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Sam Brownback, Governor

Testimony on HB 2621
to
The House Corrections and Juvenile Justice Committee

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The Department of Corrections supports HB 2621. HB 2621 amends K.S.A. 22-3717 to provide for a postrelease supervision obligation of 24 months for Drug Severity Level 3 offenses. This would reflect the length of the postrelease supervision obligation that had existed for Drug Severity Level 3 offenses prior to the drug sentencing matrix being expanded to include a fifth severity level for drug offenses. Prior to the expansion of the Drug Grid from 4 to 5 severity levels, the two most severe levels: 1 and 2 had a postrelease supervision (PRS) obligation of 36 months. Drug level 3 had a 24 months PRS and level 4 had a PRS obligation of 12 months. With the expansion to five levels, the PRS obligation for Drug Level 3 was increased to 36 months.

During the 2015 session HB 2051 was enacted to address oversights that had occurred when the drug grid was expanded to five levels relative to drug level 3. In 2015, the 20% good time and program credit that had been applicable to drug level 3 prior to the expansion of the grid was restored. Unfortunately, a modification of the post release supervision obligation was not addressed by HB 2051. HB 2621 would return the postrelease supervision obligation of 24 months for drug level 3 offenses as it had been prior to the expansion of the drug grid. With enactment of HB 2621, the two most severe drug levels would have a 36 month PRS obligation; the 3rd level a 24 month obligation as would level 4; and the lowest level would carry a 12 month PRS obligation.

Adjustment of the postrelease supervision obligation for drug level 3 to what had existed prior to the addition of a 5th drug level as was done relative to its good time rate and eligibility for program credit reduces errors in sentence computation and the department believes was an oversight in the expansion of the drug grid.

The department urges favorable consideration of HB 2621.