

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2704**

As Agreed to March 27, 2012

Brief*

HB 2704 would repeal statutes concerning the position of the Ombudsman of Corrections. The statutes relate to the:

- Provision of necessary personnel and accounting services by the Secretary of Corrections to the Office of the Ombudsman of Corrections (KSA 74-7402);
- Appointment, compensation, office space, and support employees for the Ombudsman, and the duties and functions of the Ombudsman (KSA 74-7403);
- Authority of the Ombudsman to have access to correctional institutions and other inmate housing (KSA 74-7404);
- Conditions under which the records in the possession of the Ombudsman, or any employee of the Ombudsman, may be made available to the Department of Corrections (KSA 74-7406); and
- Authority of the Ombudsman to administer oaths (KSA 74-7407).

The bill also would amend a reference to the Ombudsman in KSA 45-221, concerning open records.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Additionally, the bill would repeal statutes concerning the role of the Topeka Correctional Facility (Facility) as the reception and diagnostic facility. The statutes relate to the:

- Primary function and purpose of the Facility with regard to the delivery of offenders and the examination and study of all felony offenders sentenced by the courts to the custody of the Secretary of Corrections (KSA 75-5262);
- Appointment of psychiatrists, psychologists, social workers, chaplains, and other officers and employees by the warden of the Facility, as approved by the Secretary of Corrections (KSA 75-5263);
- Authority of the Secretary of Corrections to make requisitions to any warden of a state correctional institution for the transfer of an inmate to the Facility for examination, study, and subsequent confinement assignment (KSA 75-5264), or for the purpose of performing work at the Facility (KSA 75-5265);
- Sheriff's conveyance of offenders to the Facility (KSA 75-5220); and
- Scientific examination and study of women sentenced to the custody of the Secretary of Corrections in a manner substantially similar to that provided for in KSA 75-5262 (KSA 75-5229).

Finally, it would amend the statutory provision allowing the Secretary of Corrections to order an offender discharged from the prison portion of a sentence if a minimal amount of time remains to be served at the time the Secretary receives notice of the transfer of the prisoner to the custody of the Secretary. Specifically, the permissible time remaining on the sentence would be increased from 10 days to 20 days.

Conference Committee Action

The House acceded to the Senate's amendments to HB 2704, and the Conference Committee agreed to add the provisions of HB 2684 and the original provisions of SB 394.

Background

HB 2704 was introduced at the request of the Governor's Office of the Repealer. A representative of the Department of Corrections testified in favor of the bill before the House Committee on Government Efficiency noting, when the statutes were enacted in 1973, the role of the Topeka Correctional Facility (formerly the State Reception and Diagnostic Center) distinguished it from the other correctional facilities of the Department of Corrections. The representative further testified that, since 1973, additional correctional facilities have been added and the roles of the facilities have changed. The representative stated the statutes are outmoded and should be repealed. No opposing or neutral testimony was presented to the House Committee.

In the Senate Committee on Judiciary, a representative of the Kansas Department of Corrections appeared in support of HB 2704. The Committee amended the bill to include additional statutes that reference the role of the Topeka Correctional Facility as the reception and diagnostic facility.

HB 2684 was introduced at the request of the Governor's Office of the Repealer. A representative of the Department of Corrections testified in favor of the bill before the House Committee on Government Efficiency, noting the Ombudsman of Corrections has not been funded or operational for approximately a decade, rendering the statutes outmoded. No opposing or neutral testimony was presented to the House Committee.

In the Senate Committee on Judiciary, a representative of the Department of Corrections appeared in support of the

HB 2684. The Committee amended the bill to remove a reference to the Ombudsman of Corrections in KSA 45-221, concerning open records.

SB 394 was introduced by the Senate Judiciary Committee at the request of the Kansas Department of Corrections (KDOC). As introduced, the bill contained the provision increasing the permissible time to be discharged. In the Senate Judiciary Committee, a representative of KDOC spoke in support of the bill. The Committee recommended the bill be passed.

In the House Committee on Corrections and Juvenile Justice, the same conferee spoke in support of SB 394. The House Committee amended the bill to add a new section establishing the Justice Reinvestment Working Group. The Committee recommended the bill be passed as amended.

The House Committee of the Whole amended SB 394 to adjust the leadership structure of the Justice Reinvestment Working Group. The Committee of the Whole further amended the bill by adding the text of HB 2422, as passed by the House, exempting corrections and parole officers from the concealed carry training course requirement; adding text modified from HB 2510 regarding the Department of Corrections and home building programs; and adding the text of HB 2353, as passed by the House, regarding concealed carry in state or municipal buildings.

The fiscal notes for HB 2684 and HB 2704, as introduced, state the bills are of a technical nature and enactment would have no fiscal effect.

The fiscal note for SB 394, as introduced, indicates enactment would save four prison beds in FY 2013 and five beds in FY 2022.

Department of Corrections

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