

SENATE JUDICIARY COMMITTEE
Senator Richard Wilborn, Chairman

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
March 12, 2020

Proponent Testimony – HB 2470

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill allows for post-sentence transfer of jurisdiction and supervision for 2003 SB 123 offenders.

Specifically, two statutes are affected. K.S.A. 2019 Supp. 21-6610 is amended to allow the originating district court to transfer jurisdiction to another district court for offenders sentenced pursuant to K.S.A. 21-6824 (SB 123) with the concurrence of the receiving district court and all parties. Also, K.S.A. 2019 Supp. 21-6824 (SB 123) is amended to read if offender is permitted to go from the judicial district of the sentencing court, the court may, pursuant to K.S.A. 2019 Supp. 21-6610 transfer supervision over that judicial district to another and either transfer or retain jurisdiction of the offender.

Courtesy supervision by probation officers occurs regularly with judicial districts after sentencing and where an offender does not reside in the jurisdiction in which the criminal conduct occurred. Where an offender is sentenced pursuant to SB 123 substance abuse treatment, the bill allows the sentencing court to not only transfer supervision, which is the law now, but also transfer jurisdiction to the court in which the offender resides. The Commission recommends this proposal to encourage judicial economy as any violations of probation will most likely occur in the jurisdiction where the offender resides.

Currently, if an offender is on courtesy supervision and violates a term or condition of probation, that offender is required to report back to the original jurisdiction where the crime occurred. The supervising probation officer providing courtesy supervision may be required to travel to that jurisdiction to testify regarding the wrongful conduct, thereby incurring travel and time costs. The bill would allow the court and probation office where the offender resides to hold any subsequent revocation hearings. This would provide for ease in administration of justice and would allow the court in the jurisdiction in which the offender lives to best sanction the offender. Simply put, public safety concerns would be better addressed in the offender's hometown.

Transfers under this proposal are not mandatory and all parties, the receiving and sending jurisdictions must agree to transfer jurisdiction.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.