

Johnnie Goddard, Interim Secretary

Sam Brownback, Governor

Testimony on HB 2447
To
The House Corrections and Juvenile Justice Committee
By Johnnie Goddard, Interim Secretary
Kansas Department of Corrections
January 19, 2016

The Department of Corrections supports HB 2447. HB 2447 amends K.S.A. 21-6821 to increase the maximum amount of program credit that an inmate could earn from 90 days to 120 days. This credit is earned by inmates for successfully completing an educational, vocational, substance abuse treatment or other program which has been shown to reduce recidivism. The Department of Corrections joins the Kansas Sentencing Commission, the Joint Interim Committee on Corrections and Juvenile Justice Oversight and the firm of Alvarez & Marsal (January 12, 2016 efficiency review) in support of increasing the program credit to a maximum of 120 days.

Program credits were implemented as an incentive to inmates to participate in evidence based risk reduction programs. As opposed to traditional "good time" whereby an inmate merely has to stay out of trouble and follow facility rules, program credits must be earned by successfully completing a risk reducing program. Program participation is determined by assessing risk/need areas related to criminal thinking, education/employment, drugs/alcohol, etc., to identify what programs and services should be provided (time permitting) during incarceration to help prepare the offender for reentry.

Additional good time credits and house arrest programs help to reduce current prison beds but do not address risk reduction and the long term impact on crime and prison bed space will not equal that realized by program credit. A recent evaluation of the KDOC substance abuse program revealed that this program reduces recidivism by 7.8% across all risk levels and 15.8% for high-risk offenders who complete the program.

Only those offenders that have committed lower level felonies are eligible for program credit. Eligible offenses are limited to non-drug severity level 4 through 10 and drug severity level 3 through 5 offenses. Additionally, participation in sex offender treatment is not eligible for program credit.

With the approval of HB 2447 the Kansas Sentencing Commission projects that the prison population would be reduced by 115 in FY 17, and an average of over 177 per year in FY18 through FY26. Without the approval of HB 2447 KDOC will need to spend an estimated \$1.2 million each year for contract jail beds and \$26.9 million dollars to construct more cell houses with an annual operating cost of over \$8 million. Most importantly, programs enhance public safety and this additional program credit would be a greater incentive for inmates to enter and complete programs.

The department urges favorable consideration of HB 2447 with retroactive and immediate application of the increased program credits. A balloon amendment for that purpose is attached.

1 as defined in K.S.A. 22-3717, and amendments thereto, a sexually
2 motivated crime in which the offender has been ordered to register
3 pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto,
4 electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2015
5 Supp. 21-5509, and amendments thereto, or unlawful sexual relations,
6 K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and
7 amendments thereto, shall have any time which is earned and subtracted
8 from the prison part of such sentence and any other consecutive or
9 concurrent sentence pursuant to program credit calculation added to such
10 inmate's postrelease supervision term.

11 (3) When separate sentences of imprisonment for different crimes are
12 imposed on a defendant on the same date, a defendant shall only be
13 eligible for program credits if such crimes are a nondrug severity level 4
14 through 10, a drug severity level 3 or 4 committed prior to July 1, 2012, or
15 a drug severity level 3 through 5 committed on or after July 1, 2012.

16 (4) Program credits shall not be earned by any offender successfully
17 completing a sex offender treatment program.

18 (5) The secretary of corrections shall report to the Kansas sentencing
19 commission and the Kansas reentry policy council the data on the program
20 credit calculations.

21 (f) The state of Kansas, the secretary of corrections and the
22 secretary's agents or employees shall not be liable for damages caused by
23 any negligent or wrongful act or omission in making the good time and
24 program credit calculations authorized by this section.

25 ~~(g) The secretary of corrections shall make the good time and~~
26 ~~program credit calculations authorized by the amendments to this section~~
27 ~~by this act no later than January 1, 2016.~~

28 ~~(h) The amendments to this section by section 1 of chapter 54 of the~~
29 ~~2015 session laws of Kansas and this act shall be construed and applied~~
30 ~~retroactively.~~

31 Sec. 2. K.S.A. 2015 Supp. 21-6821 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.

INSERT: "The secretary of
corrections shall make the
program credit calculations
authorized by the
amendments to this section
by this act no later than
January 1, 2017. (h)

DELETE: "statute book" and
INSERT: " Kansas Register"