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# Kansas County and District Attorneys Association Overland Park, Kansas October 13, 2015

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[www.kansas.gov/ksc](http://www.kansas.gov/ksc)

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# Agenda

1. HB 2170 History/Process
2. FY 2015 Probation  
Revocation Data
3. Why Should You Care?

# HB 2170

## History and Process

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# Intended Impacts of HB 2170

1. Increased Public Safety by Focusing Resources on Higher Risk Offenders

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2. Reduction in Correctional Spending

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3. Reduction in Prison Beds Demands

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4. Increased Access to Community Programming

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# HB 2170: What Does the Law State?

- Provides for swift & certain responses to offender noncompliance in the community

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- Provides graduated sanctioning options

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- Establishes presumptive discharge from supervision for certain low-risk offenders

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- Mandates postrelease supervision for offenders who are probation violators

# HB 2170: What Does the Law State?

- Provides for swift & certain responses to offender noncompliance in the community
- Provides graduated sanctioning options
- Establishes presumptive discharge from supervision for certain low-risk offenders
- Mandates postrelease supervision for offenders who would otherwise complete underlying sentence while serving time on a sanction

# Graduated Judicial Sanctions

An array of judicial options to respond to technical probation violations



# Graduated Judicial Sanctions

- Subject to up to a **50% reduction** (i.e., 120-days can be reduced to 60 days and 180-days to 90 days) by the Secretary of Corrections.
- 120-day and 180-day sanction **cannot be repeated** and 120 is not prerequisite to 180.
- Jail sanction (Quick Dip) is a **prerequisite** unless new crime, absconding or public safety threatened.
- Requires that a graduated sanction of either 120 or 180 days has been **imposed prior to full revocation** unless new crime, absconding or public safety is threatened. Deviations have to be documented.

# 2014 S Sub for HB 2448

## Clean-up bill for HB 2170

1. Nongrid felony offenders are not subject to 120/180-day prison sanctions
  - K.S.A. 2013 Supp. 22-716(b)(3)(A) and (b)(3)(B) amended to clarify that offender convicted of a nongrid felony is not eligible to serve a prison sanction pursuant to 22-3716(c)(1)(C) or (c)(1)(D).



# 2014 S Sub for HB 2448

## Clean-up bill for HB 2170

2. Court may impose up to 60 days in county jail, but not in addition to another graduated sanction
  - HB 2448 moved the language authorizing the court to impose confinement for up to 60 days in county jail from K.S.A. 2013 Supp. 21-6604(a)(3) to 22-3716(c)(11). The court had and will continue to have the authority to impose confinement in a county jail for up to 60 days upon finding the offender has violated the conditions of probation. However, the new language in K.S.A. 2014 Supp. 22-3716(c)(11) clarifies that this period of confinement is separate from the other graduated sanctions (i.e., quick dips and 120/180-day prison sanctions) and may not be imposed at the same time as these other sanctions.



# 2014 S Sub for HB 2448

## Clean-up bill for HB 2170

3. Prior jail credit may not be applied to decrease length of 120/180-day prison sanctions
  - HB 2448 amended K.S.A. 2013 Supp. 22-3716(c)(1)(C) and (c)(1)(D) to provide that the 120 or 180-day sanction shall begin upon pronouncement by the court. Prior incarceration time, such as the time an offender spends awaiting a probation violation hearing, shall not be counted towards service on the prison sanction. However, time spent in county jail awaiting transport to a DOC facility after imposition of the sanction may be counted.





**Post-Sanction:** KDOC  
pays costs to deliver  
offender back to  
community corrections

# 2014 S Sub for HB 2448

## Clean-up bill for HB 2170

4. Concurrent probation terms require concurrent sanctions
  - An offender serving multiple probation periods concurrently is not eligible for multiple consecutive violation sanctions. K.S.A. 2014 Supp. 22-3716(c)(10)
  - For example, an offender serving two separate concurrent probation periods who commits a second or subsequent probation violation may not receive multiple consecutive prison sanctions. Rather, the court may impose a single prison sanction of either 120 or 180 days on each case, to be served concurrently.



# 2014 S Sub for HB 2448

## Clean-up bill for HB 2170

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5. Graduated sanctions apply to all probationers, regardless of their date of conviction.
    - HB 2448 adds additional language in K.S.A. 2013 Supp. 22-3716(c)(12) to clarify that the graduated sanction provisions shall apply to any probation violator, regardless of the date on which they committed their original crime of conviction.

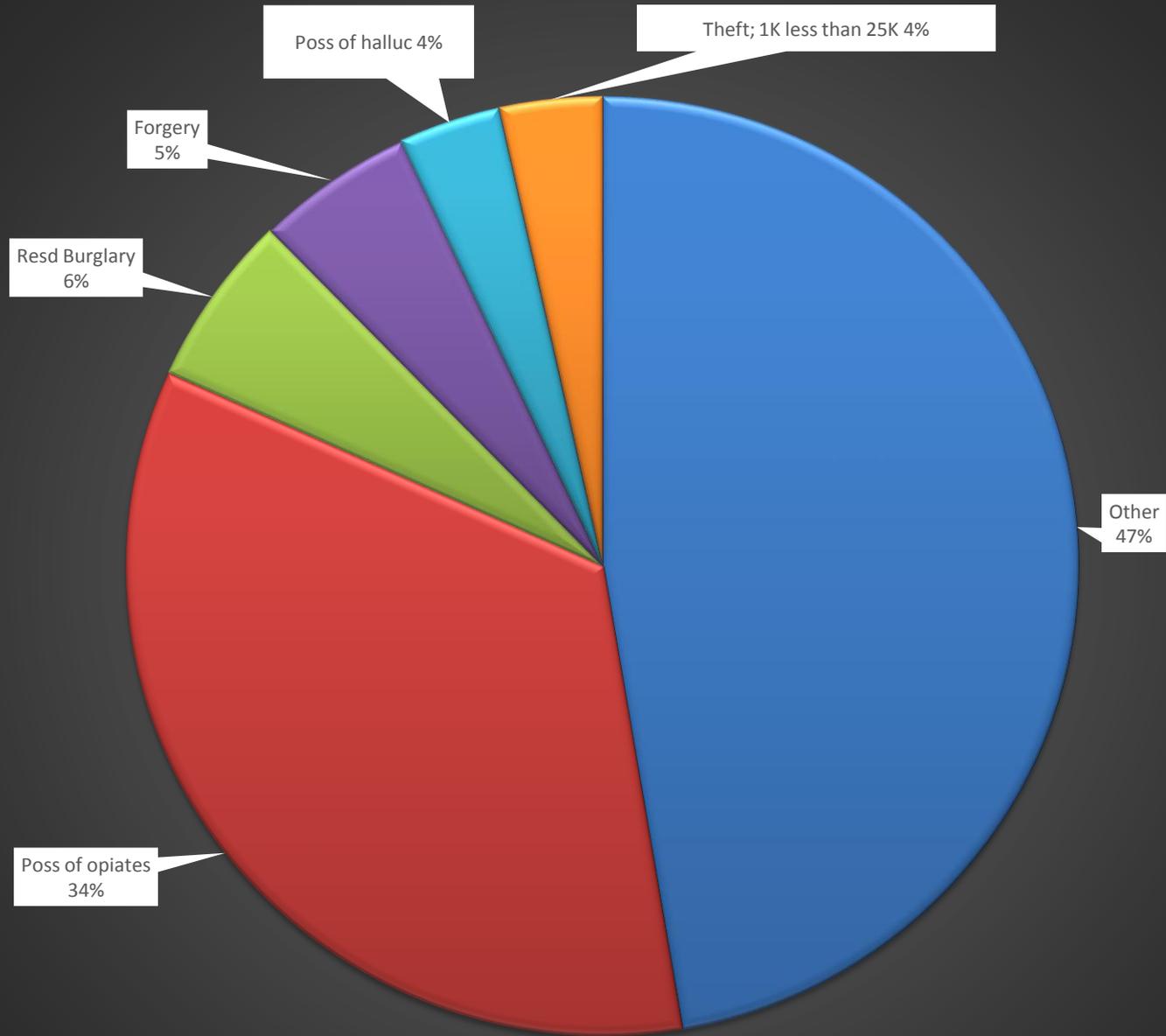
# HB 2170

State Data for FY 2015

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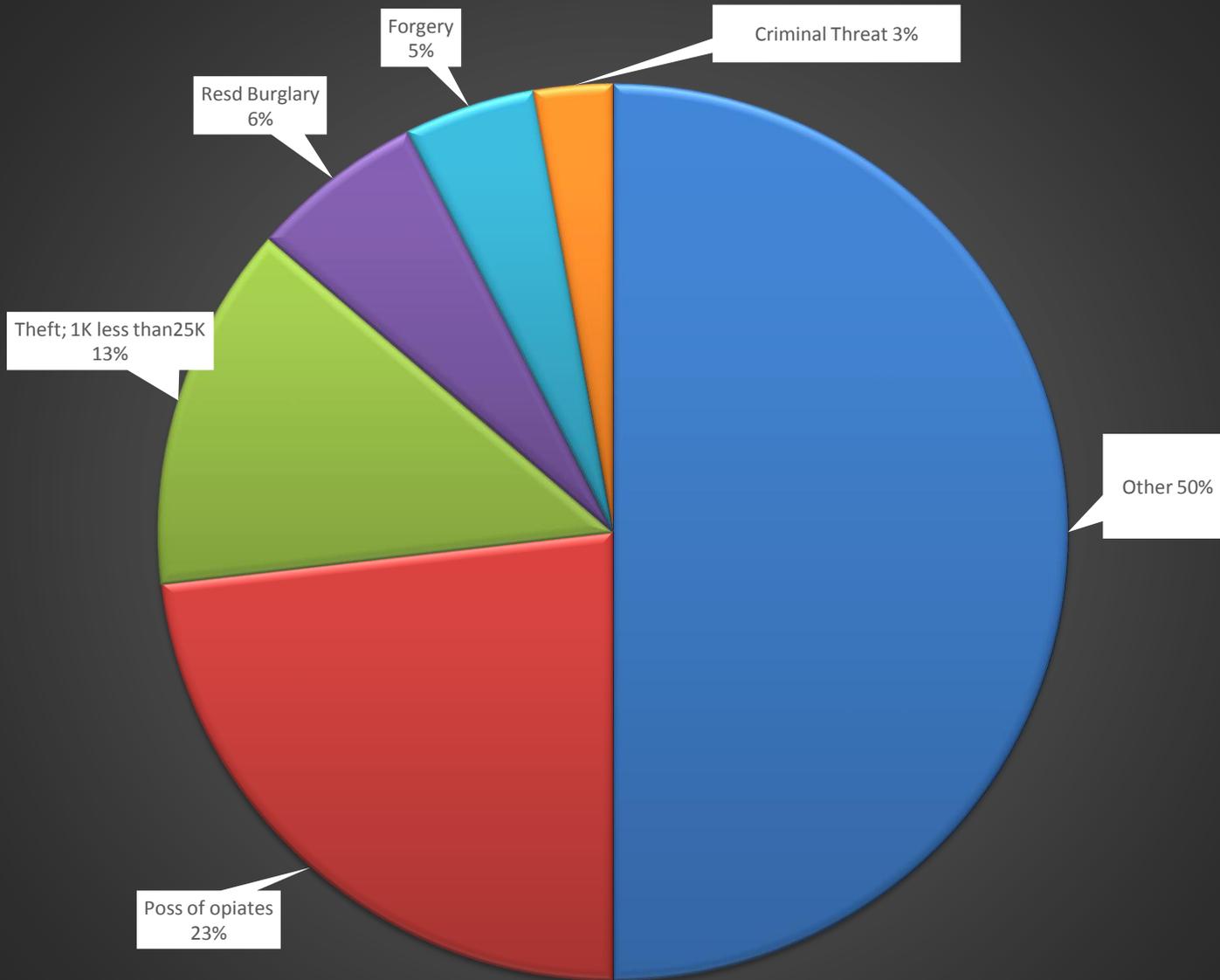


# Top 5 Primary Offenses of Graduated Sanction Offenders



Other Poss of opiates Resd Burglary Forgery Poss of halluc Theft; 1K less than 25K

# Top 5 Primary Convictions of Revoked Technical Violators



Other Poss of opiates Theft; 1K less than 25K Resd Burglary Forgery Criminal Threat

# HB 2170

Why Should You Care?

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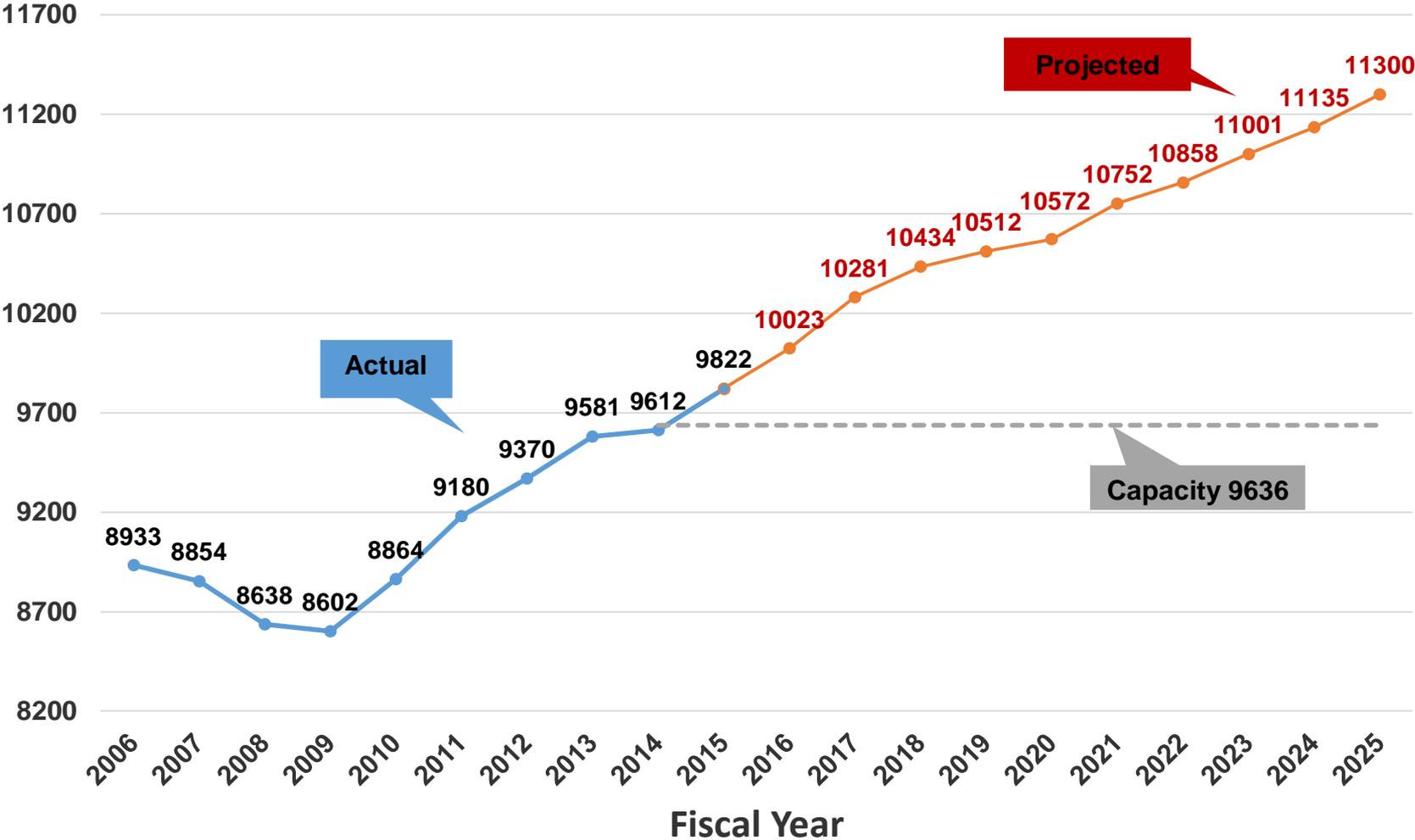


Kansas  
Crime



Prison  
Population

# Kansas Prison Population - Actual and Projected



# GOAL



Victimization

# GOAL



Offender  
Compliance



97%  
Inmates  
Released



# Negotiations

Recognize  
Some Will  
Not Reoffend



# Considerations

- Building prisons costs money at state level
- Less state aid for local governments
- Less appropriations for prosecutor offices to keep and attract great attorneys
- Increased local property taxes

# Better Tools for you

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- Website – [sentencing.ks.gov](http://sentencing.ks.gov)
- Newsletter – website signup
- HB 2170 FAQ – incl. video
- Desk Reference Manual
- Forms – updated frequently
- New Procedures –  
new/amended laws
- Hotline – Your guidelines  
questions answered





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# Thank You

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