

**As Amended by House Committee**

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*Session of 2017*

**HOUSE BILL No. 2090**

By Committee on Corrections and Juvenile Justice

1-18

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; possession of a controlled substance; amending K.S.A.  
3 ~~2016~~ **2017** Supp. 21-6604 and 21-6805 and repealing the existing  
4 sections.

5

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

7 Section 1. K.S.A. ~~2016~~ **2017** Supp. 21-6805 is hereby amended to  
8 read as follows: 21-6805. (a) The provisions of this section shall be  
9 applicable to the sentencing guidelines grid for drug crimes. The following  
10 sentencing guidelines grid for drug crimes shall be applicable to felony  
11 crimes under K.S.A. ~~2016~~ **2017** Supp. 21-5701 through 21-5717, and  
12 amendments thereto, except as otherwise provided by law:

SENTENCING RANGE - DRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felonies	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felonies	2+ Misdemeanors	1 Misdemeanor No Record
I	204 194 185	186 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 31 28	30 29 27	28 27 26	28 27 26	27 26 25
V	42 40 37	36 34 32	32 31 28	26 24 22	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for drug  
2 crimes in subsection (a) represent months of imprisonment.

3 (c) (1) The sentencing court has discretion to sentence at any place  
4 within the sentencing range. In the usual case it is recommended that the  
5 sentencing judge select the center of the range and reserve the upper and  
6 lower limits for aggravating and mitigating factors insufficient to warrant a  
7 departure. The sentencing court shall not distinguish between the  
8 controlled substances cocaine base (9041L000) and cocaine hydrochloride  
9 (9041L005) when sentencing within the sentencing range of the grid  
10 block.

11 (2) In presumptive imprisonment cases, the sentencing court shall  
12 pronounce the complete sentence which shall include the:

13 (A) Prison sentence;

14 (B) maximum potential reduction to such sentence as a result of good  
15 time; and

16 (C) period of postrelease supervision at the sentencing hearing.  
17 Failure to pronounce the period of postrelease supervision shall not negate  
18 the existence of such period of postrelease supervision.

19 (3) In presumptive nonprison cases, the sentencing court shall  
20 pronounce the prison sentence as well as the duration of the nonprison  
21 sanction at the sentencing hearing.

22 (d) Each grid block states the presumptive sentencing range for an  
23 offender whose crime of conviction and criminal history place such  
24 offender in that grid block. If an offense is classified in a grid block below  
25 the dispositional line, the presumptive disposition shall be  
26 nonimprisonment. If an offense is classified in a grid block above the  
27 dispositional line, the presumptive disposition shall be imprisonment. If an  
28 offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H, 4-I, 5-C or 5-D, the  
29 court may impose an optional nonprison sentence as provided in  
30 ~~subsection (q) of K.S.A. 2016~~ **2017** Supp. 21-6804(q), and amendments  
31 thereto.

32 (e) The sentence for a second or subsequent conviction for unlawful  
33 manufacturing of a controlled substance, K.S.A. 65-4159, prior to its  
34 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, K.S.A. ~~2016~~  
35 **2017** Supp. 21-5703, and amendments thereto, or a substantially similar  
36 offense from another jurisdiction, if the controlled substance in any prior  
37 conviction was methamphetamine, as defined by ~~subsection (d)(3) or (f)(1)~~  
38 ~~of K.S.A. 65-4107(d)(3) or (f)(1)~~, and amendments thereto, or an analog  
39 thereof, shall be a presumptive term of imprisonment of two times the  
40 maximum duration of the presumptive term of imprisonment. The court  
41 may impose an optional reduction in such sentence of not to exceed 50%  
42 of the mandatory increase provided by this subsection upon making a  
43 finding on the record that one or more of the mitigating factors as specified

1 in K.S.A. ~~2016~~ 2017 Supp. 21-6815, and amendments thereto, justify such  
2 a reduction in sentence. Any decision made by the court regarding the  
3 reduction in such sentence shall not be considered a departure and shall  
4 not be subject to appeal.

5 ~~(f) (1) The sentence for a third or subsequent felony conviction of~~  
6 ~~K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-~~  
7 ~~36a06, prior to its transfer, or K.S.A. 2016 Supp. 21-5706, and~~  
8 ~~amendments thereto, shall be a presumptive term of imprisonment and the~~  
9 ~~defendant shall be sentenced to prison as provided by this section. The~~  
10 ~~defendant's term of imprisonment shall be served in the custody of the~~  
11 ~~secretary of corrections in a facility designated by the secretary. Subject to~~  
12 ~~appropriations therefore, the defendant shall participate in an intensive~~  
13 ~~substance abuse treatment program, of at least four months duration,~~  
14 ~~selected by the secretary of corrections. If the secretary determines that~~  
15 ~~substance abuse treatment resources are otherwise available, such term of~~  
16 ~~imprisonment may be served in a facility designated by the secretary of~~  
17 ~~corrections in the custody of the secretary of corrections to participate in~~  
18 ~~an intensive substance abuse treatment program. The secretary's~~  
19 ~~determination regarding the availability of treatment resources shall not be~~  
20 ~~subject to review. Upon the successful completion of such intensive~~  
21 ~~treatment program, the offender shall be returned to the court and the court~~  
22 ~~may modify the sentence by directing that a less severe penalty be~~  
23 ~~imposed in lieu of that originally adjudged. If the offender's term of~~  
24 ~~imprisonment expires, the offender shall be placed under the applicable~~  
25 ~~period of postrelease supervision.~~

26 ~~(2) Such defendant's term of imprisonment shall not be subject to~~  
27 ~~modification under paragraph (1) if:~~

28 ~~(A) The defendant has previously completed a certified drug abuse~~  
29 ~~treatment program, as provided in K.S.A. 2016 Supp. 75-52,144, and~~  
30 ~~amendments thereto;~~

31 ~~(B) has been discharged or refused to participate in a certified drug~~  
32 ~~abuse treatment program, as provided in K.S.A. 2016 Supp. 75-52,144,~~  
33 ~~and amendments thereto;~~

34 ~~(C) has completed an intensive substance abuse treatment program~~  
35 ~~under paragraph (1); or~~

36 ~~(D) has been discharged or refused to participate in an intensive~~  
37 ~~substance abuse treatment program under paragraph (1).~~

38 The sentence under this subsection shall not be considered a departure  
39 and shall not be subject to appeal.

40 ~~(g) (f) (1) The sentence for a third or subsequent felony conviction~~  
41 ~~of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp.~~  
42 ~~21-36a06, prior to its transfer, or K.S.A. 2017 Supp. 21-5706, and~~  
43 ~~amendments thereto, shall be a presumptive term of imprisonment~~

1 and the defendant shall be sentenced to prison as provided by this  
2 section. The defendant's term of imprisonment shall be served in the  
3 custody of the secretary of corrections in a facility designated by the  
4 secretary. Subject to appropriations therefore, the defendant shall  
5 participate in an intensive substance abuse treatment program, of at  
6 least four months duration, selected by the secretary of corrections. If  
7 the secretary determines that substance abuse treatment resources are  
8 otherwise available, such term of imprisonment may be served in a  
9 facility designated by the secretary of corrections in the custody of the  
10 secretary of corrections to participate in an intensive substance abuse  
11 treatment program. The secretary's determination regarding the  
12 availability of treatment resources shall not be subject to review. Upon  
13 the successful completion of such intensive treatment program, the  
14 offender shall be returned to the court and the court may modify the  
15 sentence by directing that a less severe penalty be imposed in lieu of  
16 that originally adjudged. If the offender's term of imprisonment  
17 expires, the offender shall be placed under the applicable period of  
18 postrelease supervision.

19 (2) Such defendant's term of imprisonment shall not be subject to  
20 modification under paragraph (1) if the defendant has refused to  
21 participate in a certified drug treatment program, as provided in  
22 K.S.A. 2017 Supp. 75-52,144, and amendments thereto, or an intensive  
23 substance abuse treatment program under paragraph (1).

24 The sentence under this subsection shall not be considered a  
25 departure and shall not be subject to appeal.

26 (g) (1) Except as provided further, if the trier of fact makes a finding  
27 that an offender carried a firearm to commit a drug felony, or in  
28 furtherance of a drug felony, possessed a firearm, in addition to the  
29 sentence imposed pursuant to K.S.A. ~~2016~~ 2017 Supp. 21-6801 through  
30 21-6824, and amendments thereto, the offender shall be sentenced to:

31 (A) Except as provided in subsection ~~(g)~~ ~~(g)~~(1)(B), an additional 6  
32 months' imprisonment; and

33 (B) if the trier of fact makes a finding that the firearm was  
34 discharged, an additional 18 months' imprisonment.

35 (2) The sentence imposed pursuant to subsection ~~(g)~~ ~~(g)~~(1) shall be  
36 presumptive imprisonment. Such sentence shall not be considered a  
37 departure and shall not be subject to appeal.

38 (3) The provisions of this subsection shall not apply to violations of  
39 K.S.A. ~~2016~~ 2017 Supp. 21-5706 or 21-5713, and amendments thereto.

40 Sec. 2. K.S.A. ~~2016~~ 2017 Supp. 21-6604 is hereby amended to read  
41 as follows: 21-6604. (a) Whenever any person has been found guilty of a  
42 crime, the court may adjudge any of the following:

43 (1) Commit the defendant to the custody of the secretary of

1 corrections if the current crime of conviction is a felony and the sentence  
2 presumes imprisonment, or the sentence imposed is a dispositional  
3 departure to imprisonment; or, if confinement is for a misdemeanor, to jail  
4 for the term provided by law;

5 (2) impose the fine applicable to the offense and may impose the  
6 provisions of subsection (q);

7 (3) release the defendant on probation if the current crime of  
8 conviction and criminal history fall within a presumptive nonprison  
9 category or through a departure for substantial and compelling reasons  
10 subject to such conditions as the court may deem appropriate. In felony  
11 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. ~~2016~~  
12 **2017** Supp. 8-1025, and amendments thereto, the court may include  
13 confinement in a county jail not to exceed 60 days, which need not be  
14 served consecutively, as a condition of an original probation sentence;

15 (4) assign the defendant to a community correctional services  
16 program as provided in K.S.A. 75-5291, and amendments thereto, or  
17 through a departure for substantial and compelling reasons subject to such  
18 conditions as the court may deem appropriate, including orders requiring  
19 full or partial restitution;

20 (5) assign the defendant to a conservation camp for a period not to  
21 exceed six months as a condition of probation followed by a six-month  
22 period of follow-up through adult intensive supervision by a community  
23 correctional services program, if the offender successfully completes the  
24 conservation camp program;

25 (6) assign the defendant to a house arrest program pursuant to K.S.A.  
26 ~~2016~~ **2017** Supp. 21-6609, and amendments thereto;

27 (7) order the defendant to attend and satisfactorily complete an  
28 alcohol or drug education or training program as provided by K.S.A. ~~2016~~  
29 **2017** Supp. 21-6602(c), and amendments thereto;

30 (8) order the defendant to repay the amount of any reward paid by  
31 any crime stoppers chapter, individual, corporation or public entity which  
32 materially aided in the apprehension or conviction of the defendant; repay  
33 the amount of any costs and expenses incurred by any law enforcement  
34 agency in the apprehension of the defendant, if one of the current crimes  
35 of conviction of the defendant includes escape from custody or aggravated  
36 escape from custody, as defined in K.S.A. ~~2016~~ **2017** Supp. 21-5911, and  
37 amendments thereto; repay expenses incurred by a fire district, fire  
38 department or fire company responding to a fire which has been  
39 determined to be arson or aggravated arson as defined in K.S.A. ~~2016~~  
40 **2017** Supp. 21-5812, and amendments thereto, if the defendant is  
41 convicted of such crime; repay the amount of any public funds utilized by  
42 a law enforcement agency to purchase controlled substances from the  
43 defendant during the investigation which leads to the defendant's

1 conviction; or repay the amount of any medical costs and expenses  
2 incurred by any law enforcement agency or county. Such repayment of the  
3 amount of any such costs and expenses incurred by a county, law  
4 enforcement agency, fire district, fire department or fire company or any  
5 public funds utilized by a law enforcement agency shall be deposited and  
6 credited to the same fund from which the public funds were credited to  
7 prior to use by the county, law enforcement agency, fire district, fire  
8 department or fire company;

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

11 (10) order the defendant to pay a domestic violence special program  
12 fee authorized by K.S.A. 20-369, and amendments thereto;

13 (11) if the defendant is convicted of a misdemeanor or convicted of a  
14 felony specified in K.S.A. ~~2016~~ 2017 Supp. 21-6804(i), and amendments  
15 thereto, assign the defendant to work release program, other than a  
16 program at a correctional institution under the control of the secretary of  
17 corrections as defined in K.S.A. 75-5202, and amendments thereto,  
18 provided such work release program requires such defendant to return to  
19 confinement at the end of each day in the work release program. On a  
20 second or subsequent conviction of K.S.A. 8-1567, and amendments  
21 thereto, an offender placed into a work release program shall serve the  
22 total number of hours of confinement mandated by that section;

23 (12) order the defendant to pay the full amount of unpaid costs  
24 associated with the conditions of release of the appearance bond under  
25 K.S.A. 22-2802, and amendments thereto;

26 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),  
27 (7), (8), (9), (10), (11) and (12); or

28 (14) suspend imposition of sentence in misdemeanor cases.

29 (b) (1) In addition to or in lieu of any of the above, the court shall  
30 order the defendant to pay restitution, which shall include, but not be  
31 limited to, damage or loss caused by the defendant's crime, unless the  
32 court finds compelling circumstances which would render a plan of  
33 restitution unworkable. In regard to a violation of K.S.A. ~~2016~~ 2017 Supp.  
34 21-6107, and amendments thereto, such damage or loss shall include, but  
35 not be limited to, attorney fees and costs incurred to repair the credit  
36 history or rating of the person whose personal identification documents  
37 were obtained and used in violation of such section, and to satisfy a debt,  
38 lien or other obligation incurred by the person whose personal  
39 identification documents were obtained and used in violation of such  
40 section. In regard to a violation of K.S.A. ~~2016~~ 2017 Supp. 21-5801, 21-  
41 5807 or 21-5813, and amendments thereto, such damage or loss shall  
42 include the cost of repair or replacement of the property that was damaged,  
43 the reasonable cost of any loss of production, crops and livestock,

1 reasonable labor costs of any kind, reasonable material costs of any kind  
2 and any reasonable costs that are attributed to equipment that is used to  
3 abate or repair the damage to the property. If the court finds a plan of  
4 restitution unworkable, the court shall state on the record in detail the  
5 reasons therefor.

6 (2) If the court orders restitution, the restitution shall be a judgment  
7 against the defendant which may be collected by the court by garnishment  
8 or other execution as on judgments in civil cases. If, after 60 days from the  
9 date restitution is ordered by the court, a defendant is found to be in  
10 noncompliance with the plan established by the court for payment of  
11 restitution, and the victim to whom restitution is ordered paid has not  
12 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and  
13 amendments thereto, the court shall assign an agent procured by the  
14 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to  
15 collect the restitution on behalf of the victim. The chief judge of each  
16 judicial district may assign such cases to an appropriate division of the  
17 court for the conduct of civil collection proceedings.

18 (c) In addition to or in lieu of any of the above, the court shall order  
19 the defendant to submit to and complete an alcohol and drug evaluation,  
20 and pay a fee therefor, when required by K.S.A. ~~2016~~ 2017 Supp. 21-  
21 6602(d), and amendments thereto.

22 (d) In addition to any of the above, the court shall order the defendant  
23 to reimburse the county general fund for all or a part of the expenditures  
24 by the county to provide counsel and other defense services to the  
25 defendant. Any such reimbursement to the county shall be paid only after  
26 any order for restitution has been paid in full. In determining the amount  
27 and method of payment of such sum, the court shall take account of the  
28 financial resources of the defendant and the nature of the burden that  
29 payment of such sum will impose. A defendant who has been required to  
30 pay such sum and who is not willfully in default in the payment thereof  
31 may at any time petition the court which sentenced the defendant to waive  
32 payment of such sum or any unpaid portion thereof. If it appears to the  
33 satisfaction of the court that payment of the amount due will impose  
34 manifest hardship on the defendant or the defendant's immediate family,  
35 the court may waive payment of all or part of the amount due or modify  
36 the method of payment.

37 (e) In releasing a defendant on probation, the court shall direct that  
38 the defendant be under the supervision of a court services officer. If the  
39 court commits the defendant to the custody of the secretary of corrections  
40 or to jail, the court may specify in its order the amount of restitution to be  
41 paid and the person to whom it shall be paid if restitution is later ordered  
42 as a condition of parole, conditional release or postrelease supervision.

43 (f) (1) When a new felony is committed while the offender is



1 incarcerated and serving a sentence for a felony, or while the offender is on  
2 probation, assignment to a community correctional services program,  
3 parole, conditional release or postrelease supervision for a felony, a new  
4 sentence shall be imposed consecutively pursuant to the provisions of  
5 K.S.A.-~~2016~~ **2017** Supp. 21-6606, and amendments thereto, and the court  
6 may sentence the offender to imprisonment for the new conviction, even  
7 when the new crime of conviction otherwise presumes a nonprison  
8 sentence. In this event, imposition of a prison sentence for the new crime  
9 does not constitute a departure.

10 (2) When a new felony is committed during a period of time during  
11 which the defendant would have been on probation, assignment to a  
12 community correctional services program, parole, conditional release or  
13 postrelease supervision for a felony had the defendant not been granted  
14 release by the court pursuant to K.S.A.-~~2016~~ **2017** Supp. 21-6608(d), and  
15 amendments thereto, or the prisoner review board pursuant to K.S.A. 22-  
16 3717, and amendments thereto, the court may sentence the offender to  
17 imprisonment for the new conviction, even when the new crime of  
18 conviction otherwise presumes a nonprison sentence. In this event,  
19 imposition of a prison sentence for the new crime does not constitute a  
20 departure.

21 (3) When a new felony is committed while the offender is  
22 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,  
23 prior to its repeal, or K.S.A.-~~2016~~ **2017** Supp. 38-2373, and amendments  
24 thereto, for an offense, which if committed by an adult would constitute  
25 the commission of a felony, upon conviction, the court shall sentence the  
26 offender to imprisonment for the new conviction, even when the new  
27 crime of conviction otherwise presumes a nonprison sentence. In this  
28 event, imposition of a prison sentence for the new crime does not  
29 constitute a departure. The conviction shall operate as a full and complete  
30 discharge from any obligations, except for an order of restitution, imposed  
31 on the offender arising from the offense for which the offender was  
32 committed to a juvenile correctional facility.

33 (4) When a new felony is committed while the offender is on release  
34 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
35 Kansas Statutes Annotated, and amendments thereto, or similar provisions  
36 of the laws of another jurisdiction, a new sentence may be imposed  
37 consecutively pursuant to the provisions of K.S.A.-~~2016~~ **2017** Supp. 21-  
38 6606, and amendments thereto, and the court may sentence the offender to  
39 imprisonment for the new conviction, even when the new crime of  
40 conviction otherwise presumes a nonprison sentence. In this event,  
41 imposition of a prison sentence for the new crime does not constitute a  
42 departure.

43 (g) Prior to imposing a dispositional departure for a defendant whose

1 offense is classified in the presumptive nonprison grid block of either  
2 sentencing guideline grid, prior to sentencing a defendant to incarceration  
3 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing  
4 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I  
5 of the sentencing guidelines grid for drug crimes committed prior to July  
6 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
7 guidelines grid for drug crimes committed on or after July 1, 2012, prior to  
8 sentencing a defendant to incarceration whose offense is classified in grid  
9 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
10 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F  
11 of the sentencing guidelines grid for drug crimes committed on or after July  
12 1, 2012, and whose offense does not meet the requirements of K.S.A. ~~2016~~  
13 **2017** Supp. 21-6824, and amendments thereto, prior to revocation of a  
14 nonprison sanction of a defendant whose offense is classified in grid  
15 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
16 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of  
17 the sentencing guidelines grid for drug crimes committed on or after July  
18 1, 2012, and whose offense does not meet the requirements of K.S.A. ~~2016~~  
19 **2017** Supp. 21-6824, and amendments thereto, or prior to revocation of a  
20 nonprison sanction of a defendant whose offense is classified in the  
21 presumptive nonprison grid block of either sentencing guideline grid or  
22 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug  
23 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing  
24 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid  
25 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug  
26 crimes committed on or after July 1, 2012, the court shall consider  
27 placement of the defendant in the Labette correctional conservation camp,  
28 conservation camps established by the secretary of corrections pursuant to  
29 K.S.A. 75-52,127, and amendments thereto, or a community intermediate  
30 sanction center. Pursuant to this subsection the defendant shall not be  
31 sentenced to imprisonment if space is available in a conservation camp or  
32 community intermediate sanction center and the defendant meets all of the  
33 conservation camp's or community intermediate sanction center's  
34 placement criteria unless the court states on the record the reasons for not  
35 placing the defendant in a conservation camp or community intermediate  
36 sanction center.

37 (h) In committing a defendant to the custody of the secretary of  
38 corrections, the court shall fix a term of confinement within the limits  
39 provided by law. In those cases where the law does not fix a term of  
40 confinement for the crime for which the defendant was convicted, the  
41 court shall fix the term of such confinement.

42 (i) In addition to any of the above, the court shall order the defendant  
43 to reimburse the state general fund for all or part of the expenditures by the

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

17 (j) This section shall not deprive the court of any authority conferred  
18 by any other Kansas statute to decree a forfeiture of property, suspend or  
19 cancel a license, remove a person from office or impose any other civil  
20 penalty as a result of conviction of crime.

21 (k) An application for or acceptance of probation or assignment to a  
22 community correctional services program shall not constitute an  
23 acquiescence in the judgment for purpose of appeal, and any convicted  
24 person may appeal from such conviction, as provided by law, without  
25 regard to whether such person has applied for probation, suspended  
26 sentence or assignment to a community correctional services program.

27 (l) The secretary of corrections is authorized to make direct  
28 placement to the Labette correctional conservation camp or a conservation  
29 camp established by the secretary pursuant to K.S.A. 75-52,127, and  
30 amendments thereto, of an inmate sentenced to the secretary's custody if  
31 the inmate:

32 (1) Has been sentenced to the secretary for a probation revocation, as  
33 a departure from the presumptive nonimprisonment grid block of either  
34 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I  
35 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks  
36 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes  
37 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of  
38 the sentencing guidelines grid for drug crimes committed on or after July  
39 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of  
40 the sentencing guidelines grid for drug crimes committed prior to July 1,  
41 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines  
42 grid for drug crimes committed on or after July 1, 2012, and such offense  
43 does not meet the requirements of K.S.A. ~~2016~~ **2017** Supp. 21-6824, and

1 amendments thereto; and

2 (2) otherwise meets admission criteria of the camp.

3 If the inmate successfully completes a conservation camp program, the  
4 secretary of corrections shall report such completion to the sentencing  
5 court and the county or district attorney. The inmate shall then be assigned  
6 by the court to six months of follow-up supervision conducted by the  
7 appropriate community corrections services program. The court may also  
8 order that supervision continue thereafter for the length of time authorized  
9 by K.S.A. ~~2016~~ **2017** Supp. 21-6608, and amendments thereto.

10 (m) When it is provided by law that a person shall be sentenced  
11 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions  
12 of this section shall not apply.

13 (n) (1) Except as provided by K.S.A. ~~2016~~ **2017** Supp. 21-6630 ~~and~~  
14 ~~21-6805(f)~~, and amendments thereto, in addition to any of the above, for  
15 felony violations of K.S.A. ~~2016~~ **2017** Supp. 21-5706, and amendments  
16 thereto, the court shall require the defendant who meets the requirements  
17 established in K.S.A. ~~2016~~ **2017** Supp. 21-6824, and amendments thereto,  
18 to participate in a certified drug abuse treatment program, as provided in  
19 K.S.A. ~~2016~~ **2017** Supp. 75-52,144, and amendments thereto, including,  
20 but not limited to, an approved after-care plan. The amount of time spent  
21 participating in such program shall not be credited as service on the  
22 underlying prison sentence.

23 (2) If the defendant fails to participate in or has a pattern of  
24 intentional conduct that demonstrates the defendant's refusal to comply  
25 with or participate in the treatment program, as established by judicial  
26 finding, the defendant shall be subject to sanction or revocation pursuant  
27 to the provisions of K.S.A. 22-3716, and amendments thereto. If the  
28 defendant's probation is revoked, the defendant shall serve the underlying  
29 prison sentence as established in K.S.A. ~~2016~~ **2017** Supp. 21-6805, and  
30 amendments thereto.

31 (A) Except as provided in subsection (n)(2)(B), for those offenders  
32 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon  
33 completion of the underlying prison sentence, the offender shall not be  
34 subject to a period of postrelease supervision.

35 (B) Offenders whose crime of conviction was committed on or after  
36 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-  
37 3716(c), and amendments thereto, or whose underlying prison term expires  
38 while serving a sanction pursuant to K.S.A. 22-3716(c)(1)(C) or (c)(1)(D),  
39 and amendments thereto, shall serve a period of postrelease supervision  
40 upon the completion of the underlying prison term.

41 (o) (1) Except as provided in paragraph (3), in addition to any other  
42 penalty or disposition imposed by law, upon a conviction for unlawful  
43 possession of a controlled substance or controlled substance analog in

1 violation of K.S.A.-~~2016~~ **2017** Supp. 21-5706, and amendments thereto, in  
2 which the trier of fact makes a finding that the unlawful possession  
3 occurred while transporting the controlled substance or controlled  
4 substance analog in any vehicle upon a highway or street, the offender's  
5 driver's license or privilege to operate a motor vehicle on the streets and  
6 highways of this state shall be suspended for one year.

7 (2) Upon suspension of a license pursuant to this subsection, the court  
8 shall require the person to surrender the license to the court, which shall  
9 transmit the license to the division of motor vehicles of the department of  
10 revenue, to be retained until the period of suspension expires. At that time,  
11 the licensee may apply to the division for return of the license. If the  
12 license has expired, the person may apply for a new license, which shall be  
13 issued promptly upon payment of the proper fee and satisfaction of other  
14 conditions established by law for obtaining a license unless another  
15 suspension or revocation of the person's privilege to operate a motor  
16 vehicle is in effect.

17 (3) (A) In lieu of suspending the driver's license or privilege to  
18 operate a motor vehicle on the highways of this state of any person as  
19 provided in paragraph (1), the judge of the court in which such person was  
20 convicted may enter an order which places conditions on such person's  
21 privilege of operating a motor vehicle on the highways of this state, a  
22 certified copy of which such person shall be required to carry any time  
23 such person is operating a motor vehicle on the highways of this state. Any  
24 such order shall prescribe the duration of the conditions imposed, which in  
25 no event shall be for a period of more than one year.

26 (B) Upon entering an order restricting a person's license hereunder,  
27 the judge shall require such person to surrender such person's driver's  
28 license to the judge who shall cause it to be transmitted to the division of  
29 vehicles, together with a copy of the order. Upon receipt thereof, the  
30 division of vehicles shall issue without charge a driver's license which  
31 shall indicate on its face that conditions have been imposed on such  
32 person's privilege of operating a motor vehicle and that a certified copy of  
33 the order imposing such conditions is required to be carried by the person  
34 for whom the license was issued any time such person is operating a motor  
35 vehicle on the highways of this state. If the person convicted is a  
36 nonresident, the judge shall cause a copy of the order to be transmitted to  
37 the division and the division shall forward a copy of it to the motor vehicle  
38 administrator of such person's state of residence. Such judge shall furnish  
39 to any person whose driver's license has had conditions imposed on it  
40 under this paragraph a copy of the order, which shall be recognized as a  
41 valid Kansas driver's license until such time as the division shall issue the  
42 restricted license provided for in this paragraph.

43 (C) Upon expiration of the period of time for which conditions are

1 imposed pursuant to this subsection, the licensee may apply to the division  
2 for the return of the license previously surrendered by such licensee. In the  
3 event such license has expired, such person may apply to the division for a  
4 new license, which shall be issued immediately by the division upon  
5 payment of the proper fee and satisfaction of the other conditions  
6 established by law, unless such person's privilege to operate a motor  
7 vehicle on the highways of this state has been suspended or revoked prior  
8 thereto. If any person shall violate any of the conditions imposed under  
9 this paragraph, such person's driver's license or privilege to operate a  
10 motor vehicle on the highways of this state shall be revoked for a period of  
11 not less than 60 days nor more than one year by the judge of the court in  
12 which such person is convicted of violating such conditions.

13 (4) As used in this subsection, "highway" and "street" mean the same  
14 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

15 (p) In addition to any of the above, for any criminal offense that  
16 includes the domestic violence designation pursuant to K.S.A. ~~2016~~ **2017**  
17 Supp. 22-4616, and amendments thereto, the court shall require the  
18 defendant to: (1) Undergo a domestic violence offender assessment  
19 conducted by a certified batterer intervention program; and (2) follow all  
20 recommendations made by such program, unless otherwise ordered by the  
21 court or the department of corrections. The court may order a domestic  
22 violence offender assessment and any other evaluation prior to sentencing  
23 if the assessment or evaluation would assist the court in determining an  
24 appropriate sentence. The entity completing the assessment or evaluation  
25 shall provide the assessment or evaluation and recommendations to the  
26 court and the court shall provide the domestic violence offender  
27 assessment to any entity responsible for supervising such defendant. A  
28 defendant ordered to undergo a domestic violence offender assessment  
29 shall be required to pay for the assessment and, unless otherwise ordered  
30 by the court or the department of corrections, for completion of all  
31 recommendations.

32 (q) In imposing a fine, the court may authorize the payment thereof in  
33 installments. In lieu of payment of any fine imposed, the court may order  
34 that the person perform community service specified by the court. The  
35 person shall receive a credit on the fine imposed in an amount equal to \$5  
36 for each full hour spent by the person in the specified community service.  
37 The community service ordered by the court shall be required to be  
38 performed by the later of one year after the fine is imposed or one year  
39 after release from imprisonment or jail, or by an earlier date specified by  
40 the court. If by the required date the person performs an insufficient  
41 amount of community service to reduce to zero the portion of the fine  
42 required to be paid by the person, the remaining balance shall become due  
43 on that date. If conditional reduction of any fine is rescinded by the court

1 for any reason, then pursuant to the court's order the person may be  
2 ordered to perform community service by one year after the date of such  
3 rescission or by an earlier date specified by the court. If by the required  
4 date the person performs an insufficient amount of community service to  
5 reduce to zero the portion of the fine required to be paid by the person, the  
6 remaining balance of the fine shall become due on that date. All credits for  
7 community service shall be subject to review and approval by the court.

8 (r) In addition to any other penalty or disposition imposed by law, for  
9 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,  
10 prior to its repeal, or K.S.A. ~~2016~~ 2017 Supp. 21-6627, and amendments  
11 thereto, for crimes committed on or after July 1, 2006, the court shall order  
12 that the defendant be electronically monitored upon release from  
13 imprisonment for the duration of the defendant's natural life and that the  
14 defendant shall reimburse the state for all or part of the cost of such  
15 monitoring as determined by the prisoner review board.

16 (s) Whenever the court has released the defendant on probation  
17 pursuant to subsection (a)(3), the defendant's supervising court services  
18 officer, with the concurrence of the chief court services officer, may  
19 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),  
20 and amendments thereto, without further order of the court, unless:

21 (1) The court has specifically withheld this authority in its sentencing  
22 order; or

23 (2) the defendant, after being apprised of the right to a revocation  
24 hearing before the court pursuant to K.S.A. 22-3716(b), and amendments  
25 thereto, refuses to waive such right.

26 (t) Whenever the court has assigned the defendant to a community  
27 correctional services program pursuant to subsection (a)(4), the defendant's  
28 community corrections officer, with the concurrence of the community  
29 corrections director, may impose the violation sanctions as provided in  
30 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order  
31 of the court unless:

32 (1) The court has specifically withheld this authority in its sentencing  
33 order; or

34 (2) the defendant, after being apprised of the right to a revocation  
35 hearing before the court pursuant to K.S.A. 22-3716(b), and amendments  
36 thereto, refuses to waive such right.

37 Sec. 3. K.S.A. ~~2016~~ 2017 Supp. 21-6604 and 21-6805 are hereby  
38 repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.