

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 13, 2023

Subject: Bill Brief on HB 2295

HB 2295 requires people who live with offenders on probation, parole or postrelease supervision to report when such offender is not home during required hours.

The bill enacts a new section of law to require that a person who is 18 years of age or older and lives with an offender serving a term of probation, assignment to a community correctional services program, parole, postrelease supervision, conditional release or suspended sentence to report any instance that the person knows or should have known when the offender is not home during any time that is required by the supervision term. Such report shall be made to the offender's community supervision officer. Such officer shall notify any adult who lives with the offender of what times the offender is required to be home and how to make the report required by subsection (a).

The report may be made orally, by email or text message and shall be followed by a written report if requested. The report shall include the name and address of the offender, the time at which the offender was required to be home, any information the reporter has concerning where the offender might be, and any other information that might be helpful.

Failure to make the report is an unclassified misdemeanor punishable by a fine of not more than \$500 if the offender commits a new misdemeanor during the time the offender is required to be home and a class C nonperson misdemeanor if the offender commits a new felony during the time the offender is required to be home.

A person participating in making a report under this section shall have immunity from civil liability that might otherwise be incurred. The provisions of this section don't apply to a person living with an offender when the person is the victim of the offense for which the offender is being supervised. It shall be an affirmative defense to prosecution under this section

KANSAS OFFICE *of*
REVISOR *of* STATUTES
LEGISLATURE *of* THE STATE *of* KANSAS

that the person was not properly notified by the community supervision officer of the time when the offender was required to be home or how to make the required report. The state, the secretary of corrections, any court services department and any employees shall not be liable for damages caused by any negligent act or omission in carrying out the provisions of this section.