

Ray Roberts, Secretary

Sam Brownback, Governor

Testimony on HB 2169
to
The House Committee on Corrections and Juvenile Justice

By Ray Roberts
Secretary
Kansas Department of Corrections
February 12, 2013

The Department of Corrections supports HB 2169. This bill is brought by the Kansas Sentencing Commission. This bill would provide for the resolution of pending detainers changing probation violations that are lodged against inmates.

A detainer is a notification to a law enforcement entity, typically a prison, that a person in that entity's custody is wanted by another law enforcement agency. Detainers are used to provide notification of pending criminal charges, deportation charges, unserved criminal sentences and pending probation violation charges. HB 2169 would treat pending probation violation charges the same as is currently provided for pending criminal charges.

The Detainer Act, K.S.A. 22-4301 et seq. serves important interests. First the Detainer Act, provides for law enforcement agencies to inform corrections officials of outstanding criminal charges and in the case of HB 2169, outstanding probation violation charges. This notification to corrections officials ensures that inmates with pending charges are released to the proper jurisdiction for trial or hearing instead of the community once their current prison sentence is served. The notice of a pending detainer also affords the corrections facility the opportunity to determine the appropriate custody level of an inmate in light of the pending charges.

Secondly, resolution of a detainer while the inmate is incarcerated allows corrections officials to plan and implement the inmate's reentry plan. Arraignments and scheduling for treatment appointments, housing, and employment made during the reentry planning process are for not if detainers are not resolved until after the inmate's release for the correctional facility.

The Department of Corrections urges favorable consideration of HB 2169.