

**SENATE BILL No. 221**

By Committee on Ways and Means

3-3

---

1 AN ACT concerning corrections; amending K.S.A. 19-1930 and 75-  
2 52,103 and repealing the existing sections.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 New Section 1. Notwithstanding the provisions of K.S.A. 75-3731,  
6 and amendments thereto, or any other statute, the secretary of corrections  
7 may authorize the payment of any duly authorized claim to be paid for  
8 costs associated with providing treatment services to offenders who were  
9 driving under the influence of alcohol or drugs, even though such claim is  
10 not submitted or processed for payment within the fiscal year in which  
11 the service is rendered.

12 Sec. 2. K.S.A. 19-1930 is hereby amended to read as follows: 19-  
13 1930. (a) The sheriff or the keeper of the jail in any county of the state  
14 shall receive all prisoners committed to the sheriff's or jailer's custody by  
15 the authority of the United States or by the authority of any city located in  
16 such county and shall keep them safely in the same manner as prisoners  
17 of the county until discharged in accordance with law. The county  
18 maintaining such prisoners shall receive from the United States or such  
19 city compensation for the maintenance of such prisoners in an amount  
20 equal to that provided by the county for maintenance of county prisoners  
21 and provision shall be made for the maintenance of such prisoners in the  
22 same manner as prisoners of the county. The governing body of any city  
23 committing prisoners to the county jail shall provide for the payment of  
24 such compensation upon receipt of a statement from the sheriff of such  
25 county as to the amount due therefor from such city.

26 (b) (1) The sheriff or the keeper of the jail in any county of the  
27 state shall receive all prisoners committed to the sheriff's or jailer's  
28 custody pursuant to K.S.A. 75-5217, and amendments thereto, and shall  
29 keep them safely in the same manner as prisoners of the county until  
30 discharged in accordance with law or until otherwise ordered by the  
31 secretary of corrections. The cost of maintenance of such prisoners,  
32 including medical costs of such prisoners shall be paid by the department  
33 of corrections in an amount equal to that provided by the county for  
34 maintenance of county prisoners not exceeding the per capita daily  
35 operating cost, not including inmate programs, for the department of  
36 corrections, as determined by the secretary of corrections.

1       (2) *Notwithstanding the provisions of K.S.A. 75-3731, and*  
2 *amendments thereto, or any other statute, the secretary of corrections*  
3 *may authorize the payment of any duly authorized claim to be paid for*  
4 *costs pursuant to subsection (b)(1), even though such claim is not*  
5 *submitted or processed for payment within the fiscal year in which the*  
6 *service is rendered.*

7       (c) In lieu of charging city authorities for the cost of maintenance of  
8 prisoners as provided by subsections (a) and (b), the board of county  
9 commissioners of Sedgwick county may levy a tax not to exceed one mill  
10 upon all tangible taxable property of the county to pay such costs and the  
11 costs of maintaining county prisoners. No revenue derived from such levy  
12 shall be used to pay the costs of maintenance of prisoners committed to  
13 the jail by federal or state authorities, or authorities of other counties or  
14 cities in other counties. For the purpose of this subsection, if any portion  
15 of a city is located within a county levying a tax hereunder, all prisoners  
16 of such city shall be deemed prisoners of such county.

17       (d) The board of county commissioners of a county may provide by  
18 resolution that any inmate of the county jail who participates in a work  
19 release or job training program for which the inmate receives  
20 compensation or a subsistence allowance shall be required to pay to the  
21 county an amount not exceeding \$20 per day to defray costs of  
22 maintaining such inmate in the county jail. Such resolution shall provide  
23 for reduction or waiver of such amount in instances in which payment  
24 would create undue hardship for an inmate. The inmate shall pay any  
25 amount charged pursuant to such resolution, in cash or by money order, to  
26 the county treasurer, who shall deposit the entire amount in the county  
27 treasury and credit it to the county general fund. If payment is made in  
28 cash, the county treasurer shall provide the inmate with a written receipt  
29 for such payment. If the county is otherwise entitled to receive  
30 reimbursement or compensation for the maintenance of an inmate who is  
31 required to pay an amount pursuant to such resolution, the amount paid  
32 by such inmate shall be deducted from the amount of the other  
33 reimbursement or compensation to which the county is entitled.

34       (e) (1) The board of county commissioners of a county may provide  
35 by resolution that any inmate of the county jail who is incarcerated in the  
36 county jail pursuant to a sentence for the conviction of a crime in this  
37 state shall be required to pay to the county a fee in an amount not  
38 exceeding the county's daily cost of housing the inmate to defray the  
39 costs of maintaining such inmate in the county jail for each day prior to  
40 and after conviction for an offense resulting in a conviction.

41       (2) Such resolution shall provide:

42       (A) For the priority of restitution, child support, court costs or fines  
43 over such fee;

1 (B) for reduction or waiver of such amount in instances in which  
2 payment would create undue hardship for an inmate and for a procedure  
3 to provide for a reduction or waiver; and

4 (C) that if the inmate fails to pay such amount charged pursuant to  
5 such resolution, the county keeping such inmate may garnish such  
6 inmate's commissary account to recover such costs, upon notice and  
7 hearing given to such inmate as provided for in any such resolution  
8 contemplated herein.

9 (3) The inmate shall pay the amount charged pursuant to such  
10 resolution, in cash or by money order, or by release of funds in the  
11 inmate's jail commissary account, to the county treasurer, who shall  
12 deposit the entire amount in the county treasury and credit it to the county  
13 general fund.

14 (4) The sheriff shall forward any garnished commissary account  
15 payment to the county treasurer, who shall deposit the entire amount in  
16 the county treasury and credit it to the county general fund.

17 (5) If the county is otherwise entitled to receive reimbursement or  
18 compensation for the maintenance of an inmate who is required to pay an  
19 amount pursuant to such resolution, and such reimbursement or  
20 compensation constitutes the entirety of the costs of maintaining such  
21 inmate in the county jail, the amount paid by such inmate shall be  
22 deducted from the amount of the other reimbursement or compensation to  
23 which the county is entitled.

24 (f) If any sheriff or jailer neglects or refuses to perform the services  
25 and duties required by the provisions of this act, the sheriff or jailer shall  
26 be subject to the same penalties, forfeitures and actions as if the prisoners  
27 had been committed under the authority of this state.

28 (g) Attorneys of prisoners held in a county jail shall be permitted to  
29 visit them professionally at all reasonable hours.

30 Sec. 3. K.S.A. 75-52,103 is hereby amended to read as follows: 75-  
31 52,103. (a) Except as provided in K.S.A. 75-5293, and amendments  
32 thereto, each grant under ~~this~~*the community corrections* act shall be  
33 expended by the county receiving it for correctional services as described  
34 in K.S.A. 75-5291, and amendments thereto, in addition to the amount  
35 required to be expended by such county under this section. Each calendar  
36 year in which a county receives grant payments under K.S.A. 75-52,105,  
37 and amendments thereto, the county shall make expenditures for  
38 correctional services as described in K.S.A. 75-5291, and amendments  
39 thereto, from any funds other than from grants under this act in an amount  
40 equal to or exceeding the amount of base year corrections expenditures as  
41 determined by the secretary of corrections under subsection (b). *No*  
42 *expenditures shall be made by any county from any grant made pursuant*  
43 *to this act to supplant any amount of local public or private funding of*

1 *existing programs as determined in accordance with rules and*  
2 *regulations adopted by the secretary of corrections.*

3 (b) The secretary of corrections shall audit and determine the  
4 amount of the expenditures for correctional services as described in  
5 K.S.A. 75-5291, and amendments thereto, of each county applying for a  
6 grant as provided in K.S.A. 75-52,111, *and amendments thereto.*

7 (c) In any case where a county receiving a grant does not make  
8 expenditures for correctional services from funds other than from grants  
9 under this act as required by this section, the grant to such county for the  
10 next ensuing calendar year shall be reduced by an amount equal to the  
11 amount by which such county failed to make such required amount of  
12 expenditures.

13 (d) The secretary of corrections may provide, by rules and  
14 regulations, procedures for the following, as determined by the secretary  
15 to further the purposes of this act:

16 (1) The transfer, to one or more other counties, of any portion of a  
17 county's annual grant which is not included in such county's program  
18 budget for the current program year; and

19 (2) the transfer, to one or more other counties, of any portion of a  
20 county's annual grant which remains unused at the end of such county's  
21 program year and is not included in such county's program budget for the  
22 ensuing program year.

23 (e) Except as otherwise provided pursuant to subsection (d), if a  
24 county does not expend the full amount of the grant received for any one  
25 year under the provisions of this act, the county shall retain the  
26 unexpended amount of the grant for expenditure for correctional services  
27 as described in K.S.A. 75-5291, and amendments thereto, during any  
28 ensuing calendar year. The secretary of corrections shall reduce the grant  
29 for the ensuing calendar year by an amount equal to the amount of the  
30 previous year's grant which was not expended and was retained by the  
31 county, unless the secretary finds that the amount so retained is needed  
32 for and will be expended during the ensuing calendar year for  
33 expenditures under the applicable comprehensive plan.

34 Sec. 4. K.S.A. 19-1930 and 75-52,103 are hereby repealed.

35 Sec. 5. This act shall take effect and be in force from and after its  
36 publication in the Kansas register.

37