



STATE OF KANSAS

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September 17, 1986

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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.

Synopsis: K.S.A. 1985 Supp. 21-4602, as amended by L. 1986,  
ch. 123, provides that the court retains  
jurisdiction over a person assigned to community  
corrections. CITED HEREIN: K.S.A. 1985 Supp.  
21-4602, as amended by L. 1986, ch. 123, §5.

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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.

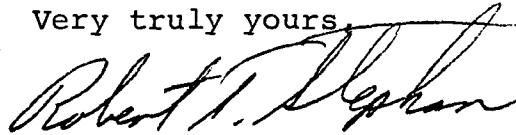
K.S.A. 1985 Supp. 21-4602(6), as amended by L. 1986, ch.  
123, §5, in pertinent part, provides:

"A defendant assigned to a community correctional  
services program shall be subject to the

continuing jurisdiction of the court and in no event shall be considered to be in the custody of the secretary of corrections.: (Emphasis added.)

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