



Testimony on HB2469

Submitted To

The House Corrections and Juvenile Justice Committee

By

Kansas Department of Corrections

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The Kansas Department of Corrections appreciates the opportunity to offer a perspective on the proposed changes in HB2469. We are neutral on the bill as proposed.

HB2469 proposes to increase from 30 to 90 the number of days an inmate could be released when they have been deemed by a medical doctor to have a terminal medical condition likely to cause death within that period of time. Data from the Kansas Sentencing Commission indicates this will not have an impact on prison admissions and could affect prison bed space. Our records show that no person has been released under current law since 2013.

Consideration of this policy change is important because the current public policy in Kansas as it relates to crime and punishment confronts our citizens with a prison system, and more comprehensively a criminal justice system, which is stressed and over capacity.

Kansas' community corrections probation programs are working with the same financial resources as in fiscal year (FY) 2013. Our prisons house more persons than we have capacity, requiring the use of contract beds at county jails and out of state. Within our prisons we lack the resources to provide the programs and treatment needed to change inmate behavior, returning them to the community without the skills, education, and training needed to improve the safety of the public upon their release. Once an inmate releases they are met by parole staff who serve 21% more offenders than in FY15, with the same level of resources. With these systemic challenges, it should not surprise anyone that the five-year average from FY2015-2019 shows that 64.5% of admissions to KDOC facilities are condition violators (persons unsuccessful on supervision in the community).

If the will of the Committee is to advance this bill, here are some areas we recommend be considered.

- The proposed extended period of time from 30 to 90 days could improve current the process. Today 30 days is insufficient time to provide the required notice to the prosecuting attorney and the judge, and any victim who is known to KDOC, and then for the prisoner review board to thoroughly review the application and make an informed decision that is consistent with public safety goals.

The proposed 90 days, or 120 days if the Committee could consider, increase the potential that processes could be completed before a terminally ill person passes away in prison.

- The Committee may also wish to consider the benefits of including language requiring the prisoner review board and the department to have a viable residency plan before release. It would be unwise to release a terminally ill person to an unstable living arrangement, or worse to homelessness.

In closing. We appreciate that the Committee, and the Legislature as a whole, are discussing the public policies of Kansas as they relate to the criminal justice system. We will strive to be a resource to you as you continue your policy work.

Thank you