

## HOUSE BILL No. 2371

By By Committee on Federal and State Affairs

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1 AN ACT concerning community corrections; relating to grant programs;  
2 amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing  
3 the existing sections.  
4

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

6 Section 1. K.S.A. 2010 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  
9 improvement of community correctional services that address the  
10 criminogenic needs of felony offenders including, but not limited to, adult  
11 intensive supervision, substance abuse and mental health services,  
12 employment and residential services, and facilities for the detention or  
13 confinement, care or treatment of offenders as provided in this section  
14 except that no community corrections funds shall be expended by the  
15 secretary for the purpose of establishing or operating a conservation camp  
16 as provided by K.S.A. 75-52,127, and amendments thereto.

17 (2) Except as otherwise provided, placement of offenders in  
18 community correctional services programs 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 or in grid blocks 3-E, 3-F,  
22 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In  
23 addition, the court may place in a community correctional services  
24 program adult offenders, convicted of a felony offense, whose offense is  
25 classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of  
26 the sentencing guidelines grid for nondrug crimes;

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

30 (C) all offenders convicted of an offense which satisfies the  
31 definition of offender pursuant to K.S.A. 22-4902, and amendments  
32 thereto, and which is classified as a severity level 7 or higher offense and  
33 who receive a nonprison sentence, regardless of the manner in which the  
34 sentence is imposed;

35 (D) any offender for whom a violation of conditions of release or  
36 assignment or a nonprison sanction has been established as provided in

1 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in  
2 the offender being required to serve any time for the sentence imposed or  
3 which might originally have been imposed in a state facility in the  
4 custody of the secretary of corrections;

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

10 (F) placed in community correctional services programs as a  
11 condition of supervision following the successful completion of a  
12 conservation camp program; or

13 (G) who has been sentenced to community corrections supervision  
14 pursuant to K.S.A. 21-4729, and amendments thereto.

15 (3) Notwithstanding any law to the contrary and subject to the  
16 availability of funding therefor, adult offenders sentenced to community  
17 supervision in Johnson county for felony crimes that occurred on or after  
18 July 1, 2002, but before January 1, ~~2011~~ 2013, shall be placed under court  
19 services or community corrections supervision based upon court rules  
20 issued by the chief judge of the 10th judicial district. The provisions  
21 contained in this subsection shall not apply to offenders transferred by the  
22 assigned agency to an agency located outside of Johnson county. The  
23 provisions of this paragraph shall expire on January 1, ~~2011~~ 2013.

24 (4) Nothing in this act shall prohibit a community correctional  
25 services program from providing services to juvenile offenders upon  
26 approval by the local community corrections advisory board. Grants from  
27 community corrections funds administered by the secretary of corrections  
28 shall not be expended for such services.

29 (5) The court may require an offender for whom a violation of  
30 conditions of release or assignment or a nonprison sanction has been  
31 established, as provided in K.S.A. 22-3716, and amendments thereto, to  
32 serve any time for the sentence imposed or which might originally have  
33 been imposed in a state facility in the custody of the secretary of  
34 corrections without a prior assignment to a community correctional  
35 services program if the court finds and sets forth with particularity the  
36 reasons for finding that the safety of the members of the public will be  
37 jeopardized or that the welfare of the inmate will not be served by such  
38 assignment to a community correctional services program.

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

1 (2) The secretary shall appoint one member from the southeast  
2 community corrections region, one member from the northeast  
3 community corrections region, one member from the central community  
4 corrections region and one member from the western community  
5 corrections region. The deputy secretary of community and field services  
6 shall designate two members from the state at large. The secretary shall  
7 have final appointment approval of the members designated by the deputy  
8 secretary. The committee shall reflect the diversity of community  
9 correctional services with respect to geographical location and average  
10 daily population of offenders under supervision.

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

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

17 (A) Efficiencies in the delivery of field supervision services;

18 (B) effectiveness and enhancement of existing interventions;

19 (C) identification of new interventions; and

20 (D) statewide performance indicators.

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

23 (A) Goals and measurable objectives;

24 (B) projected costs;

25 (C) the impact on public safety; and

26 (D) the evaluation process.

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

32 Sec. 2. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as  
33 follows: 75-52,112. (a) *As used in this section, "supervision success*  
34 *rate" means the percentage of those persons under supervision in a*  
35 *community corrections program whose supervision is not revoked and*  
36 *remanded to the custody of the department of corrections for*  
37 *imprisonment.*

38 (b) On and after July 1, ~~2007~~ 2011, subject to the provision of  
39 appropriation acts, the secretary of corrections shall develop and  
40 implement a grant program with the goal of increasing public safety,  
41 reducing the risk of offenders on community supervision and ~~reducing~~  
42 ~~each community corrections program's revocations rate by at least 20%~~  
43 ~~from such program's fiscal year 2006 revocation rate~~ *achieving and*

1 *maintaining a supervision success rate of at least 75% or improving such*  
2 *rate by at least 3% from the previous year.*

3 (c) Any county or counties operating community correctional  
4 services may apply for the grant. The program shall give priority to a  
5 county or counties in which the ~~revocation~~ *supervision success* rate for  
6 offenders on community supervision is significantly ~~higher~~ *lower* than the  
7 statewide average, which target a higher ~~percentage of revocation~~  
8 ~~reductions~~ *supervision success* rate than the required ~~minimum of 20% or~~  
9 *supervision success rate of 75% or 3% annual supervision success rate*  
10 *improvement* or which target the successful reentry of offenders who are  
11 considered medium or high risk for revocation.

12 ~~(b)~~ (d) The secretary shall adopt grant requirements in accordance  
13 with this section. Proposals for grants under this program shall include,  
14 but not be limited to, provisions to:

15 (1) Target offenders at medium and high risk for revocation utilizing  
16 risk assessment instruments approved by the secretary;

17 (2) reduce and specialize caseloads for community corrections  
18 officers;

19 (3) provide the offenders with the needed supervision and services to  
20 improve such offenders' opportunity to successfully complete community  
21 correctional services programs, resulting in a reduction in revocations to  
22 prison. Such services may include, but not be limited to, employment  
23 training and placement, educational assistance, transportation and  
24 housing. Such services shall be evidence-based and address offenders'  
25 criminogenic risks, needs and responsivity characteristics;

26 (4) use an intermediate sanctions community supervision model;

27 (5) provide staff training and skill development for community  
28 corrections officers in risk reduction and intervention. Such training and  
29 development shall be approved and certified by the secretary;

30 (6) utilize treatment options, including substance abuse treatment,  
31 mental health treatment, and cognitive and behavioral programs for  
32 offenders. For identified need areas, approved assessment and evaluation  
33 instruments should be utilized to ensure offender placement into  
34 appropriate levels of treatment and intervention;

35 (7) use gang intervention strategies;

36 (8) address safety concerns of the community;

37 (9) implement a method of tracking and reporting revocations;

38 (10) establish a goal of reducing the number of offenders, by a  
39 specified percentage, whose supervision is revoked and the offender  
40 sentenced to prison by providing *a plan to*: (A) ~~A plan to reduce the~~  
41 ~~revocation rate for offenders on community supervision by at least 20%~~  
42 ~~from such program's fiscal year 2006 revocations rate;~~ (B) ~~a plan to~~  
43 ~~reduce the revocation rate at a percentage greater than the 20% minimum~~

1 ~~established to receive such grants; or~~ *Achieve and maintain a supervision*  
2 *success rate of at least 75% or improve such rate by at least 3% from the*  
3 *previous year; or* ~~(C) (B) a plan which targets~~ *target* the successful  
4 reentry of offenders who are considered medium or high risk for  
5 revocation;

6 (11) develop a specific accountability system for monitoring,  
7 tracking and utilizing the grant funds and to evaluate the effectiveness of  
8 the grant funds; and

9 (12) develop a consistent set of policies that will guide judges and  
10 community corrections officers in the supervision and revocation of  
11 offenders on community corrections supervision.

12 ~~(e)~~ *(e)* The department of corrections shall establish a date for  
13 achieving goals based upon implementation time-lines and goals specific  
14 to each grant, which may include an overall reduction or a reduction for a  
15 specifically targeted population.

16 ~~(d)~~ *(f)* The department of corrections shall evaluate the programs  
17 which received a grant using a research-based process evaluation  
18 targeting the critical components of effective programs to ensure that the  
19 program is being delivered as such program was designed. Continued  
20 funding shall be contingent on the program meeting the established goals.

21 ~~(e)~~ *(g)* The secretary shall prepare a report which states the number  
22 of programs receiving grants pursuant to this section, specifically  
23 identifying each program, summarizing the provisions of each program  
24 and the success of the program in reducing revocations. Such report shall  
25 be delivered to the governor, the secretary of the senate, the chief clerk of  
26 the house of representatives and the Kansas reentry policy council on or  
27 before the first day of the regular legislative session each year in which  
28 the grant program is funded.

29 Sec. 3. K.S.A. 2010 Supp. 75-5291 and 75-52,112 are hereby  
30 repealed.

31 Sec. 4. This act shall take effect and be in force from and after its  
32 publication in the statute book.