

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

STATE CAPITOL  
TOPEKA, KANSAS 66612  
(785) 296-7122  
dennis.bcog.highberger@house.ks.gov



1024 NEW YORK ST.  
LAWRENCE, KANSAS 66044  
(785) 424-3262

**DENNIS "BOOG" HIGHBERGER**  
46TH DISTRICT

**TESTIMONY ON HB 2469**  
**Before the Corrections and Juvenile Justice**  
**Committee of the Kansas House of Representatives**

February 3, 2020

Chairman Jennings and Members of the Committee,

Thank you for the opportunity to testify today on HB 2469, which amends the state statute on terminal medical release for prison inmates.

This bill comes to us from the Kansas Sentencing Commission, where I raised this issue over the summer. Under current Kansas law, the Prisoner Review Board may grant release to any inmate deemed by a doctor to have a terminal medical condition likely to cause death within 30 days. It is my understanding that the short time limit in this statute is problematic because the applications often take more than 30 days to process and inmates often die before their applications have been approved. An average of approximately one inmate per year is released under the current law. Extending this time limit to 90 days should increase the number of inmates who can be successfully released under this statute.

I initially asked that the Sentencing Commission propose a more expansive medical and compassionate release policy, similar to the criteria applicable to federal prisoners that were adopted as part of the First Step Act of 2019. The percentage of our prison population that is mentally or physically incapacitated continues to grow, and it makes no sense to me for our Department of Corrections to be in the nursing home business. I have heard the objection that inmates should not escape part of their punishment merely because of a medical condition, but it seems to me that the punishment suffered by an incapacitated inmate is essentially the same whether the inmate is in a prison or a nursing home. Furthermore, provided that Medicaid is expanded in Kansas, moving incapacitated inmates out of the prison could provide significant savings for our prison medical services.

I look forward to discussing an expanded compassionate release policy with the committee at some point in the future, and possibly when we work the bill if enough members of the committee are interested.

I would be happy to answer questions at the appropriate time.