

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220444

Amending Chapter 44, Code of Ordinances, Corrections, by repealing Sections 44-1, 44-9 and 44-11 relating to prisoners in the custody of the City, and enacting in lieu thereof three new sections of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 44, Code of Ordinances, Corrections, by repealing Sections 44-1, 44-9 and 44-11 relating to prisoners in the custody of the City, and enacting in lieu thereof three new sections of like number and subject matter, to read as follows:

Sec. 44-1. Powers of the city manager and administrator of corrections regarding prisoners.

(a) The city manager, administrator of corrections and their designees shall have the power to:

- (1) Inquire into the nature of any case brought before the municipal division courts of the city, and may recommend that any person convicted thereby shall be pardoned;
- (2) Authority to transport or designate an authorized agent to transport inmates to and from a correctional facility as designated by the city manager or the manager's designee pursuant to an inmate housing agreement;
- (3) Establish rules and regulations under which and specify the conditions upon which, any prisoner may be allowed to go on work release or be assigned outside the buildings and enclosures of any correctional facility. Such prisoner shall remain, while on work release, in the legal custody and under the control of city manager, administrator of corrections and their designees and shall be subject at any time to be placed or taken back within the enclosures of the correctional facility for violation of any conditions of such work release or assigned outside work;
- (4) Enforce such powers, regulations and conditions, and to retake and re-imprison any prisoner so trusted to the correctional facility.
- (5) Promulgate rules and procedures that shall govern the safety, security and the health of inmates committed to the custody of the City.

(b) Whenever the term municipal correctional institution is used in the city's code of ordinances, it shall mean a correctional facility and any other facility for the inmate population as designated by the city manager, administrator of corrections or their designees.

Sec. 44-9. Parole.

(a) Definition. For purpose of this section, the term parole means the release of a prisoner prior to the expiration of the prisoner's term. Such release is based upon conditions imposed by the sentencing judge of the court.

(b) Recommendation for parole of disabled prisoners. Whenever it shall be reported to the city manager, administrator of corrections, or their designees that any person confined in the correctional facility is disabled, or is afflicted with any contagious disease, mental illness, sickness or infirmity, the city manager, administrator of corrections or their designees may recommend that such person be placed on parole.

(c) Recommendation of parole for other prisoners. Notwithstanding any other provisions of this chapter to the contrary, the city manager, administrator of corrections or their designees may also recommend parole for prisoners not in the categories described in subsection (b) of this section. Such may include but shall not be limited to the following: in the event of overcrowding at a correctional facility, the city manager, administrator of corrections or their designees may unconditionally or conditionally release from custody unsentenced prisoners or sentenced prisoners nearing the end of their sentence who have behaved meritoriously and had no significant problem while incarcerated. In addition, the city manager, administrator of corrections or their designees may allow early release of prisoners who have served at least one-third of their sentence and who have meritoriously participated in a program established to encourage good behavior and to facilitate such early releases. Any such program shall pinpoint prisoners who, through initiative, hard work and participation in self-improvement programs, have earned such consideration. A detailed administrative procedure shall be established to implement any such program.

(d) Contractual Release. Notwithstanding any other provisions of this chapter to the contrary, the city manager, administrator of corrections or their designees may unconditionally or conditionally release from custody an unsentenced prisoner or sentenced prisoner if a City contracted correctional facility requires the release or refuses to accept custody of such prisoner for any reason.

(e) Concurrence of circuit court. Whenever a prisoner is confined in a correctional facility by virtue of sentencing by a judge other than a municipal judge, no parole or early release shall be granted without the express written concurrence of the judge so sentencing the prisoner.

Sec. 44-11. Authority to establish prisoner **assistance programs**.

The city manager, administrator of corrections or their designees shall have the authority to establish any prisoner assistance programs which would benefit the city's prisoner population, including but not limited to the following: drug and alcohol counseling, general educational development (GED) or other educational programs with the goal of all programming to be the reduction in recidivism rates and criminal justice system contacts.

Approved as to form and legality:

Alan L. Holtkamp
Assistant City Attorney