

**HOUSE BILL No. 2704**

By Committee on Government Efficiency

2-9

1 AN ACT *concerning the department of corrections; relating to the*  
2 *reception and diagnostic unit; Topeka correctional facility; amending*  
3 *K.S.A. 2011 Supp. 75-5220 and 75-5229 and repealing the existing*  
4 *sections; also repealing K.S.A. 75-5262, 75-5263, 75-5264 and 75-*  
5 *5265; concerning the Topeka correctional facility.*

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 *Section 1. K.S.A. 2011 Supp. 75-5220 is hereby amended to read as*  
9 *follows: 75-5220. (a) Except as provided in subsections (d), (e) and (f),*  
10 *within four business days of receipt of the notice provided for in K.S.A.*  
11 *75-5218 and amendments thereto, the secretary of corrections shall*  
12 *notify the sheriff having such offender in custody to convey such*  
13 *offender immediately to the department of corrections reception and*  
14 *diagnostic unit or if space is not available at such facility, then to some*  
15 *other state correctional institution until space at the facility is available,*  
16 *except that, in the case of first offenders who are conveyed to a state*  
17 *correctional institution other than the reception and diagnostic unit,*  
18 *such offenders shall be segregated from the inmates of such correctional*  
19 *institution who are not being held in custody at such institution pending*  
20 *transfer to the reception and diagnostic unit when space is available*  
21 *therein. The expenses of any such conveyance shall be charged against*  
22 *and paid out of the general fund of the county whose sheriff conveys the*  
23 *offender to the institution as provided in this subsection.*

24 *(b) Any female offender sentenced according to the provisions of*  
25 *K.S.A. 75-5229, and amendments thereto, shall be conveyed by the*  
26 *sheriff having such offender in custody directly to a correctional*  
27 *institution designated by the secretary of corrections, subject to the*  
28 *provisions of K.S.A. 75-52,134, and amendments thereto. The expenses*  
29 *of such conveyance to the designated institution shall be charged against*  
30 *and paid out of the general fund of the county whose sheriff conveys*  
31 *such female offender to such institution.*

32 *(c) Each offender conveyed to a state correctional institution*  
33 *pursuant to this section shall be accompanied by the record of the*  
34 *offender's trial and conviction as prepared by the clerk of the district*  
35 *court in accordance with K.S.A. 75-5218, and amendments thereto.*

36 *(d) If the offender in the custody of the secretary is a juvenile, as*

1 *described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, such*  
2 *juvenile shall not be transferred to the state reception and diagnostic*  
3 *center department of corrections reception and diagnostic unit until such*  
4 *time as such juvenile is to be transferred from a juvenile correctional*  
5 *facility to a department of corrections institution or facility.*

6 *(e) Any offender sentenced to a facility designated by the secretary*  
7 *of corrections to participate in an intensive substance abuse treatment*  
8 *program shall not be transferred to the state reception and diagnostic*  
9 *center department of corrections reception and diagnostic unit but directly*  
10 *to such facility, unless otherwise directed by the secretary. The secretary*  
11 *may transfer the housing and confinement of any offender sentenced to*  
12 *a facility to participate in an intensive substance abuse treatment*  
13 *program to any institution or facility pursuant to K.S.A. 75-5206, and*  
14 *amendments thereto.*

15 *(f) If the offender has 10 or less days remaining to be served on the*  
16 *prison portion of the sentence at the time the notice provided for in*  
17 *K.S.A. 75-5218, and amendments thereto, is received by the secretary of*  
18 *corrections, the secretary may order the offender discharged from the*  
19 *prison portion of the sentence.*

20 *(g) All costs incurred for medical care and treatment of the*  
21 *offender while in the actual physical custody of the secretary of*  
22 *corrections shall be the responsibility of the secretary of corrections.*

23 *Sec. 2 K.S.A. 2011 Supp. 75-5229 is hereby amended to read as*  
24 *follows: 75-5229. (a) Every woman sentenced to imprisonment for a*  
25 *felony shall be sentenced to the custody of the secretary of corrections.*

26 *(b) Every woman sentenced to the custody of the secretary of*  
27 *corrections shall be given a scientific examination and study and shall*  
28 *have a program planned and recommended for her, which examination,*  
29 *study and program shall be substantially equal to that provided for in*  
30 *K.S.A. 75-5262 and amendments thereto. The examination shall be*  
31 *given, the study shall be made and the program shall be prepared in*  
32 *accordance with procedures prescribed by the secretary of corrections,*  
33 *subject to the provisions of K.S.A. 75-52,134, and amendments thereto.*  
34 *If the woman in the custody of the secretary is a juvenile, as described in*  
35 *K.S.A. 2011 Supp. 38-2366, and amendments thereto, such juvenile shall*  
36 *not be given a scientific examination and study until such time as such*  
37 *juvenile is to be transferred from a juvenile correctional facility to a*  
38 *department of corrections institution or facility.*

39 ~~Section 1.~~ *Sec. 3. K.S.A. 75-5262, 75-5263, 75-5264 and 75-5265*  
40 *and K.S.A. 2011 Supp. 75-5220 and 75-5229 are hereby repealed.*

41 ~~Sec. 2.~~ *4. This act shall take effect and be in force from and after its*  
42 *publication in the statute book.*