

## HOUSE BILL No. 2012

By Representatives Rhiley, Fairchild and Hill

1-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; requiring certain offenders to complete a citizenship  
3 curriculum; amending K.S.A. 2022 Supp. 21-6607 and 22-3717 and  
4 repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) The department of corrections, in collaboration  
8 with the office of judicial administration, shall develop a curriculum on the  
9 duties of citizenship to be completed by offenders on probation,  
10 assignment to a community correctional services program, suspension of  
11 sentence, nonprison sanction, parole or postrelease supervision.

12 (b) The curriculum shall be conducted in English and include:

13 (1) Information on the rights and civic duties of all Kansas citizens;

14 (2) themes of freedom, liberty and that all people are created equally  
15 and are endowed by their creator with certain unalienable rights;

16 (3) material instructing on central clauses of the constitution of the  
17 state of Kansas and the United States constitution;

18 (4) guidance on how to obey federal, state and local laws and the  
19 duties of citizens toward each other;

20 (5) a requirement that the offender read and be able to explain the  
21 preamble to the United States constitution and the declaration of  
22 independence;

23 (6) instructions on who may vote and how to participate in elections;  
24 and

25 (7) material on how to be an active contributing citizen in local  
26 communities and community service.

27 Sec. 2. K.S.A. 2022 Supp. 21-6607 is hereby amended to read as  
28 follows: 21-6607. (a) Except as required by subsection (c), nothing in this  
29 section shall be construed to limit the authority of the court to impose or  
30 modify any general or specific conditions of probation, suspension of  
31 sentence or assignment to a community correctional services program. The  
32 court services officer or community correctional services officer may  
33 recommend, and the court may order, the imposition of any conditions of  
34 probation, suspension of sentence or assignment to a community  
35 correctional services program. For crimes committed on or after July 1,  
36 1993, in presumptive nonprison cases, the court services officer or

1 community correctional services officer may recommend, and the court  
2 may order, the imposition of any conditions of probation or assignment to  
3 a community correctional services program. The court may at any time  
4 order the modification of such conditions, after notice to the court services  
5 officer or community correctional services officer and an opportunity for  
6 such officer to be heard thereon. The court shall cause a copy of any such  
7 order to be delivered to the court services officer and the probationer or to  
8 the community correctional services officer and the community corrections  
9 participant, as the case may be. The provisions of K.S.A. 75-5291, and  
10 amendments thereto, shall be applicable to any assignment to a community  
11 correctional services program pursuant to this section.

12 (b) The court may impose any conditions of probation, suspension of  
13 sentence or assignment to a community correctional services program that  
14 the court deems proper, including, but not limited to, requiring that the  
15 defendant:

16 (1) Avoid such injurious or vicious habits, as directed by the court,  
17 court services officer or community correctional services officer;

18 (2) avoid such persons or places of disreputable or harmful character,  
19 as directed by the court, court services officer or community correctional  
20 services officer;

21 (3) report to the court services officer or community correctional  
22 services officer as directed;

23 (4) permit the court services officer or community correctional  
24 services officer to visit the defendant at home or elsewhere;

25 (5) work faithfully at suitable employment insofar as possible;

26 (6) remain within the state unless the court grants permission to  
27 leave;

28 (7) pay a fine or costs, applicable to the offense, in one or several  
29 sums and in the manner as directed by the court;

30 (8) support the defendant's dependents;

31 (9) reside in a residential facility located in the community and  
32 participate in educational, counseling, work and other correctional or  
33 rehabilitative programs;

34 (10) perform community or public service work for local  
35 governmental agencies, private corporations organized not for profit, or  
36 charitable or social service organizations performing services for the  
37 community;

38 (11) perform services under a system of day fines whereby the  
39 defendant is required to satisfy fines, costs or reparation or restitution  
40 obligations by performing services for a period of days, determined by the  
41 court on the basis of ability to pay, standard of living, support obligations  
42 and other factors;

43 (12) participate in a house arrest program pursuant to K.S.A. 2022

1 Supp. 21-6609, and amendments thereto;

2 (13) order the defendant to pay the administrative fee authorized by  
3 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

4 (14) in felony cases, except for violations of K.S.A. 8-1567, and  
5 amendments thereto, be confined in a county jail not to exceed 60 days,  
6 which need not be served consecutively.

7 (c) In addition to any other conditions of probation, suspension of  
8 sentence or assignment to a community correctional services program, the  
9 court shall order the defendant to ~~comply with each of the following~~  
10 ~~conditions:~~

11 (1) ~~The defendant shall~~ Obey all laws of the United States, the state  
12 of Kansas and any other jurisdiction to the laws of which the defendant  
13 may be subject;

14 (2) make reparation or restitution to the aggrieved party for the  
15 damage or loss caused by the defendant's crime in accordance with K.S.A.  
16 2022 Supp. 21-6604(b), and amendments thereto;

17 (3) (A) pay a correctional supervision fee of \$60 if the person was  
18 convicted of a misdemeanor or a fee of \$120 if the person was convicted  
19 of a felony. In any case the amount of the correctional supervision fee  
20 specified by this paragraph may be reduced or waived by the judge if the  
21 person is unable to pay that amount;

22 (B) the correctional supervision fee imposed by this paragraph shall  
23 be charged and collected by the district court. The clerk of the district  
24 court shall remit all revenues received under this paragraph from  
25 correctional supervision fees to the state treasurer in accordance with the  
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
27 each such remittance, the state treasurer shall deposit the entire amount in  
28 the state treasury to the credit of the state general fund, a sum equal to  
29 41.67% of such remittance, and to the correctional supervision fund, a sum  
30 equal to 58.33% of such remittance;

31 (C) this paragraph shall apply to persons placed on felony or  
32 misdemeanor probation or released on misdemeanor parole to reside in  
33 Kansas and supervised by Kansas court services officers under the  
34 interstate compact for offender supervision; and

35 (D) this paragraph shall not apply to persons placed on probation or  
36 released on parole to reside in Kansas under the uniform act for out-of-  
37 state parolee supervision;

38 (4) reimburse the state general fund for all or a part of the  
39 expenditures by the state board of indigents' defense services to provide  
40 counsel and other defense services to the defendant. In determining the  
41 amount and method of payment of such sum, the court shall take account  
42 of the financial resources of the defendant and the nature of the burden that  
43 payment of such sum will impose. A defendant who has been required to

1 pay such sum and who is not willfully in default in the payment thereof  
2 may at any time petition the court which sentenced the defendant to waive  
3 payment of such sum or of any unpaid portion thereof. If it appears to the  
4 satisfaction of the court that payment of the amount due will impose  
5 manifest hardship on the defendant or the defendant's immediate family,  
6 the court may waive payment of all or part of the amount due or modify  
7 the method of payment. The amount of attorney fees to be included in the  
8 court order for reimbursement shall be the amount claimed by appointed  
9 counsel on the payment voucher for indigents' defense services or the  
10 amount prescribed by the board of indigents' defense services  
11 reimbursement tables as provided in K.S.A. 22-4522, and amendments  
12 thereto, whichever is less;

13 (5) be subject to searches of the defendant's person, effects, vehicle,  
14 residence and property by a court services officer, a community  
15 correctional services officer and any other law enforcement officer based  
16 on reasonable suspicion of the defendant violating conditions of probation  
17 or criminal activity;~~and~~

18 (6) be subject to random, but reasonable, tests for drug and alcohol  
19 consumption as ordered by a court services officer or community  
20 correctional services officer;

21 (7) *complete the citizenship curriculum described in section 1, and*  
22 *amendments thereto.*

23 (d) Any law enforcement officer conducting a search pursuant to  
24 subsection (c)(5) shall submit a written report to the appropriate court  
25 services officer or community correctional services officer no later than  
26 the close of the next business day after such search. The written report  
27 shall include the facts leading to such search, the scope of such search and  
28 any findings resulting from such search.

29 (e) There is hereby established in the state treasury the correctional  
30 supervision fund. All moneys credited to the correctional supervision fund  
31 shall be used for: (1) The implementation of and training for use of a  
32 statewide, mandatory, standardized risk assessment tool or instrument as  
33 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-  
34 5291, and amendments thereto; (2) the implementation of and training for  
35 use of a statewide, mandatory, standardized risk assessment tool or  
36 instrument for juveniles adjudicated to be juvenile offenders; and (3)  
37 evidence-based adult and juvenile offender supervision programs by  
38 judicial branch personnel. If all expenditures for the program have been  
39 paid and moneys remain in the correctional supervision fund for a fiscal  
40 year, remaining moneys may be expended from the correctional  
41 supervision fund to support adult and juvenile offender supervision by  
42 court services officers. All expenditures from the correctional supervision  
43 fund shall be made in accordance with appropriation acts upon warrants of

1 the director of accounts and reports issued pursuant to vouchers approved  
2 by the chief justice of the Kansas supreme court or by a person or persons  
3 designated by the chief justice.

4 Sec. 3. K.S.A. 2022 Supp. 22-3717 is hereby amended to read as  
5 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
6 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through  
7 21-4638 and 21-4642, prior to their repeal; K.S.A. 2022 Supp. 21-6617,  
8 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments  
9 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including  
10 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or  
11 K.S.A. 2022 Supp. 21-6707, and amendments thereto, shall be eligible for  
12 parole after serving the entire minimum sentence imposed by the court,  
13 less good time credits.

14 (b) (1) An inmate sentenced to imprisonment for life without the  
15 possibility of parole pursuant to K.S.A. 2022 Supp. 21-6617, and  
16 amendments thereto, shall not be eligible for parole.

17 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
18 their repeal, and K.S.A. 2022 Supp. 21-6620, 21-6623, 21-6624 and 21-  
19 6625, and amendments thereto, an inmate sentenced to imprisonment for  
20 the crime of: (A) Capital murder committed on or after July 1, 1994, shall  
21 be eligible for parole after serving 25 years of confinement, without  
22 deduction of any good time credits; (B) murder in the first degree based  
23 upon a finding of premeditated murder committed on or after July 1, 1994,  
24 but prior to July 1, 2014, shall be eligible for parole after serving 25 years  
25 of confinement, without deduction of any good time credits; and (C)  
26 murder in the first degree as described in K.S.A. 2022 Supp. 21-5402(a)  
27 (2), and amendments thereto, committed on or after July 1, 2014, shall be  
28 eligible for parole after serving 25 years of confinement, without  
29 deduction of any good time credits.

30 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
31 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
32 21-4638, prior to their repeal, and K.S.A. 2022 Supp. 21-6620, 21-6623,  
33 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to  
34 imprisonment for an off-grid offense committed on or after July 1, 1993,  
35 but prior to July 1, 1999, shall be eligible for parole after serving 15 years  
36 of confinement, without deduction of any good time credits and an inmate  
37 sentenced to imprisonment for an off-grid offense committed on or after  
38 July 1, 1999, shall be eligible for parole after serving 20 years of  
39 confinement without deduction of any good time credits.

40 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
41 repeal, an inmate sentenced for a class A felony committed before July 1,  
42 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
43 its repeal, or K.S.A. 2022 Supp. 21-6707, and amendments thereto, shall

1 be eligible for parole after serving 15 years of confinement, without  
2 deduction of any good time credits.

3 (5) An inmate sentenced to imprisonment for a violation of K.S.A.  
4 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but  
5 prior to July 1, 1999, shall be eligible for parole after serving 10 years of  
6 confinement without deduction of any good time credits.

7 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
8 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments  
9 thereto, committed on or after July 1, 2006, shall be eligible for parole  
10 after serving the mandatory term of imprisonment without deduction of  
11 any good time credits.

12 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
13 to imprisonment for more than one crime and the sentences run  
14 consecutively, the inmate shall be eligible for parole after serving the total  
15 of:

16 (A) The aggregate minimum sentences, as determined pursuant to  
17 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2022 Supp. 21-6606, and  
18 amendments thereto, less good time credits for those crimes which are not  
19 class A felonies; and

20 (B) an additional 15 years, without deduction of good time credits,  
21 for each crime which is a class A felony.

22 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
23 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments  
24 thereto, for crimes committed on or after July 1, 2006, the inmate shall be  
25 eligible for parole after serving the mandatory term of imprisonment.

26 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
27 committed on or after July 1, 1993, or persons subject to subparagraph  
28 (G), will not be eligible for parole, but will be released to a mandatory  
29 period of postrelease supervision upon completion of the prison portion of  
30 their sentence as follows:

31 (A) Except as provided in subparagraphs (D) and (E), persons  
32 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
33 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
34 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
35 July 1, 2012, must serve 36 months on postrelease supervision.

36 (B) Except as provided in subparagraphs (D) and (E), persons  
37 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
38 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
39 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
40 24 months on postrelease supervision.

41 (C) Except as provided in subparagraphs (D) and (E), persons  
42 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
43 level 4 crimes committed on or after July 1, 1993, but prior to July 1,

1 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
2 must serve 12 months on postrelease supervision.

3 (D) Persons sentenced to a term of imprisonment that includes a  
4 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
5 amendments thereto, committed on or after July 1, 1993, but prior to July  
6 1, 2006, a sexually motivated crime in which the offender has been  
7 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
8 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
9 repeal, or K.S.A. 2022 Supp. 21-5509, and amendments thereto, or  
10 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.  
11 2022 Supp. 21-5512, and amendments thereto, shall serve the period of  
12 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or  
13 (d)(1)(C), plus the amount of good time and program credit earned and  
14 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2022  
15 Supp. 21-6821, and amendments thereto, on postrelease supervision.

16 (i) If the sentencing judge finds substantial and compelling reasons to  
17 impose a departure based upon a finding that the current crime of  
18 conviction was sexually motivated, departure may be imposed to extend  
19 the postrelease supervision to a period of up to 60 months.

20 (ii) If the sentencing judge departs from the presumptive postrelease  
21 supervision period, the judge shall state on the record at the time of  
22 sentencing the substantial and compelling reasons for the departure.  
23 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
24 4721, prior to its repeal, or K.S.A. 2022 Supp. 21-6820, and amendments  
25 thereto.

26 (iii) In determining whether substantial and compelling reasons exist,  
27 the court shall consider:

28 (a) Written briefs or oral arguments submitted by either the defendant  
29 or the state;

30 (b) any evidence received during the proceeding;

31 (c) the presentence report, the victim's impact statement and any  
32 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
33 4714(e), prior to its repeal, or K.S.A. 2022 Supp. 21-6813(e), and  
34 amendments thereto; and

35 (d) any other evidence the court finds trustworthy and reliable.

36 (iv) The sentencing judge may order that a psychological evaluation  
37 be prepared and the recommended programming be completed by the  
38 offender. The department of corrections or the prisoner review board shall  
39 ensure that court ordered sex offender treatment be carried out.

40 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
41 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2022 Supp. 21-  
42 6817, and amendments thereto.

43 (vi) Upon petition and payment of any restitution ordered pursuant to

1 K.S.A. 2022 Supp. 21-6604, and amendments thereto, the prisoner review  
2 board may provide for early discharge from the postrelease supervision  
3 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of  
4 court ordered programs and completion of the presumptive postrelease  
5 supervision period, as determined by the crime of conviction, pursuant to  
6 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
7 postrelease supervision is at the discretion of the board.

8 (vii) Persons convicted of crimes deemed sexually violent or sexually  
9 motivated shall be registered according to the offender registration act,  
10 K.S.A. 22-4901 through 22-4910, and amendments thereto.

11 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
12 repeal, or K.S.A. 2022 Supp. 21-5508, and amendments thereto, shall be  
13 required to participate in a treatment program for sex offenders during the  
14 postrelease supervision period.

15 (E) The period of postrelease supervision provided in subparagraphs  
16 (A) and (B) may be reduced by up to 12 months and the period of  
17 postrelease supervision provided in subparagraph (C) may be reduced by  
18 up to six months based on the offender's compliance with conditions of  
19 supervision and overall performance while on postrelease supervision. The  
20 reduction in the supervision period shall be on an earned basis pursuant to  
21 rules and regulations adopted by the secretary of corrections.

22 (F) In cases where sentences for crimes from more than one severity  
23 level have been imposed, the offender shall serve the longest period of  
24 postrelease supervision as provided by this section available for any crime  
25 upon which sentence was imposed irrespective of the severity level of the  
26 crime. Supervision periods will not aggregate.

27 (G) (i) Except as provided in subsection (u), persons sentenced to  
28 imprisonment for a sexually violent crime committed on or after July 1,  
29 2006, when the offender was 18 years of age or older, and who are  
30 released from prison, shall be released to a mandatory period of  
31 postrelease supervision for the duration of the person's natural life.

32 (ii) Persons sentenced to imprisonment for a sexually violent crime  
33 committed on or after the effective date of this act, when the offender was  
34 under 18 years of age, and who are released from prison, shall be released  
35 to a mandatory period of postrelease supervision for 60 months, plus the  
36 amount of good time and program credit earned and retained pursuant to  
37 K.S.A. 21-4722, prior to its repeal, or K.S.A. 2022 Supp. 21-6821, and  
38 amendments thereto.

39 (2) Persons serving a period of postrelease supervision pursuant to  
40 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner  
41 review board for early discharge. Upon payment of restitution, the prisoner  
42 review board may provide for early discharge.

43 (3) Persons serving a period of incarceration for a supervision



1 violation shall not have the period of postrelease supervision modified  
2 until such person is released and returned to postrelease supervision.

3 (4) Offenders whose crime of conviction was committed on or after  
4 July 1, 2013, and whose probation, assignment to a community  
5 correctional services program, suspension of sentence or nonprison  
6 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments  
7 thereto, or whose underlying prison term expires while serving a sanction  
8 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a  
9 period of postrelease supervision upon the completion of the underlying  
10 prison term.

11 (5) As used in this subsection, "sexually violent crime" means:

12 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2022 Supp.  
13 21-5503, and amendments thereto;

14 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
15 or K.S.A. 2022 Supp. 21-5506(a), and amendments thereto;

16 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
17 to its repeal, or K.S.A. 2022 Supp. 21-5506(b), and amendments thereto;

18 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
19 repeal, or K.S.A. 2022 Supp. 21-5504(a)(3) and (a)(4), and amendments  
20 thereto;

21 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
22 or K.S.A. 2022 Supp. 21-5504(b), and amendments thereto;

23 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
24 or K.S.A. 2022 Supp. 21-5508(a), and amendments thereto;

25 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
26 to its repeal, or K.S.A. 2022 Supp. 21-5508(b), and amendments thereto;

27 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
28 or K.S.A. 2022 Supp. 21-5510, and amendments thereto;

29 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
30 K.S.A. 2022 Supp. 21-5505(b), and amendments thereto;

31 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
32 2022 Supp. 21-5604(b), and amendments thereto;

33 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
34 prior to its repeal, or K.S.A. 2022 Supp. 21-5426(b), and amendments  
35 thereto, if committed in whole or in part for the purpose of the sexual  
36 gratification of the defendant or another;

37 (L) internet trading in child pornography, as defined in K.S.A. 2022  
38 Supp. 21-5514(a), and amendments thereto;

39 (M) aggravated internet trading in child pornography, as defined in  
40 K.S.A. 2022 Supp. 21-5514(b), and amendments thereto;

41 (N) commercial sexual exploitation of a child, as defined in K.S.A.  
42 2022 Supp. 21-6422, and amendments thereto; or

43 (O) an attempt, conspiracy or criminal solicitation, as defined in

1 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022  
2 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
3 sexually violent crime as defined in this section.

4 (6) As used in this subsection, "sexually motivated" means that one of  
5 the purposes for which the defendant committed the crime was for the  
6 purpose of the defendant's sexual gratification.

7 (e) If an inmate is sentenced to imprisonment for a crime committed  
8 while on parole or conditional release, the inmate shall be eligible for  
9 parole as provided by subsection (c), except that the prisoner review board  
10 may postpone the inmate's parole eligibility date by assessing a penalty not  
11 exceeding the period of time which could have been assessed if the  
12 inmate's parole or conditional release had been violated for reasons other  
13 than conviction of a crime.

14 (f) If a person is sentenced to prison for a crime committed on or after  
15 July 1, 1993, while on probation, parole, conditional release or in a  
16 community corrections program, for a crime committed prior to July 1,  
17 1993, and the person is not eligible for retroactive application of the  
18 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
19 4724, prior to its repeal, the new sentence shall not be aggregated with the  
20 old sentence, but shall begin when the person is paroled or reaches the  
21 conditional release date on the old sentence. If the offender was past the  
22 offender's conditional release date at the time the new offense was  
23 committed, the new sentence shall not be aggregated with the old sentence  
24 but shall begin when the person is ordered released by the prisoner review  
25 board or reaches the maximum sentence expiration date on the old  
26 sentence, whichever is earlier. The new sentence shall then be served as  
27 otherwise provided by law. The period of postrelease supervision shall be  
28 based on the new sentence, except that those offenders whose old sentence  
29 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
30 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
31 term of life imprisonment, for which there is no conditional release or  
32 maximum sentence expiration date, shall remain on postrelease  
33 supervision for life or until discharged from supervision by the prisoner  
34 review board.

35 (g) Subject to the provisions of this section, the prisoner review board  
36 may release on parole those persons confined in institutions who are  
37 eligible for parole when: (1) The board believes that the inmate should be  
38 released for hospitalization, deportation or to answer the warrant or other  
39 process of a court and is of the opinion that there is reasonable probability  
40 that the inmate can be released without detriment to the community or to  
41 the inmate; or (2) the secretary of corrections has reported to the board in  
42 writing that the inmate has satisfactorily completed the programs required  
43 by any agreement entered under K.S.A. 75-5210a, and amendments

1 thereto, or any revision of such agreement, and the board believes that the  
2 inmate is able and willing to fulfill the obligations of a law abiding citizen  
3 and is of the opinion that there is reasonable probability that the inmate  
4 can be released without detriment to the community or to the inmate.  
5 Parole shall not be granted as an award of clemency and shall not be  
6 considered a reduction of sentence or a pardon.

7 (h) The prisoner review board shall hold a parole hearing at least the  
8 month prior to the month an inmate will be eligible for parole under  
9 subsections (a), (b) and (c). At least one month preceding the parole  
10 hearing, the county or district attorney of the county where the inmate was  
11 convicted shall give written notice of the time and place of the public  
12 comment sessions for the inmate to any victim of the inmate's crime who  
13 is alive and whose address is known to the county or district attorney or, if  
14 the victim is deceased, to the victim's family if the family's address is  
15 known to the county or district attorney. Except as otherwise provided,  
16 failure to notify pursuant to this section shall not be a reason to postpone a  
17 parole hearing. In the case of any inmate convicted of an off-grid felony or  
18 a class A felony, the secretary of corrections shall give written notice of the  
19 time and place of the public comment session for such inmate at least one  
20 month preceding the public comment session to any victim of such  
21 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and  
22 amendments thereto. If notification is not given to such victim or such  
23 victim's family in the case of any inmate convicted of an off-grid felony or  
24 a class A felony, the board shall postpone a decision on parole of the  
25 inmate to a time at least 30 days after notification is given as provided in  
26 this section. Nothing in this section shall create a cause of action against  
27 the state or an employee of the state acting within the scope of the  
28 employee's employment as a result of the failure to notify pursuant to this  
29 section. If granted parole, the inmate may be released on parole on the date  
30 specified by the board, but not earlier than the date the inmate is eligible  
31 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
32 parole is not granted, at such intervals thereafter as it determines  
33 appropriate, the board shall consider: (1) Whether the inmate has  
34 satisfactorily completed the programs required by any agreement entered  
35 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
36 agreement; and (2) all pertinent information regarding such inmate,  
37 including, but not limited to, the circumstances of the offense of the  
38 inmate; the presentence report; the previous social history and criminal  
39 record of the inmate; the conduct, employment, and attitude of the inmate  
40 in prison; the reports of such physical and mental examinations as have  
41 been made, including, but not limited to, risk factors revealed by any risk  
42 assessment of the inmate; comments of the victim and the victim's family  
43 including in person comments, contemporaneous comments and

1 prerecorded comments made by any technological means; comments of  
2 the public; official comments; any recommendation by the staff of the  
3 facility where the inmate is incarcerated; proportionality of the time the  
4 inmate has served to the sentence a person would receive under the Kansas  
5 sentencing guidelines for the conduct that resulted in the inmate's  
6 incarceration; and capacity of state correctional institutions.

7 (i) In those cases involving inmates sentenced for a crime committed  
8 after July 1, 1993, the prisoner review board will review the inmate's  
9 proposed release plan. The board may schedule a hearing if they desire.  
10 The board may impose any condition they deem necessary to insure public  
11 safety, aid in the reintegration of the inmate into the community, or items  
12 not completed under the agreement entered into under K.S.A. 75-5210a,  
13 and amendments thereto. The board may not advance or delay an inmate's  
14 release date. Every inmate while on postrelease supervision shall remain in  
15 the legal custody of the secretary of corrections and is subject to the orders  
16 of the secretary.

17 (j) (1) Before ordering the parole of any inmate, the prisoner review  
18 board shall have the inmate appear either in person or via a video  
19 conferencing format and shall interview the inmate unless impractical  
20 because of the inmate's physical or mental condition or absence from the  
21 institution. Every inmate while on parole shall remain in the legal custody  
22 of the secretary of corrections and is subject to the orders of the secretary.  
23 Whenever the board formally considers placing an inmate on parole and  
24 no agreement has been entered into with the inmate under K.S.A. 75-  
25 5210a, and amendments thereto, the board shall notify the inmate in  
26 writing of the reasons for not granting parole. If an agreement has been  
27 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
28 has not satisfactorily completed the programs specified in the agreement,  
29 or any revision of such agreement, the board shall notify the inmate in  
30 writing of the specific programs the inmate must satisfactorily complete  
31 before parole will be granted. If parole is not granted only because of a  
32 failure to satisfactorily complete such programs, the board shall grant  
33 parole upon the secretary's certification that the inmate has successfully  
34 completed such programs. If an agreement has been entered under K.S.A.  
35 75-5210a, and amendments thereto, and the secretary of corrections has  
36 reported to the board in writing that the inmate has satisfactorily  
37 completed the programs required by such agreement, or any revision  
38 thereof, the board shall not require further program participation.  
39 However, if the board determines that other pertinent information  
40 regarding the inmate warrants the inmate's not being released on parole,  
41 the board shall state in writing the reasons for not granting the parole. If  
42 parole is denied for an inmate sentenced for a crime other than a class A or  
43 class B felony or an off-grid felony, the board shall hold another parole

1 hearing for the inmate not later than one year after the denial unless the  
2 board finds that it is not reasonable to expect that parole would be granted  
3 at a hearing if held in the next three years or during the interim period of a  
4 deferral. In such case, the board may defer subsequent parole hearings for  
5 up to three years but any such deferral by the board shall require the board  
6 to state the basis for its findings. If parole is denied for an inmate  
7 sentenced for a class A or class B felony or an off-grid felony, the board  
8 shall hold another parole hearing for the inmate not later than three years  
9 after the denial unless the board finds that it is not reasonable to expect  
10 that parole would be granted at a hearing if held in the next 10 years or  
11 during the interim period of a deferral. In such case, the board may defer  
12 subsequent parole hearings for up to 10 years, but any such deferral shall  
13 require the board to state the basis for its findings.

14 (2) Inmates sentenced for a class A or class B felony who have not  
15 had a board hearing in the five years prior to July 1, 2010, shall have such  
16 inmates' cases reviewed by the board on or before July 1, 2012. Such  
17 review shall begin with the inmates with the oldest deferral date and  
18 progress to the most recent. Such review shall be done utilizing existing  
19 resources unless the board determines that such resources are insufficient.  
20 If the board determines that such resources are insufficient, then the  
21 provisions of this paragraph are subject to appropriations therefor.

22 (k) (1) Parolees and persons on postrelease supervision shall be  
23 assigned, upon release, to the appropriate level of supervision pursuant to  
24 the criteria established by the secretary of corrections.

25 (2) Parolees and persons on postrelease supervision are, and shall  
26 agree in writing to be, subject to searches of the person and the person's  
27 effects, vehicle, residence and property by a parole officer or a department  
28 of corrections enforcement, apprehension and investigation officer, at any  
29 time of the day or night, with or without a search warrant and with or  
30 without cause. Nothing in this subsection shall be construed to authorize  
31 such officers to conduct arbitrary or capricious searches or searches for the  
32 sole purpose of harassment.

33 (3) Parolees and persons on postrelease supervision are, and shall  
34 agree in writing to be, subject to searches of the person and the person's  
35 effects, vehicle, residence and property by any law enforcement officer  
36 based on reasonable suspicion of the person violating conditions of parole  
37 or postrelease supervision or reasonable suspicion of criminal activity. Any  
38 law enforcement officer who conducts such a search shall submit a written  
39 report to the appropriate parole officer no later than the close of the next  
40 business day after such search. The written report shall include the facts  
41 leading to such search, the scope of such search and any findings resulting  
42 from such search.

43 (l) The prisoner review board shall promulgate rules and regulations

1 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
2 inconsistent with the law and as it may deem proper or necessary, with  
3 respect to the conduct of parole hearings, postrelease supervision reviews,  
4 revocation hearings, orders of restitution, reimbursement of expenditures  
5 by the state board of indigents' defense services and other conditions to be  
6 imposed upon parolees or releasees. Whenever an order for parole or  
7 postrelease supervision is issued it shall recite the conditions thereof.

8 (m) Whenever the prisoner review board orders the parole of an  
9 inmate or establishes conditions for an inmate placed on postrelease  
10 supervision, the board:

11 (1) Unless it finds compelling circumstances that would render a plan  
12 of payment unworkable, shall order as a condition of parole or postrelease  
13 supervision that the parolee or the person on postrelease supervision pay  
14 any transportation expenses resulting from returning the parolee or the  
15 person on postrelease supervision to this state to answer criminal charges  
16 or a warrant for a violation of a condition of probation, assignment to a  
17 community correctional services program, parole, conditional release or  
18 postrelease supervision;

19 (2) to the extent practicable, shall order as a condition of parole or  
20 postrelease supervision that the parolee or the person on postrelease  
21 supervision make progress towards or successfully complete the  
22 equivalent of a secondary education if the inmate has not previously  
23 completed such educational equivalent and is capable of doing so;

24 (3) may order that the parolee or person on postrelease supervision  
25 perform community or public service work for local governmental  
26 agencies, private corporations organized not-for-profit or charitable or  
27 social service organizations performing services for the community;

28 (4) may order the parolee or person on postrelease supervision to pay  
29 the administrative fee imposed pursuant to K.S.A. 22-4529, and  
30 amendments thereto, unless the board finds compelling circumstances that  
31 would render payment unworkable;

32 (5) unless it finds compelling circumstances that would render a plan  
33 of payment unworkable, shall order that the parolee or person on  
34 postrelease supervision reimburse the state for all or part of the  
35 expenditures by the state board of indigents' defense services to provide  
36 counsel and other defense services to the person. In determining the  
37 amount and method of payment of such sum, the prisoner review board  
38 shall take account of the financial resources of the person and the nature of  
39 the burden that the payment of such sum will impose. Such amount shall  
40 not exceed the amount claimed by appointed counsel on the payment  
41 voucher for indigents' defense services or the amount prescribed by the  
42 board of indigents' defense services reimbursement tables as provided in  
43 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any

1 previous payments for such services;

2 (6) shall order that the parolee or person on postrelease supervision  
3 agree in writing to be subject to searches of the person and the person's  
4 effects, vehicle, residence and property by a parole officer or a department  
5 of corrections enforcement, apprehension and investigation officer, at any  
6 time of the day or night, with or without a search warrant and with or  
7 without cause. Nothing in this subsection shall be construed to authorize  
8 such officers to conduct arbitrary or capricious searches or searches for the  
9 sole purpose of harassment; ~~and~~

10 (7) shall order that the parolee or person on postrelease supervision  
11 agree in writing to be subject to searches of the person and the person's  
12 effects, vehicle, residence and property by any law enforcement officer  
13 based on reasonable suspicion of the person violating conditions of parole  
14 or postrelease supervision or reasonable suspicion of criminal activity;  
15 *and*

16 (8) *shall order that the parolee or person on postrelease supervision*  
17 *complete the citizenship curriculum described in section 1, and*  
18 *amendments thereto.*

19 (n) If the court that sentenced an inmate specified at the time of  
20 sentencing the amount and the recipient of any restitution ordered as a  
21 condition of parole or postrelease supervision, the prisoner review board  
22 shall order as a condition of parole or postrelease supervision that the  
23 inmate pay restitution in the amount and manner provided in the journal  
24 entry unless the board finds compelling circumstances that would render a  
25 plan of restitution unworkable.

26 (o) Whenever the prisoner review board grants the parole of an  
27 inmate, the board, within 14 days of the date of the decision to grant  
28 parole, shall give written notice of the decision to the county or district  
29 attorney of the county where the inmate was sentenced.

30 (p) When an inmate is to be released on postrelease supervision, the  
31 secretary, within 30 days prior to release, shall provide the county or  
32 district attorney of the county where the inmate was sentenced written  
33 notice of the release date.

34 (q) Inmates shall be released on postrelease supervision upon the  
35 termination of the prison portion of their sentence. Time served while on  
36 postrelease supervision will vest.

37 (r) An inmate who is allocated regular good time credits as provided  
38 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
39 good time credits in increments of not more than 90 days per meritorious  
40 act. These credits may be awarded by the secretary of corrections when an  
41 inmate has acted in a heroic or outstanding manner in coming to the  
42 assistance of another person in a life-threatening situation, preventing  
43 injury or death to a person, preventing the destruction of property or taking

1 actions that result in a financial savings to the state.

2 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
3 (d)(1)(E) shall be applied retroactively as provided in subsection (t).

4 (t) For offenders sentenced prior to July 1, 2014, who are eligible for  
5 modification of their postrelease supervision obligation, the department of  
6 corrections shall modify the period of postrelease supervision as provided  
7 for by this section:

8 (1) On or before September 1, 2013, for offenders convicted of:

9 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
10 for nondrug crimes;

11 (B) severity level 4 crimes on the sentencing guidelines grid for drug  
12 crimes committed prior to July 1, 2012; and

13 (C) severity level 5 crimes on the sentencing guidelines grid for drug  
14 crimes committed on and after July 1, 2012;

15 (2) on or before November 1, 2013, for offenders convicted of:

16 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
17 grid for nondrug crimes;

18 (B) level 3 crimes on the sentencing guidelines grid for drug crimes  
19 committed prior to July 1, 2012; and

20 (C) level 4 crimes on the sentencing guidelines grid for drug crimes  
21 committed on or after July 1, 2012; and

22 (3) on or before January 1, 2014, for offenders convicted of:

23 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
24 guidelines grid for nondrug crimes;

25 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid  
26 for drug crimes committed at any time; and

27 (C) severity level 3 crimes on the sentencing guidelines grid for drug  
28 crimes committed on or after July 1, 2012.

29 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
30 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments  
31 thereto, for crimes committed on or after July 1, 2006, shall be placed on  
32 parole for life and shall not be discharged from supervision by the prisoner  
33 review board. When the board orders the parole of an inmate pursuant to  
34 this subsection, the board shall order as a condition of parole that the  
35 inmate be electronically monitored for the duration of the inmate's natural  
36 life.

37 (v) Whenever the prisoner review board orders a person to be  
38 electronically monitored pursuant to this section, or the court orders a  
39 person to be electronically monitored pursuant to K.S.A. 2022 Supp. 21-  
40 6604(r), and amendments thereto, the board shall order the person to  
41 reimburse the state for all or part of the cost of such monitoring. In  
42 determining the amount and method of payment of such sum, the board  
43 shall take account of the financial resources of the person and the nature of



1 the burden that the payment of such sum will impose.

2 (w) (1) On and after July 1, 2012, for any inmate who is a sex  
3 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
4 whenever the prisoner review board orders the parole of such inmate or  
5 establishes conditions for such inmate placed on postrelease supervision,  
6 such inmate shall agree in writing to not possess pornographic materials.

7 (A) As used in this subsection, "pornographic materials" means any  
8 obscene material or performance depicting sexual conduct, sexual contact  
9 or a sexual performance; and any visual depiction of sexually explicit  
10 conduct.

11 (B) As used in this subsection, all other terms have the meanings  
12 provided by K.S.A. 2022 Supp. 21-5510, and amendments thereto.

13 (2) The provisions of this subsection shall be applied retroactively to  
14 every sex offender, as defined in K.S.A. 22-4902, and amendments  
15 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
16 prisoner review board shall obtain the written agreement required by this  
17 subsection from such offenders as soon as practicable.

18 Sec. 4. K.S.A. 2022 Supp. 21-6607 and 22-3717 are hereby repealed.

19 Sec. 5. This act shall take effect and be in force from and after its  
20 publication in the statute book.