

Kansas Administrative Regulations

Department of Corrections

Article 6.—Good Time Credits and Sentence Computation

44-6-131. Same; appeal procedure.

(a) If an inmate or offender desires to appeal the decision of a hearing officer that upholds the proposed action or modifies the decision by deciding that a greater or smaller amount of good time credit than originally proposed should be removed from the pool of awarded good time credits, the inmate or offender may submit a written appeal within three working days of the inmate or offender's receipt of the hearing officer's decision. The appeal shall be submitted to the inmate's unit team manager or to the parole supervisor who supervises the offender's parole officer, who shall note filing of the appeal. The modification of the inmate's or offender's good time awards and associated release or sentence discharge date, or both, in the relevant departmental database or databases shall be postponed during the appeal.

(b) The unit team manager or parole supervisor shall then forward the appeal, along with a copy of the hearing officer's decision and the notice of proposed action, which shall be provided free of charge, within two working days to the deputy secretary of facilities management in the case of inmates or to the deputy secretary of community and field services in the case of offenders on postrelease supervision. Those officials or their respective designees shall then proceed to determine the merits of the appeal within 10 working days of receipt and shall issue a brief written decision that upholds or modifies the hearing officer's decision.

(c) The decision on the appeal shall be sent within two working days to the unit team manager or parole supervisor, as applicable, and shall then be personally served upon the inmate or offender by the end of the next working day. A written, dated receipt shall be secured from the inmate or offender upon service and shall be filed with all other papers regarding the matter in the inmate's master file or the postreleasee's supervision file.

(d) If a successful appeal of the hearing officer's decision would cause the inmate to be immediately released or an offender on postrelease supervision to be immediately sentence-discharged, upon submission of the appeal, the appeal shall be handled as the highest priority at each level.

(Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

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