

Testimony on HB 2335
to
The House Corrections and Juvenile Justice Committee

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The Department of Corrections greatly appreciates the opportunity to raise for the Committee's consideration its concern that HB 2335 duplicates the provisions of "house arrest" currently available pursuant to K.S.A. 21-6609 but through a more complicated and expensive process. HB 2335 creates a new category of good time credit called "alternative incarceration credit". This credit may not exceed 5% of the prison sentence. Additionally, any "alternative incarceration credit" earned must be served under house arrest in the community. Finally, only those inmates who are eligible for house arrest under current law pursuant to K.S.A. 21-6609 may receive "alternative incarceration credit".

The crux of the department's concern with HB 2335 is that it incorporates the house arrest eligibility requirements of K.S.A. 21-6609 which limits house arrest eligibility by excluding among other things, off grid offenders, offenders convicted of nondrug severity levels 1 through 5 offenses, drug severity levels 1 through 3 offenses, offenders who have been denied parole within the last 6 months, and offenders who have a custody classification higher than minimum. Electronic monitoring is required. The department's regulation and Internal Management Policy and Procedure (IMPP) also require the inmate to be within 120 days of his or her release date to participate in house arrest and excludes any offender managed as a sex offender. To be clear, the department's concern does not involve the restrictions limiting house arrest eligibility rather the department's concern is that the 5% "alternative incarceration credit" does not increase the public safety criteria already incorporated in K.S.A. 21-6609. Rather, the "alternative incarceration credit" only creates another variable that must be accounted for and tracked by the department's sentence computation unit, corrections counselors and information system managers. Finally, enactment of HB 2335 would needlessly create two programs of house arrest. One version of house arrest would be governed solely by K.S.A. 21-6609, regulation and IMPP. The other version created by HB 2335 would likewise be governed by the same statute, regulation and IMPP but also be subject to a 5% good time limitation, thus adding an additional layer of complex bureaucracy.

The department welcomes any policy discussion with the Committee as to whether the house arrest criteria set out in K.S.A. 21-6609 is too ridged or too lax. Currently, the department has not placed any inmate on house arrest. The department considers house arrest to be a significant placement decision and currently, the department does not have a shortage of minimum custody beds.