

Community Corrections as amended Feb. 24, 2012

Article 11.--COMMUNITY CORRECTIONS

44-11-101 and 44-11-102 (Authorized by K.S.A. 1980 Supp. 75-5294; effective May 1, 1980; revoked May 1, 1981.)

44-11-103 (Authorized by K.S.A. 1980 Supp. 75-5294, 75-5299; effective May 1, 1980; revoked May 1, 1981.)

44-11-104 (Authorized by K.S.A. 1980 Supp. 75-5292(b), 75-5294, 75-5296(c), 75-52,101; effective May 1, 1980; revoked May 1, 1981.)

44-11-105 (Authorized by K.S.A. 1980 Supp. 75-5293, 75-5294, 75-5296; effective May 1, 1980; revoked May 1, 1981.)

44-11-106 and 44-11-107 (Authorized by K.S.A. 1980 Supp. 75-5294; effective May 1, 1980; revoked May 1, 1981.)

44-11-108 (Authorized by K.S.A. 1980 Supp. 75-5294, 75-5296; effective May 1, 1980; revoked May 1, 1981.)

44-11-109 (Authorized by K.S.A. 1980 Supp. 75-5294, 75-52,104; effective May 1, 1980; revoked May 1, 1981.)

44-11-110 (Authorized by K.S.A. 1980 Supp. 75-5294(a); effective May 1, 1980; revoked May 1, 1981.)

44-11-111. Definitions. (a) "Active cases" means those cases that have been supervised in a manner that is consistent with contact standards adopted by the secretary.

(b) "Community corrections agency" means the structure that exists or is proposed to exist within a planning unit and that delivers the community corrections services outlined in a comprehensive plan.

(c) "Community corrections grant funds" means funds made available to a governing authority by the department of corrections, pursuant to the Kansas community corrections act, K.S.A. 75-5290 et seq. and amendments thereto.

(d) "Comprehensive plan" means the working document developed by a corrections advisory board at a frequency prescribed by the secretary, setting forth the objectives and services planned for a community corrections agency.

(e) "Corrections advisory board" means a board appointed by a governing authority to develop and oversee a comprehensive plan.

(f) "Governing authority" means any county or group of cooperating counties that has established a corrections advisory board for the purpose of establishing a community corrections agency.

(g) "Grant year" means the year covered in a community corrections agency's comprehensive plan and shall be deemed to begin at the start of a state fiscal year.

(h) "Line items" means specific components comprising a major budget category.

(i) "Offender fees" means charges for drug and alcohol testing, electronic monitoring services, supervision services, housing in a residential center, and other services and assistance provided by community corrections agencies.

(j) "Program" means an adult intensive supervision program (AISP) or adult residential program (ARES) operated by a community corrections agency.

(k) "Reimbursements" means income generated by community corrections agencies and fees assessed and collected by community corrections agencies in prior fiscal years or in the current fiscal year, for expenses incurred.

(l) "Secretary" means the secretary of corrections.

(m) "Service" means a community corrections activity directed by a public or private agency to deliver interventions to offenders and assistance to victims, offenders, or the community.

(n) "Standards" means the minimum requirements of the secretary for the operation and management of community corrections agencies.

(o) "Unexpended funds" means state funds remaining in a program's accounts at the close of a fiscal year that are not obligated for expenses incurred during that fiscal year or that have not been approved for expenditure by the secretary beyond the fiscal year.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2010 Supp. 75-5291, as amended by L. 2011, Ch. 30, Sec. 280, K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5295, K.S.A. 75-5296, K.S.A. 2010 Supp. 75-5297, K.S.A. 75-52,102, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105, K.S.A. 2010 Supp. 75-52,110; effective May 1, 1981; amended May 1, 1984; amended Feb. 6, 1989; amended March 5, 1990; amended July 23 1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)

44-11-112 (Authorized by 75-5294; implementing K.S.A. 75-5293, as amended by L. 1989, ch. 92; effective May 1, 1981; amended March 5, 1990; revoked March 29, 2002.)

44-11-113. Comprehensive plan; comprehensive plan review. (a) The comprehensive plan shall be developed by the community corrections agency in collaboration with the corrections advisory board. The comprehensive plan shall minimally include the following:

(1) An agency profile;

(2) signatory approval of the community corrections agency's director, the chairperson of the corrections advisory board, and the governing authority;

- (3) a list of the members of the advisory board, with descriptors that demonstrate compliance with K.S.A. 75-5297, and amendments thereto;
 - (4) the name, mailing address, and phone number of the chairperson of the governing authority and, if any, the chairperson's fax number and e-mail address;
 - (5) an agency summary of programmatic changes and significant events;
 - (6) an organization chart;
 - (7) personnel data;
 - (8) new position data;
 - (9) a description of collaboration that occurred or will occur to identify and address the community's correctional needs;
 - (10) a program description, including goals and objectives to be achieved, data elements to be collected, and services to be provided;
 - (11) a new service description;
 - (12) an explanation of the relationship among the governing authority, the corrections advisory board, the director of the community corrections agency, and the program or programs described in the comprehensive plan;
 - (13) a process for the advisory board to monitor the progress of the program or programs described in the plan;
 - (14) a timeline for implementation of the plan; and
 - (15) any other relevant information requested by the secretary in the comprehensive plan form.
- (b) A summary budget, addressing awarded community corrections grant funds, and a detailed narrative describing each line item shall also be submitted annually as prescribed by the secretary.
- (c) Agency outcomes shall be submitted on or before May 1 of each year in a format prescribed by the secretary.
- (d) Each county desiring to establish a community corrections agency shall issue a resolution indicating this intent and include a copy of the resolution in its initial comprehensive plan. A county desiring to enter into an interlocal agreement with another county for the provision of community corrections services, as prescribed in K.S.A. 12-2901 through K.S.A. 12-2907 and amendments thereto, shall include an interlocal agreement, approved by the attorney general, in its initial comprehensive plan.
- (e) A program review committee shall be appointed by the secretary to review each comprehensive plan. The committee shall make a recommendation to the secretary. The comprehensive plan shall be accepted, rejected, or accepted subject to specified modifications by the secretary.
- (Authorized by K.S.A. 75-5294, K.S.A. 75-5296, K.S.A. 75-5294, K.S.A. 75-5296, K.S.A. 75-52,102; implementing K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-5299, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)

44-11-114 (Authorized by and implementing K.S.A. 75-5294, K.S.A. 75-5292, as amended by L. 1989, ch. 92, K.S.A. 75-52,102, as amended by L. 1989, ch. 92; effective May 1, 1981; amended Feb. 6, 1989; amended March 5, 1990; revoked

March 29, 2002.)

44-11-115 (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-5292(b), 75-52,102(a); effective May 1, 1981; revoked March 29, 2002.)

44-11-116 (Authorized by and implementing K.S.A. 75-5292, 75-5294, 75-52,104; effective May 1, 1981; amended Feb. 6, 1989; revoked March 5, 1990.)

44-11-117 and 44-11-118 (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-5296(b); effective May 1, 1981; revoked May 1, 1984.)

44-11-119. Local programs. (a) A comprehensive plan may provide for community corrections programs to be administered by public or private agencies. A governing authority may enter into a contractual or other written agreement with a private agency to operate programs identified in the comprehensive plan or to provide specialized services to program participants. (b) An annual audit of all programs identified in the comprehensive plan shall be conducted as prescribed by the secretary. The audit may consist of a fiscal audit, standard compliance audit, performance audit, data accuracy audit, or any other type of review prescribed by the secretary.

(c) Each community corrections agency shall submit notice of the date, time, and location of each advisory board meeting to the deputy secretary of community and field services at least one working day before the scheduled meeting. Each community corrections agency shall submit a copy of the minutes of each advisory board meeting to the secretary within 30 working days after each meeting.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296, 75-52,103; effective May 1, 1981; amended Feb. 6, 1989; amended March 2002; amended Feb. 24, 2012.)

44-11-120 Cash match for other grant funds. A governing authority, in its comprehensive plan submitted to the secretary, may propose to use a portion of community corrections grant funds as a cash match for a grant from another source and may use these funds in this manner only if proposed in the plan and approved by the secretary.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-52,103; effective May 1, 1981; amended March 29, 2002.)

44-11-121. Fiscal management; required reporting. (a) Each governing authority shall designate one person to be responsible for all fiscal matters related to the community corrections grant funds received. This person shall comply with generally accepted accounting principles governing the management of county funds and shall provide information to the corrections advisory board

and the secretary on a quarterly basis unless the secretary determines the existence of circumstances that warrant a change in frequency of reporting.

(b) Each county receiving grant funds shall submit, by either original or electronic copy to the secretary, all portions of its annual financial audit pertaining to community corrections grant funds, including the report's cover letter and any exceptions applicable to community corrections grant funds, in the manner provided by K.S.A. 75-1124, and amendments thereto, within 60 calendar days after receipt by the county.

(c) All reimbursements maintained from current and prior fiscal years, collected, and expended by a community corrections agency shall be included in the fiscal workbook and the quarterly reconciliation budget report and certification documents.

(d) Within 60 calendar days after the end of each state fiscal year, each community corrections agency shall submit, by either original or electronic copy to the secretary, a plan approved by the corrections advisory board and governing authority for the use of the reimbursements.

(e) (1) If a community corrections agency complies with the requirements in subsections (c) and (d), the agency shall retain its reimbursements and use them in accordance with its approved plan.

(2) If a community corrections agency chooses not to comply with the requirements in subsections (c) and (d), all current reimbursements and those carried over from previous years may be deducted by the secretary from the agency's current or future allocations. These deductions shall be placed by the secretary in a special fund designated for community corrections.

(3) Agencies, except those that chose not to comply with the requirements in subsections (c) and (d) during the state fiscal year in question, may apply for these special funds to maintain or enhance current funded services or add new services, or support or enhance agency operations, or any combination of these uses.

(Authorized by K.S.A. 75-5294, K.S.A. 75-5296; implementing K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105 and 75-52,111; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)

44-11-122 (Authorized by and implementing K.S.A. 75-5294, 75-5296, as amended by L. 1989, ch. 92; effective May 1, 1981; amended Feb. 6, 1989; amended March 5, 1990; revoked March 29, 2002.)

44-11-123. Changes in the comprehensive plan, budget, and agency outcomes. (a) If a community corrections agency wishes to change or deviate from the comprehensive plan or agency outcomes, the agency may do so if approval of the corrections advisory board or governing authority is first obtained. Documentation of approval shall be reflected in the board meeting minutes. (b) Quarterly grant or carryover reimbursement budget adjustments totaling \$5,000 or one percent of the current grant year award, whichever is higher, shall require signatory approval of the corrections advisory board and the governing

authority. The community corrections agency shall submit, by either original or electronic copy to the secretary, documentation of signatory approval along with a description of and justification for the proposed transfer.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)

44-11-124 (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-52,103; effective May 1, 1981; revoked March 29, 2002.)

44-11-125 (Authorized by and implementing K.S.A. 75-5294, 75-52,104, 75-52,105; effective May 1, 1981; amended, T-84-6, March 29, 1983; amended May 1, 1984; amended May 1, 1986; revoked Feb. 6, 1989.)

44-11-126 (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-52,106; effective May 1, 1981; revoked March 5, 1990.)

44-11-127. Prohibition of use of community corrections grant funds; maintenance and documentation of funds. (a) A governing authority shall not use community corrections grant funds to replace available public or private funding of existing programs.

(b) A governing authority may request community corrections grant funds to continue an existing program that would otherwise cease due to the exhaustion of public or private funds that had been specifically allocated to the program as start-up monies with a predetermined termination date.

(c) A governing authority may request community corrections grant funds to supplement existing public or private funding of an existing program if these community corrections grant funds would enhance services.

(d) Community corrections grant funds for adult services shall be maintained in a separate county general ledger account.

(e) Community corrections grant funds shall not be expended for services, supplies, equipment, or the payment of rent beyond the grant year in which the services, supplies, equipment, or payments are received or due. Only expenditures incurred within the grant year shall be charged to the community corrections grant.

(f) All community corrections expenditures shall have supporting documentation.

(g) Community corrections grant funds shall not be used to fund depreciation.

(h) Community corrections grant funds shall be expended and obligated for operation and management of programs for adult offenders only. Nothing in this regulation shall prohibit the use of state community corrections grant funds to purchase equipment, supplies, and services shared by programs for adult and juvenile offenders if the use by the adult program is proportionate to the monetary contribution of that program.

(i) Community corrections grant funds shall not be expended and obligated for association memberships for individuals. Community corrections grant funds may

be expended and obligated by community corrections agencies for staff uniforms or clothing and for association memberships for the agency if specifically authorized by the agency's policies and procedures. Nothing in this regulation shall prohibit housing, transportation, clothing, and billing assistance to indigent offenders, or the acquisition of necessary safety equipment for staff, including bulletproof vests and latex gloves.

(Authorized by K.S.A. 75-5294; implementing K.S.A. 2010 Supp. 75-5291, K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105; effective, E-82-25, Dec. 16, 1981; effective May 1, 1982; amended March 29, 2002; amended Feb. 24, 2012.)

44-11-128 (Authorized by and implementing K.S.A. 75-5296 and 75-52,105; effective May 1, 1981; amended Feb. 6, 1989; revoked March 5, 1990.)

44-11-129. Unexpended funds. (a) Unexpended funds may be transferred by the secretary to another county or counties. Any county may make application to the secretary for the unexpended funds. The county shall provide the secretary with a statement of why the funds are necessary, documentation of need, a budget summary and narrative describing the proposed services, and, if the funds are for a new program, a listing of measurable goals and objectives. The county shall be notified by the secretary of approval or disapproval of the application within 60 calendar days after the application due date.

(b) Any community corrections agency may use approved unexpended funds to maintain or enhance current funded services or to support or enhance agency operations, or any combination of these uses as specified in the application. (Authorized by K.S.A. 75-5294; implementing K.S.A. 75-52,103; effective Feb. 6, 1989; amended March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)

44-11-130 Use of grant funds for real estate acquisition and capital construction; use of grant funds for the purchase of property and supplies.

(a) Real estate acquisition and capital construction.

(1) Grant funds may be used for the purchase of real estate, land, or buildings, or for capital construction with the approval of the secretary of corrections. This approval may be granted only upon receipt and concurrence by the secretary of an amortization schedule covering the costs of purchase or construction, or both. The amortization schedule shall be such that the annual payments shall not exceed the cost of rent or lease payments for comparable space in the same market. Notification of completion of the acquisition or capital construction shall be filed by the program director in writing with the secretary. The prior approval of the secretary shall be required to cease use of the property for community corrections purposes. If the property ceases to be used for community corrections purposes during the period of amortization, the secretary shall have the option of either of the following:

(A) Requiring the county to refund the total amount of community corrections funds expended for purchase or construction, or both, to date including previous

years; or

(B) assuming any remaining indebtedness and acquiring title to the property.

(2) Once the amortization period is completed, if the secretary has not exercised either option described above, title shall rest with the county, and any claim to the property shall be relinquished by the secretary. At no time shall the department of corrections or the state of Kansas be responsible for indebtedness for these transactions except as provided under paragraph (a)(1)(B).

(3) The governing authority shall not charge rent to a community corrections agency for lease of real estate acquired with state community corrections funds, unless only a portion of the real estate was purchased with state community corrections funds. If only a portion of the real estate was acquired using community corrections funds, any rent charged to a community corrections agency shall be commensurate with space occupied by the community corrections agency and the percentage of real estate not paid by state community corrections. Nothing in these regulations shall prevent a governing authority for charging a community corrections agency for maintenance and utilities for real estate purchased with state community corrections funds.

(b) Purchase of property and supplies.

(1) State community corrections grant funds may be used to purchase property with an expected service life of one year or more. Property and supplies purchased with community corrections grant funds shall remain with the community corrections program for its use. An inventory shall be maintained of all property purchases at a cost of \$1,000.00 or more as prescribed by the secretary, including amortization amounts of real estate purchases, renovations, and capital improvements. If property is acquired using more than one funding source, the amount of each contribution and the source of the contribution shall be recorded on the agency's inventory.

(2) If a community correction program ceases using property or supplies for community corrections purposes and the property and supplies have an aggregate value of over \$75.00, the community corrections agency shall have the option of one of the following:

(A) Transferring the property or supplies to the county and requiring the county to refund to the community corrections agency or state, if the agency has ceased operations, the fair market value of the property;

(B) transferring the property or supplies to the state; or

(C) selling the property or supplies and receiving compensation, in cash, services, or goods, in the amount of the fair market value of the property.

(3) Transfers of property or aggregate supplies purchased for over \$1,000 shall require prior notice to the secretary. All funds received by a community corrections agency as a result of property disposal shall be used as an offset to the expenses in that line item in the agency's current fiscal year budget.

(4) If a community correction program ceases using for community corrections purposes any property or supplies that have an aggregate value of \$75.00 or less, the property shall be deleted from the agency's inventory as unusable, and the agency shall adhere to local county policy to dispose of the property or

supplies. Such property or supplies may be transferred to the inventory of a nonprofit agency.

(5) If a community corrections program with property or supplies acquired by using funds from multiple funding sources ceases using the property or supplies or disbands to form more than one program, the value of the property and supplies in proportion to the contribution to its purchase price by community corrections grant funds, minimally, shall be the value retained by the agency, through sale, reimbursement by the other fund, or trade or barter.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2000 Supp. 75-5291, K.S.A. 75-5296; effective March 5, 1990; amended March 29, 2002.)

44-11-131 Use of grant funds for remodeling or renovation. (a) Grant funds may be used to remodel or renovate space for community corrections use. Any remodeling or renovation with an aggregate cost of \$5,000 or more shall require the prior approval of the secretary. This space may be rented, leased, or owned by the county. Plans detailing the nature and cost of the renovation or remodeling shall be provided to the secretary at the time funds are requested for that purpose. Notification of completion of the renovation or remodeling shall be filed by the program director in writing with the secretary within 30 calendar days of completion of the work. Within 30 calendar days, completion of the work shall be verified by the secretary.

(b) If the renovated or remodeled property ceases to be used for community corrections purposes for reasons other than fire, flood, or other such occurrences that render the property unusable or continued use financially impractical, within five years of the date on which the secretary verified completion of the work, the county or counties shall immediately notify the secretary of the same and shall refund the amount expended for remodeling or renovation, or both.

(c) Leases that include renovation or remodeling costs shall clearly delineate those costs from basic space costs. A copy of the lease shall be provided to the secretary upon execution. Community corrections agencies shall be required to amortize over the period of the lease, not to exceed five years, the value of remodeling and renovations. The amortized value shall be noted in the agency's property inventory. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296; effective March 5, 1990; amended March 29, 2002.)

44-11-132. Use of grant funds to contract for services. (a) Grant funds may be used to contract for services or to provide services directly.

(b) Each community corrections agency shall make all contracts between the agency and other entities and individuals available to the secretary for review.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296; effective March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)

44-11-133 Use of grant funds to purchase jail space. Grant funds may be used to purchase jail space for purposes of operating a work release program. Grant funds shall not be used to purchase jail space as part of a sentence or to detain an offender pending revocation proceedings. Each community corrections

program shall provide a copy of each contract between the program and any detention facility to the secretary at the time of execution. The contract shall specify the purposes for which the purchased jail space will be used and shall acknowledge the restrictions of use imposed by this regulation.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295; effective March 5, 1990; amended March 29, 2002.)

44-11-134 Urinalysis tests for controlled substances.

(a) Community corrections programs operating urinalysis testing equipment may seek exemption from department of health and environment requirements by making application for exemption to the secretary of corrections. Programs shall be required to document all testing procedures, the training of the personnel collecting the test samples, the training of the personnel operating the equipment, and a summary of their record keeping procedures. If the documentation review is found to be satisfactory, a designee of the secretary may personally inspect the testing site. If approval for exemption is granted, it shall be limited to approval for the test results to be used for management purposes only. Management decisions which can appropriately be based on these test results include:

- (1) Changes in levels of supervision;
- (2) movement from intensive supervised probation to house arrest or residential services;
- (3) imposition of community service sanctions; and
- (4) requirement to participate in treatment.

(b) Test results shall not be considered sufficient for purposes of revocation which result in commitment to the custody of the secretary of corrections. Urinalysis test results used for such purposes must be performed by a laboratory approved by the secretary of health and environment.

(Authorized by K.S.A. 75-5294, 75-5296, as amended by L. 1989, ch. 92; implementing K.S.A. 1988 Supp. 65-1,108, as amended by L. 1989, ch. 92; effective March 5, 1990.)

44-11-135 Use of grant funds for copyrights and patents; research projects.

(a) An item that is developed, designed, or otherwise created with community corrections funds and that is copyrighted, patented, or placed under similar restrictions shall be made available to state agencies and other community corrections programs. The holder of the copyright, patent, or other restriction may recover justified expenses but shall not profit from the sale of these items to state agencies and other community corrections programs.

(b) Research conducted by a community corrections agency or with use of community corrections resources, including staff, funds, and services, shall become part of the public domain.

(Authorized by and implementing K.S.A. 75-5294, 75-5296; effective March 5, 1990; amended March 29, 2002.)