

Testimony on HB2069

Submitted To

The House Corrections and Juvenile Justice Committee

By

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The Kansas Department of Corrections (KDOC) appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2069. We are a proponent on the bill as proposed.

In the fall of 2022, the Office of the Kansas Attorney General approached us based upon their interest in the topic of jail credit for certain persons on postrelease supervision to ask if we would collaborate with them to bring it before the Kansas Sentencing Commission for consideration. Based upon our experience that this topic is a source of some contention in the criminal justice community, we agreed.

The question is if a person should be credited for jail time served on their current postrelease supervision offense or a new conviction. A topic the department proposed to clarify in 2018 HB2603 which was approved by the Kansas House of Representatives by a vote of 117-0 and with no action in the Senate.

Example:

John Smith has been convicted of crime "A"; sentenced to prison and after serving the prison portion of his sentence is released to postrelease supervision for a period of 36 months. Shortly, thereafter John Smith is arrested for allegedly committing a new crime "B" and is placed in the county jail to await trial for crime "B". Simultaneously, the department issues a warrant charging Smith with having violated the conditions of his postrelease supervision and provides a copy of that warrant to the Sheriff holding Smith in the county jail. Smith cannot post bond on the department's warrant and therefore may not be released from jail. HB 2069 clarify that Smith would receive credit towards service of his postrelease supervision obligation but he would not receive credit for "jail credit" toward any potential sentence imposed for crime "B"

When the warrant was issued simultaneously to the arrest for allegedly committing a new crime, unless the resident had been in another state when arrested, time in jail is credited toward the postrelease supervision period for crime "A". Some in the criminal justice system are advocates for the person not receiving credit for postrelease supervision in this instance, or toll this time, and instead that time be credited to the new crime "B".

HB2069 would clarify that time can only be tolled in accordance with the current law, a continuation of decades long application by KDOC. And hopefully reduce the number of questions received by KDOC Sentencing Computation staff and the occasional need to testify in sentencing hearings as experts in this process.