner of administration of the oaths.

2 (g) A copy of the rules and regulations adopted pursuant to subsection  
3 (f) shall be provided to each inmate. Other rules and regulations of the  
4 secretary ~~which~~ that are required to be published pursuant to K.S.A. 77-  
5 415 through 77-437, and amendments thereto, shall be made available to  
6 inmates by placing a copy in the inmate library at the institution or by  
7 some other means providing reasonable accessibility to inmates.

8 (h) Any inmate participating in work and educational release  
9 programs under the provisions of K.S.A. 75-5267, and amendments  
10 thereto, shall continue to be in the legal custody of the secretary of  
11 corrections, notwithstanding the inmate's absence from a correctional  
12 institution by reason of employment, education or for any other purpose  
13 related to such work and educational release programs, and any employer  
14 or educator of that person shall be considered the representative or agent  
15 for the secretary.

16 (i) (1) *The secretary shall establish administrative procedures to*  
17 *provide each inmate with an opportunity to quantify and certify such*  
18 *inmate's career readiness by registering for and completing a nationally*  
19 *recognized career readiness assessment prior to such inmate's return to*  
20 *the community. Such assessment shall:*

21 (A) *Be a standardized, criterion-referenced measure of broadly*  
22 *relevant foundational workplace skills;*

23 (B) *assess and document readiness for a wide range of jobs;*

24 (C) *measure skills in applied mathematics, workplace documents and*  
25 *graphic literacy;*

26 (D) *align with research-based skill requirement profiles for specific*  
27 *industries and occupations;*

28 (E) *align with self-paced, modular skills curriculum to allow for skill*  
29 *remediation; and*

30 (F) *lead to a portable national career readiness certificate.*

31 (2) *The secretary shall provide each inmate access to the curriculum*  
32 *aligned with the national career readiness certificate assessments in*  
33 *applied mathematics, workplace documents and graphic literacy. The*  
34 *curriculum may be provided in an instructor-led or self-paced format.*

35 (3) *The secretary is authorized to contract:*

36 (A) *To provide workplace observation, business writing, applied*  
37 *technology and essential skills courses curriculum to inmates; and*

38 (B) *with a qualified corporation that provides a portable national*  
39 *career readiness certificate.*

40 (j) The secretary shall establish administrative and fiscal procedures  
41 to permit the use of regional or community institutions, local governmental  
42 or private facilities or halfway houses for the placement of inmates  
43 released for the purposes of this act and for the work and educational

1 release programs under K.S.A. 75-5267, and amendments thereto.

2 ~~(j)~~(k) The secretary may establish correctional work facilities and  
3 select inmates to be assigned to such facilities.

4 ~~(k)~~(l) The secretary may acquire, in the name of the state, by lease,  
5 purchase or contract additional facilities as may be needed for the housing  
6 of persons in the secretary's custody.

7 ~~(l)~~(m) The secretary is hereby authorized to use any of the inmates  
8 assigned to the secretary's custody in the construction and repair of  
9 buildings or property on state owned or leased grounds.

10 ~~(m)~~(n) For the purposes of establishing and carrying out the programs  
11 provided for by subsection (a) and ~~by~~ K.S.A. 75-5267, and amendments  
12 thereto, the secretary may contract with: (1) Qualified individuals,  
13 partnerships, corporations or organizations; ~~with~~ (2) agencies of the state;  
14 ~~or with~~ (3) the United States; or (4) any political subdivision of the state,  
15 or any agency thereof.

16 Sec. 2. K.S.A. 75-5210a is hereby amended to read as follows: 75-  
17 5210a. (a) Within a reasonable time after a defendant is committed to the  
18 custody of the secretary of corrections, for service of a sentence for an  
19 indeterminate or ~~off-grid~~ *off-grid* crime, the secretary shall enter into a  
20 written agreement with the inmate specifying those educational,  
21 vocational, mental health or other programs ~~which~~ *that* the secretary  
22 determines the inmate must satisfactorily complete in order to be prepared  
23 for release on parole supervision. *The secretary shall provide the inmate*  
24 *with an opportunity to register for and complete the three assessments that*  
25 *lead to a national career readiness certificate.* To the extent practicable,  
26 the agreement shall require the inmate to have made progress towards or to  
27 have successfully completed the equivalent of a secondary education  
28 before release on parole if the inmate has not previously completed such  
29 educational equivalent and is capable of doing so. The agreement shall be  
30 conditioned on the inmate's satisfactory conduct, employment and attitude  
31 while incarcerated. If the secretary determines that the inmate's conduct,  
32 employment, attitude or needs require modifications or additions to those  
33 programs which are set forth in the agreement, the secretary shall revise  
34 the requirements. The secretary shall agree that, when the inmate  
35 satisfactorily completes the programs required by the agreement, or any  
36 revision thereof, the secretary shall report that fact in writing to the  
37 prisoner review board. If the inmate becomes eligible for parole before  
38 satisfactorily completing such programs, the secretary shall report in  
39 writing to the board the programs ~~which~~ *that* are not completed.

40 (b) A copy of any agreement and any revisions thereof shall be  
41 entered into the inmate's record.

42 Sec. 3. K.S.A. 75-5211 is hereby amended to read as follows: 75-  
43 5211. (a) The secretary of corrections shall provide programs of

1 employment, *career readiness assessment and certification*, work,  
2 educational or vocational training for those inmates whom the secretary  
3 determines are available, willing and able to participate and are capable of  
4 benefiting therefrom. Equipment, management practices and general  
5 procedures shall, to the extent possible, approximate normal conditions of  
6 employment. Such work week may include schooling, vocational training,  
7 employment at private industry, treatment or other activities authorized by  
8 the secretary. For all purposes under state law, no inmate shall be deemed  
9 to be an employee of the state or any state agency. The secretary of  
10 corrections may credit to each inmate as a reward for such employment, an  
11 amount which shall be set by the secretary of corrections. Any inmate who  
12 is gainfully employed under the work release provisions of K.S.A. 75-  
13 5267 and 75-5268, and amendments thereto, or who is gainfully employed  
14 by a private business enterprise operating on the grounds of a correctional  
15 institution under K.S.A. 75-5288, and amendments thereto, or any other  
16 private business at which inmates are permitted to be gainfully employed,  
17 and any inmate who is incarcerated at the Topeka correctional facility for  
18 the purpose of receiving diagnosis and any inmate on disciplinary  
19 segregation status shall not be eligible to receive compensation as  
20 provided in this subsection.

21 (b) The secretary of corrections shall establish programs and  
22 prescribe procedures for withdrawing amounts from the compensation  
23 paid to inmates from all sources for the same purposes as are prescribed by  
24 K.S.A. 75-5268, and amendments thereto, for moneys of work release  
25 participants, except that any inmate employed in a private industry  
26 program, other than work release, shall, in addition to the deductions  
27 specified in K.S.A. 75-5268, and amendments thereto, have deduction of  
28 5% of monthly gross wages paid to the following funds for the purpose of  
29 ~~victim assistance or compensation: (1) Department of corrections victim~~  
30 ~~assistance fund or the crime victims compensation fund, as determined by~~  
31 ~~the secretary, on and after July 1, 2008, through June 30, 2009; and (2)~~  
32 ~~crime victims compensation fund or a local property crime fund on and~~  
33 ~~after July 1, 2009 for the purpose of victim assistance or compensation.~~  
34 The department of corrections is authorized to make this deduction and  
35 payment to the department of corrections victim assistance fund, the crime  
36 victims compensation fund or a local property crime fund, as applicable.  
37 ~~On and after July 1, 2009, in the event~~ If a local fund has made a payment  
38 to a victim of a property crime under this act and there is an order of  
39 restitution for which moneys are being withheld from an inmate under  
40 K.S.A. 75-5268, and amendments thereto, the secretary shall cause such  
41 moneys deducted for use by the state crime victims compensation board to  
42 be paid quarterly to the local fund, if any, then the balance to the state  
43 crime victims compensation fund. If there is no order of restitution, then

1 K.S.A. 75-5268, and amendments thereto, shall apply to the disposition of  
2 funds.

3 (c) (1) Upon the initial release of any inmate on parole, conditional  
4 release, postrelease supervision or expiration of the inmate's maximum  
5 sentence, the inmate shall be provided with suitable clothing and, if the  
6 inmate has a balance of \$500 or less in the inmate's trust account, a cash  
7 payment of \$100. If the inmate subsequently violates a condition of release  
8 resulting in reincarceration and is thereafter again released on parole,  
9 conditional release, postrelease supervision or expiration of the inmate's  
10 maximum sentence, the inmate may be provided, pursuant to rules and  
11 regulations of the secretary of corrections, with a cash payment of not  
12 more than \$100. Any inmate who is gainfully employed under the work  
13 release provisions of K.S.A. 75-5267 and 75-5268, and amendments  
14 thereto, or who is gainfully employed by a private business enterprise  
15 operating on the grounds of a correctional institution under K.S.A. 75-  
16 5288, and amendments thereto, or any other private business at which  
17 inmates are permitted to be gainfully employed, or any inmate paroled or  
18 released to a detainer shall not be eligible to receive this cash payment  
19 unless the inmate is released to the community within 30 days of the  
20 execution of the detainer.

21 (2) An inmate released on expiration of the inmate's maximum  
22 sentence shall be provided public transportation, if required, to the  
23 inmate's home, if within the state, or, if not, to the place of conviction or to  
24 some other place not more distant, as selected by the inmate. An inmate  
25 released on parole or conditional release shall be provided public  
26 transportation, if required, to the place ~~to which~~ where the inmate was  
27 paroled or conditionally released.

28 Sec. 4. K.S.A. 75-5210, 75-5210a and 75-5211 are hereby repealed.

29 Sec. 5. This act shall take effect and be in force from and after its  
30 publication in the statute book.