

Proposed

State of Kansas
Department of Corrections

Notice of Hearing on Proposed Administrative Regulation

The Kansas Department of Corrections will conduct a public hearing from 2:00 to 3:00 p.m. Thursday, August 21, 2014, in the Large Conference Room at 714 S.W. Jackson Street, 3rd Floor, Topeka, Kansas to consider adopting proposed permanent rules and regulations concerning good time credit rates for juvenile offenders.

This 60-day notice of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Ray Roberts, Secretary, 714 S.W. Jackson Street, Suite 300, Topeka, KS 66603 or kdocpub@doc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (785) 296-3317, hope.burns@doc.ks.gov, or the Kansas Relay Center at (800) 766-3777. There is designated handicap accessible parking on Jackson Street in front of the building.

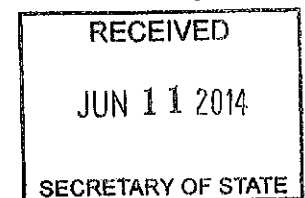
A copy of the full text of the regulations may be reviewed or obtained at 714 S.W. Jackson Street, Suite 300, Topeka or from the Kansas Department of Corrections' Web site at <http://www.doc.ks.gov>. The following is a summary of the proposed regulations and economic impact statement:

K.A.R. 123-6-105 – Good time credit rate for offenses committed before July 1, 2014. Amendment to this regulation provides that the current 30% good time credit rate, capped at the juvenile offender matrix minimum, will only apply to those offenses committed before July 1, 2014.

Economic Impact: This amendment requires no additional resources for the Kansas Department of Corrections and maintains the current good time credit rate scheme, but only for those offenses committed prior to July 1, 2014. This amendment will have no economic impact.

K.A.R. 123-6-105a – Good time credit rate for offenses committed on and after July 1, 2014. This is a new regulation that retains the current 30% good time credit rate, but authorizes such good time credit to reduce a juvenile offender's sentence to below the juvenile offender matrix minimum. This amendment gives effect to 2014 HB 2588.

Economic Impact: This new regulation will require programming for the JCFS computer database to correctly account for the new good time rate chart. This cost can be absorbed in the existing agency budget. It might be anticipated that the average daily offender population at the two juvenile



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correctional facilities will decrease with the additional amount of good time credit available to offenders under this new regulation. However, it is impossible to determine the amount of the decrease in bed space.

_____/s/_____
Ray Roberts, Secretary

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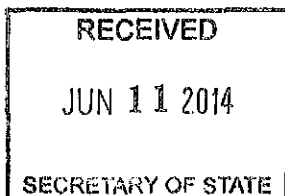
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123-6-105a. Good time credit rate for offenses committed on and after July 1, 2014. (a) The portion of an offender's sentence to a juvenile correctional facility, for crimes committed on and after July 1, 2014, may be reduced by no more than 30% through awarded and retained good time credits.

(b) The Kansas department of corrections' "good time credit rate charts," dated May 29, 2014 and hereby adopted by reference, shall establish the minimum number of days to serve, the number of good time days available, and the rate of earning good time credit per day as calculated by dividing the number of good time days available by the minimum number of days required to be served.

(c) If the sum of all good time credits earned results in a fraction of a day, that fraction shall be rounded up to the next whole number.

(d) Intrafacility transfers and interfacility transfers shall not affect good time credits awarded. (Authorized by K.S.A. 2013 Supp. 38-2370 and 75-7024; implementing K.S.A. 2013 Supp. 38-2370; effective, T- _____, _____; effective P- _____.)



ATTORNEY GENERAL

MAY 29 2014

APPROVED BY

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MAY 29 2014

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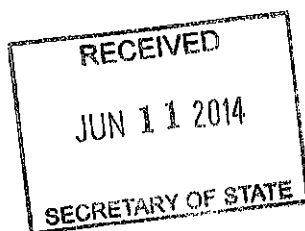
123-6-105. Good time credit rate for offenses committed before July 1, 2014. (a) The portion of an offender's sentence to a juvenile correctional facility, for crimes committed on ~~or~~ and after ~~the effective date of this regulation,~~ December 1, 2006 but before July 1, 2014 may be reduced by no more than 30% through awarded and retained good time credits.

(b) Good time credits shall not reduce an offender's sentence to less than the minimum term authorized under the specific category of the matrix sentence.

(c) The Kansas juvenile justice authority's "good time credit rate charts," dated August 3, 2006; and hereby adopted by reference, shall establish the minimum number of days to serve, the number of good time days available, and the rate of earning good time credit per day as calculated by dividing the number of good time days available by the minimum number of days required to be served.

(d) If the sum of all good time credits earned results in a fraction of a day, that fraction shall be rounded up to the next whole number.

(e) Intrafacility transfers and interfacility transfers shall not affect good time credits awarded. (Authorized by K.S.A. ~~38-16,130~~ 2013 Supp. 38-2370 and K.S.A. 2005 Supp. 75-7024; implementing K.S.A. ~~38-16,130~~ 2013 Supp. 38-2370; effective Dec. 1, 2006; amended, T-_____, _____; amended P-_____.)



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**ECONOMIC IMPACT STATEMENT FOR THE KANSAS DEPARTMENT OF
CORRECTIONS' PROPOSED PERMANENT REGULATIONS K.A.R. 123-6-105
AND K.A.R. 123-6-105a**

I. Summary of proposed regulation, including its purpose.

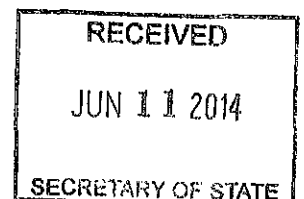
The proposed amendment to K.A.R. 123-6-105 provides that the current 30% good time credit rate, capped at the juvenile offender sentencing matrix minimum sentence, will only apply to those offenses committed before July 1, 2014.

The proposed new K.A.R. 123-6-105a retains the current 30% good time credit rate, but authorizes such good time credit to reduce a juvenile offender's sentence to below the juvenile offender sentencing matrix minimum sentence and only applies to offenses committed on and after July 1, 2014.

II. Requirement for the proposed regulations, including whether or not they are mandated by federal law.

K.S.A. 2013 Supp. 38-2370 mandates that the secretary (formerly commissioner) adopt rules and regulations regarding good time credit calculations. 2014 HB 2588, effective July 1, 2014, amended K.S.A. 2013 Supp. 38-2370 and 38-2372 to allow the award of good time credit that would take a juvenile offender below the minimum term of incarceration authorized by K.S.A. 2013 Supp. 38-2369. Accordingly, 2014 HB 2588 requires the amendment of K.A.R. 123-6-105 and the adoption of the new K.A.R. 123-6-105a to reflect a different manner of calculation of offender good time credit before July 1, 2014 and on and after July 1, 2014.

These regulations are not mandated by federal law and, therefore, these regulations do not exceed any requirements of federal law.



III: Anticipated economic impact.

These regulations will require programming for the JCFS computer database to correctly account for the manner of calculation of offender good time credit before July 1, 2014 and on and after July 1, 2014. This cost can be absorbed in the existing agency budget. It might be anticipated that the average daily offender population at the two juvenile correctional facilities will decrease with the additional amount of good time credit available to offenders under the new K.A.R. 123-6-105a. However, because future juvenile court sentences cannot be predicted, it is impossible to determine the amount of the decrease in bed space and whether that decrease will be in sufficient numbers such that a living unit or units can be closed to realize a cost savings in reduced FTE's or other operational savings.

There is no anticipated or foreseen economic impact these regulations would have on other governmental agencies or units, small employers, or private citizens.

IV. Less costly or less intrusive methods for achieving the stated purpose of the regulations.

Because K.S.A. 2013 Supp. 38-2370 mandates that the agency adopt rules and regulations regarding good time credit calculations, there is no less costly or intrusive method(s) for achieving the stated purpose of these regulations.

