

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 346**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

SB 346, as amended, would grant the Secretary of Corrections four, rather than three, business days to notify the sheriff to immediately convey the offender in his or her custody to the Department of Corrections Reception and Diagnostic Unit. The bill would require the Secretary to be responsible for all medical care and treatment costs of the offender while in the actual physical custody of the Secretary.

The bill also would grant the Secretary the discretion to discharge the offender from the prison portion of the sentence if the offender has ten days or less remaining to be served at the time the Secretary receives the notice of the Order for Commitment.

Finally, the bill would require the court to forward a copy of the complaints, affidavits, and the county and district attorney reports to the officer having custody of the offender for delivery when the offender is transferred to a correctional institution.

**Background**

The concept of preventing the transfer from county jail to a state correctional facility was discussed in the 2009 interim by the Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO). JCCJJO recommended introduction of a bill that would prevent the transfer to a KDOC facility for offenders who have ten days or less to be served in the state

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

prison and require the offender be retained in the county jail. That bill was 2010 SB 346, as introduced.

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were the Secretary of the Kansas Department of Corrections and the Kansas Association of Counties.

The opponent of the bill, as introduced, who presented testimony in the Senate Committee hearing was a representative of the Sedgwick County Sheriff's Office.

The Senate Committee amended the bill to grant the Secretary four, rather than three, business days to notify the sheriff to immediately convey the offender in his or her custody to the Department of Corrections Reception and Diagnostic Unit. The Senate Committee also amended the bill, at the request of the Kansas Department of Corrections, to grant the Secretary the discretion to discharge the offender from the prison portion of the sentence if the offender has ten days or less remaining to be served at the time the Secretary receives the notice of the Order for Commitment. Finally, the Senate Committee amended the bill to require the court to forward a copy of the complaints, affidavits, and the county and district attorney reports to the officer having custody of the offender for delivery when the offender is transferred to a correctional institution.

The Senate Committee of the Whole amended the bill to require that, after an offender is sentenced to prison, except for the four-day grace period granted to the Secretary, all medical care and treatment of the offender would be the responsibility of the Secretary of Corrections.

The proponents of the bill, as amended by the Senate Committee of the Whole, who presented testimony in the House Committee on Corrections and Juvenile Justice were representatives of the Kansas Association of Counties, the Riley County Board of Commissioners, the Riley County Counselor's Office, and the Johnson County Sheriff's Office. The Secretary of Corrections spoke in favor of the bill but asked

that the Senate Committee of the Whole amendment be removed.

There were no opponents to the bill in the House Committee.

The House Committee amended the bill to require that the Secretary have actual physical custody of an offender sentenced to prison before the Secretary would be responsible for all medical care and treatment costs of the offender. The House Committee also made a technical amendment at the request of the Revisor to strike the section included in the bill as a cross reference, which was no longer necessary after the amendment adding the requirement of "actual physical" custody.

The fiscal note on the bill, as introduced, may not be applicable because the bill, as amended, is different. The bill, as introduced, would have prevented the transfer of an offender if he or she had ten or less days remaining on the prison portion of their sentence. The cost would have been borne by the counties to maintain custody for the remainder of the prison portion of the offender's sentence. The bill, as amended, would grant the Secretary of Corrections the authority to discharge the remainder of the prison portion of the offender's sentence.