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Sam Brownback, Governor

Testimony on HB 2684
to
The Senate Judiciary Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
March 12, 2012

The Department of Corrections supports HB 2684. HB 2684 repeals the series of statutes that governed the Ombudsman of Corrections. HB 2684 is the result of Governor Brownback's initiative to repeal outmoded, unreasonable, duplicative or unduly burdensome statutes and regulations. The House passed HB 2684 by a vote of 123-1.

The statute creating the Board for the Ombudsman of Corrections (K.S.A. 74-7401) was repealed in 1992. HB 2684 reflects that the office of the Ombudsman of Corrections has not been funded nor operational for approximately a decade thus rendering K.S.A. 74-7402, 74-7403, 74-7404, 74-7406 and 74-7407 outmoded and thus should be repealed. A copy of the statutes repealed by HB 2684 is attached for the convenience of the Committee.

The department urges favorable consideration of HB 2684.

Statutes Repealed by HB 2684

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.

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.

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.

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.

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.