

Kansas Administrative Regulations

Department of Corrections

Article 13.—Disciplinary Procedure

44-13-701. Administrative review.

(a) In class I and II offense cases, within seven working days after preparation of the record, there shall be a review of the case, without the presentation of further arguments from either side, regarding compliance with the disciplinary procedure. One or more of the following actions may be performed by the warden:

(1) Approve the decision;

(2) reinstate a charge that has been dismissed without a factual finding of guilt or innocence and remand the disciplinary case to the disciplinary administrator;

(3) amend the charge in accordance with the provisions of K.A.R. 44-13-202 and remand to the disciplinary administrator;

(4) disapprove the decision and dismiss the case;

(5) reduce the penalty;

(6) suspend all or part of a sentence for a period of at least 90 but not more than 180 days;

(7) remand the case to the disciplinary administrator and order a new hearing;

(8) remand the case to the disciplinary administrator for clarification of the record, and return the case to the warden for further consideration; or

(9) reduce the disciplinary report to a summary judgment and impose one of the following:

(A) Restriction from privileges for not more than 10 days;

(B) a fine not to exceed \$10.00;

(C) extra work without incentive pay for not more than two hours each day, not to exceed five days;

(D) work without incentive pay, not to exceed five days. This penalty shall not include a fine and shall apply only to ordinary inmate work assignments; or

(E) restitution of not less than \$3.00 and not more than \$20.00.

(b) Disposition of personal property that has been found to be the subject of a violation of one or more disciplinary regulations shall be provided for by the warden in accordance with K.A.R. 44-5-111 if the property is the subject matter of the offense.

(c) The inmate shall be notified by the warden of the results of the review by way of service of a copy of the disciplinary case record, without unnecessary delay, but in no case later than seven working days after review of the record. The date of review shall not be counted.

(d) Any mistake of law or other clear error may be corrected by the warden, at any time before a decision is made by the secretary in any ensuing appeal by the inmate, with the appeal permitted to continue as to any other point still unresolved by the warden's action as required by K.A.R. 44-13-703.

(e) In class III offense cases that do not include class I or class II offenses, if possible, the reviewer shall not be the warden. An impartial employee of suitable rank and experience shall be designated by the warden to perform the review. A person who was the hearing officer shall not act as reviewing authority, nor shall the reviewer be any person involved in the offense as witness or reporting officer.

(Authorized by and implementing K.S.A. 2006 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002; amended July 13, 2007.)

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