



Senate Committee on Judiciary
SB228 Regarding modifications to intake procedures at county jails
February 16, 2023

Sen. Kellie Warren, Chair, Sen. Rick Wilborn, Vice Chair, and Committee Members

The Kansas Association of Chiefs of Police and the Kansas Sheriff's Association would appreciate your support for the modifications to intake procedures at county jails as detailed in this testimony.

As time passes, our state laws, as written, require review and updating. In this case we are requesting your support in making carefully considered modifications to K.S.A. 19-1930, found in section 11 of the bill starting at the bottom of page 4.

In June 2022, the legislative chairs and directors of the Kansas Association of Chiefs of Police and the Kansas Sheriff's Association met to discuss K.S.A. 19-1930. The meeting focused on making modifications to reflect current day issues with meeting the medical needs of prisoners.

The associations have had informal discussions over the past few years about the need for change due to the absence of addressing medical clearance in the statute. There has been some conflict with the intake of prisoners and when those prisoners need to be cleared by physician or competent medical personnel before being booked into a jail. The current statute provides little guidance and there has been some conflict. We are wanting to create clarity in the statute, so we are asking for your support on the jointly agreed upon modifications.

Specifically, both organizations agreed clearer guidance to local law enforcement and jail staff would improve outcomes. The guidance is as follows:

- (2) The sheriff and the keeper of the jail shall not be required to receive or detain a prisoner in custody under paragraph (1) until the prisoner has been examined by a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or a healthcare provider as defined in K.S.A. 40-3401, and amendments thereto, if the prisoner appears to be:
 - (A) Unconscious or having been unconscious at any time during custody or during the events leading to the person's custody;
 - (B) suffering from a serious illness;
 - (C) suffering from a serious injury; or
 - (D) seriously impaired by alcohol or drugs or combination thereof.

Additionally, there are definitions for "Serious injury", "Serious illness", and "Seriously impaired by alcohol or drugs or combination thereof". We feel these definitions are accurate and appropriate for guiding arresting officers and jail staff in the care of prisoners.

Section 11, subsection (a)(3) of the bill on page 5, lines 24-26, addresses an issue that is an undue burden for taxpayers. We are aware of the amendment to this section proposed by the Sheriffs Association. We support that amendment.

Often it is the case that law enforcement arrives on scene and encounters someone who has been injured or suffering an illness prior to being placed in custody. Excessive alcohol consumption or drug consumption always occurs before custody.

Neither the responding officers nor taxpayers created those situations, therefore taxpayers should not foot the bill for a prisoner's medical treatment in those circumstances.

So, we ask for favorable consideration for:

“(3) the cost of the examination and resulting treatment under paragraph (2) is the financial responsibility of the prisoner receiving the examination or treatment.”

This modification places the financial responsibility where it should rest; with the person responsible for the injury, serious illness, serious injury, or the results of being seriously impaired by alcohol or drugs or a combination thereof.

Again, the financial responsibility for examination and treatment of a condition or injury that was present before law enforcement arrives on-scene needs to reside with the prisoner and not uninvolved taxpayers.

Our associations would appreciate your support for these specific suggested modifications to K.S.A. 19-1930.

Darrell Atteberry
Legislative Chair
Kansas Association of Chiefs of Police