

HOUSE BILL No. 2654

By Committee on Corrections and Juvenile Justice

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to supervision of criminal offenders; offenders under supervision of
3 both the department of corrections and court services officers;
4 providing guidance for consolidation of supervision into one
5 supervision entity or agency; requiring the department of corrections
6 and the office of judicial administration to enter into a memorandum of
7 understanding related to the supervision of such offenders; amending
8 K.S.A. 2021 Supp. 21-6610 and repealing the existing section.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2021 Supp. 21-6610 is hereby amended to read as
12 follows: 21-6610. (a) When a defendant is placed on parole by the district
13 court, on probation, assigned to a community correctional services
14 program by a district court or under suspended sentence and such
15 defendant is permitted to go from the judicial district of that court,
16 supervision over the defendant may be transferred from that judicial
17 district to another with the concurrence of the receiving chief court
18 services officer, or if in a community corrections services program, by the
19 concurrence of the director of the receiving program.

20 ~~(b) The district court from which the defendant is on parole,~~
21 ~~probation, community correctional services program or suspended~~
22 ~~sentence may retain jurisdiction of the defendant.~~

23 (e) When a defendant described in subsection (a) is sentenced
24 pursuant to K.S.A. 2021 Supp. 21-6824, and amendments thereto, the
25 district court from which the defendant is on parole, on probation, assigned
26 to a community correctional services program or under suspended
27 sentence may transfer jurisdiction of the defendant with the concurrence of
28 the receiving district court and all parties.

29 (c) (1) *When a defendant described in subsection (a) is being*
30 *sentenced and is already being supervised on parole, probation,*
31 *assignment to a community correctional services program or under*
32 *suspended sentence, the district court by which the defendant is currently*
33 *being supervised may use the guidelines provided in this subsection to*
34 *determine whether it is appropriate to transfer jurisdiction of the*
35 *defendant to a different district court.*

36 (2) *If the new sentence would place the defendant under the*

1 supervision of two supervision entities or agencies, the court may
2 consider:

3 (A) Granting jurisdiction to the court with jurisdiction over the
4 offense that has the longest underlying sentence of imprisonment; and

5 (B) whether the severity of the new offense requires a higher level of
6 supervision. If a higher level of supervision is not required, there may be a
7 preference for maintaining supervision of the defendant by the current
8 supervising entity or agency for the duration of supervision. If a higher
9 level of supervision is required, there may be a preference for transferring
10 supervision responsibility of the defendant to the appropriate supervision
11 entity or agency for the duration of supervision.

12 (3) If two or more supervision entities or agencies are supervising the
13 defendant for sentences that are equal, the court may consider:

14 (A) The residency of the defendant;

15 (B) the ability of the defendant to travel to the supervision office from
16 the defendant's residence, place of employment and school;

17 (C) resources for residential and nonresidential sanctions or
18 rehabilitative treatment available from each supervision entity or agency;
19 and

20 (D) the level of supervision available to the defendant by each
21 supervision entity or agency.

22 (d) The district court from which the defendant is on parole,
23 probation, assignment to a community correctional services program or
24 suspended sentence may retain jurisdiction of the defendant. If the court
25 retains jurisdiction, the defendant shall be supervised by one supervision
26 entity or agency. The department of corrections and the office of judicial
27 administration shall enter into a memorandum of understanding providing
28 that a defendant on parole, probation, assignment to a community
29 correctional services program or suspended sentence shall be supervised
30 by one supervision entity or agency. Such memorandum of understanding
31 shall include, but not be limited to, provisions related to:

32 (1) The criteria for determining the most appropriate supervision
33 entity or agency;

34 (2) how the financial obligations of supervision will be managed;

35 (3) conditions of supervision;

36 (4) sanctions for violation of supervision;

37 (5) standards for seeking revocation of parole, probation, assignment
38 to a community correctional services program or suspended sentence;

39 (6) termination of supervision; and

40 (7) information sharing between supervision entities or agencies.

41 Sec. 2. K.S.A. 2021 Supp. 21-6610 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.