ATTORNEY GENERAL OPINION NO. 86-130

Charles Simmons
Chief Counsel
Department of Corrections
700 Jackson
Topeka, Kansas 66603

Re: Crimes and Punishments -- Code; Sentencing -- Jurisdiction of Court over Persons Assigned to Community Corrections.


*       *       *

Dear Mr. Simmons:

As chief legal counsel for the Department of Corrections, you have requested our opinion concerning the provisions of K.S.A. 1985 Supp. 21-4602, as amended by L. 1986, ch. 123, which refer to jurisdiction of persons placed in community corrections. You state that certain persons have questioned whether the Secretary of Corrections assumes jurisdiction over persons placed in a community corrections program.

K.S.A. 1985 Supp. 21-4602(6), as amended by L. 1986, ch. 123, §5, in pertinent part, provides:

"A defendant assigned to a community correctional services program shall be subject to the
When a statute is plain and unambiguous, the court must give effect to the intention of the legislature as expressed. Szoboszlay v. Glessner, 233 Kan. 475 (1983). We believe the above statute clearly and unambiguously gives jurisdiction over persons placed in a community correctional services program to the court. Thus, we concur with your conclusion that such persons are not in the custody of the Secretary of Corrections.

Very truly yours,

Robert T. Stephan
Attorney General

Brenda L. Braden
Deputy Attorney General

RTS:BLB:may