

Kansas Administrative Regulations

Department of Corrections

Article 13.—Disciplinary Procedure

44-13-408. Assistance from staff.

(a) If the hearing officer finds that at least one of the following conditions is met, the hearing officer shall appoint a staff member from an approved list to act as staff assistant to aid the inmate at the disciplinary hearing and to question relevant witnesses:

- (1) The inmate is incapable of self-representation due to physical or mental disability, whether temporary or permanent.
- (2) The inmate is illiterate in the English language.
- (3) The charge is too complex for the inmate to readily comprehend or defend against.
- (4) Testimony or other evidence will be given, either directly or indirectly, by a confidential inmate informant or witness.
- (5) The inmate either refuses to attend or has been removed from the hearing.
- (6) Any other circumstance exists that, in the judgment of the hearing officer, substantially impairs the inmate's ability to participate meaningfully in the inmate's defense.

(b) A list of staff members to aid the inmate as staff assistants shall be made available to the hearing officer by the warden.

(Authorized by and implementing K.S.A. 2006 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended April 20, 1992; amended Jan. 3, 1995; amended Feb. 15, 2002; amended July 13, 2007.)

***** Authenticated Kansas Administrative Regulation *****