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Sam Brownback, Governor

Testimony on HB 2447
To
The Senate Corrections and Juvenile Justice Committee

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The Department of Corrections supports HB 2447. The House passed HB 2447 by a vote of 122 to 2. 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 and Marsal (January 12, 2016 Efficiency Review) in support of increasing the rehabilitation 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 credits. A recent evaluation of KDOC substance abuse programs 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 beds in FY17 and an average of over 177 per year in FY18 through FY26. Without the passage of HB 2447, KDOC will need to spend an estimated \$1.2 million each year for contract jail beds and \$26.9 million to construct more cell houses with an annual operating cost of over \$8 million. Most importantly, programs enhance public safety and this addition program credit would be a greater incentive for inmates to enter and complete programs.

The department urges favorable consideration of HB 2447 as it was amended to provide for its retroactive application and it being effective upon publication in the *Kansas Register*.