

SENATE BILL No. 394

By Committee on Judiciary

2-7

1 AN ACT concerning the secretary of corrections; relating to transfer or
2 discharge of certain offenders; amending K.S.A. 2011 Supp. 75-5220
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 75-5220 is hereby amended to read as
7 follows: 75-5220. (a) Except as provided in subsections (d), (e) and (f),
8 within four business days of receipt of the notice provided for in K.S.A.
9 75-5218, and amendments thereto, the secretary of corrections shall notify
10 the sheriff having such offender in custody to convey such offender
11 immediately to the department of corrections reception and diagnostic unit
12 or if space is not available at such facility, then to some other state
13 correctional institution until space at the facility is available, except that, in
14 the case of first offenders who are conveyed to a state correctional
15 institution other than the reception and diagnostic unit, such offenders
16 shall be segregated from the inmates of such correctional institution who
17 are not being held in custody at such institution pending transfer to the
18 reception and diagnostic unit when space is available therein. The
19 expenses of any such conveyance shall be charged against and paid out of
20 the general fund of the county whose sheriff conveys the offender to the
21 institution as provided in this subsection.

22 (b) Any female offender sentenced according to the provisions of
23 K.S.A. 75-5229, and amendments thereto, shall be conveyed by the sheriff
24 having such offender in custody directly to a correctional institution
25 designated by the secretary of corrections, subject to the provisions of
26 K.S.A. 75-52,134, and amendments thereto. The expenses of such
27 conveyance to the designated institution shall be charged against and paid
28 out of the general fund of the county whose sheriff conveys such female
29 offender to such institution.

30 (c) Each offender conveyed to a state correctional institution pursuant
31 to this section shall be accompanied by the record of the offender's trial
32 and conviction as prepared by the clerk of the district court in accordance
33 with K.S.A. 75-5218, and amendments thereto.

34 (d) If the offender in the custody of the secretary is a juvenile, as
35 described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, such
36 juvenile shall not be transferred to the state reception and diagnostic center

1 until such time as such juvenile is to be transferred from a juvenile
2 correctional facility to a department of corrections institution or facility.

3 (e) Any offender sentenced to a facility designated by the secretary of
4 corrections to participate in an intensive substance abuse treatment
5 program shall not be transferred to the state reception and diagnostic
6 center but directly to such facility, unless otherwise directed by the
7 secretary. The secretary may transfer the housing and confinement of any
8 offender sentenced to a facility to participate in an intensive substance
9 abuse treatment program to any institution or facility pursuant to K.S.A.
10 75-5206, and amendments thereto.

11 (f) If the offender has ~~40~~ 20 or less days remaining to be served on
12 the prison portion of the sentence at the time the notice provided for in
13 K.S.A. 75-5218, and amendments thereto, is received by the secretary of
14 corrections, the secretary may order the offender discharged from the
15 prison portion of the sentence.

16 (g) All costs incurred for medical care and treatment of the offender
17 while in the actual physical custody of the secretary of corrections shall be
18 the responsibility of the secretary of corrections.

19 Sec. 2. K.S.A. 2011 Supp. 75-5220 is hereby repealed.

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