

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 394**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

SB 394, as amended, would require the Secretary of Corrections to establish a Justice Reinvestment Working Group, which would consist of 17 members appointed by various officials in each branch of Kansas government and by law enforcement associations. The Working Group would be charged to study the data-driven, fiscally responsible policies and practices that can increase public safety and reduce recidivism and spending on corrections in Kansas. The Working Group would be required to submit a report of its activities and recommendations to the Secretary of the Senate and the Chief Clerk of the House of Representatives on or before January 1, 2013.

Additionally, the bill 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.

**Background**

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

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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 the bill. 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 bed impact statement prepared by the Kansas Sentencing Commission for the bill indicates the bill would reduce prison admissions by 117 in FY 2013 and by 140 in FY 2022. The bill would save four prison beds in FY 2013 and five beds in FY 2022.

The fiscal note on the bill, as introduced, states the number of male inmates currently exceeds the available bed capacity, and the Kansas Sentencing Commission estimates the shortage will be 335 beds by the end of FY 2012 and 453 beds by the end of FY 2013. To address capacity issues, the Governor's budget includes \$3,896,150 to renovate and operate existing facilities in Labette County and an additional \$1.5 million to contract for prison beds. Further, the Department of Corrections has identified a capacity-expansion project at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,320,329 and operating costs of \$8,184,231 (\$43.79 per inmate per day).

Any capacity needed beyond these options would require additional contract or construction costs. Actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capital health care costs, and other cost factors applicable at the time the additional capacity is occupied. Any prison commitments resulting in additional parolees could

require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with the bill is not reflected in *The FY 2013 Governor's Budget Report*.