

MEMORANDUM

To: Chairperson Burgess and members of the Committee on Government Efficiency
From: Jim Wilson, First Assistant Revisor
Date: February 14, 2012
Subject: HB 2684 – Repealing K.S.A. 74-7402, 74-7403, 74-7404, 74-7406 and 74-7407; concerning the ombudsman of corrections

HB 2684 would repeal five statutes concerning the office of the ombudsman of corrections which is no longer funded. The ombudsman of corrections was appointed by the corrections ombudsman board which was established by K.S.A. 74-7401. K.S.A. 74-7401 was repealed by §19 of Chapter 192 of the 1992 Session Laws of Kansas. The legislation abolished several state boards, commissions and committees, including the corrections ombudsman board. The statutes repealed by this bill are printed in the hard bound Volume 6 of the KSA's.

These sections were recommended to the Office of Repealer and Tim Madden, Senior Counsel to the Secretary of Corrections, is listed as resource contact.

The act would take effect upon publication in the statute book.

74-7402. Ombudsman of corrections; personnel and accounting services. The secretary of corrections shall provide the office of the ombudsman with necessary personnel and accounting services. History: L. 1978, ch. 370, § 2; L. 1992, ch. 192, § 15; July 1.

74-7403. Same; appointment; compensation; office space; employees; duties and functions; reports; complaints and grievances. The governor shall appoint an ombudsman of corrections who shall serve at the pleasure of the governor. The compensation paid to the ombudsman shall be fixed by the governor. The secretary of administration shall provide the ombudsman with office space at Topeka. The ombudsman may appoint such employees as may be necessary to carry out the duties of the office of ombudsman of corrections and as are within available appropriations. Clerical positions shall be in the classified service under the Kansas civil service act and all other employees shall be in the unclassified service under the Kansas civil service act. Any misfeasance or discrepancy in administration or any unreasonable treatment of inmates in the custody of the secretary of corrections or inmates housed by any entity under contract with the secretary of corrections which the ombudsman discovers or the inmates bring to the attention of the ombudsman shall be brought to the attention of the secretary of corrections and shall be made known in periodic reports and in an annual report issued by the ombudsman. The ombudsman shall forward complaints and grievances directly to the secretary of corrections for consideration by the secretary. History: L. 1973, ch. 339, § 52; L. 1974, ch. 402, § 2; L. 1976, ch. 399, § 1; L. 1978, ch. 370, § 3; L. 1978, ch. 330, § 41; L. 1987, ch. 314, § 1; L. 1988, ch. 310, § 1; L. 1992, ch. 192, § 16; July 1.

House Government Efficiency
Date: 2-14-2012
Attachment: //

74-7404. Same; access to correctional institutions and other inmate housing. (a) The ombudsman of corrections may enter and inspect at any reasonable time any premises under the control of the secretary of corrections or under the control of any entity housing inmates under contract with the secretary of corrections and may delegate that authority in writing to any employee of the office acting as an ombudsman.

(b) If the ombudsman of corrections or any employee of the office acting as an ombudsman who has been delegated in writing the authority granted under subsection (a) is denied access to any premises under the control of the secretary of corrections, the secretary or the secretary's designee, within 24 hours after the denial, shall give the ombudsman a written statement of the reason for the denial of access. History: L. 1983, ch. 247, § 1; L. 1988, ch. 310, § 2; July 1.

74-7406. Same; availability of records to department of corrections, when. No documents relating to complaints, investigations or studies in the possession of the ombudsman of corrections or any employee of the ombudsman shall be read, copied or taken by any officer or employee of the department of corrections except as authorized by the ombudsman or the employee of the ombudsman. History: L. 1983, ch. 247, § 2; July 1.

74-7407. Same; power to administer oaths. The ombudsman of corrections is hereby authorized to administer oaths as specified by rules and regulations of the corrections ombudsman board and may delegate such authority in writing to any ombudsman associate. History: L. 1983, ch. 247, § 3; July 1.