

HOUSE BILL No. 2700

By Committee on Corrections and Juvenile Justice

2-14

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to domestic violence designation; sentencing; electronic monitoring;
3 amending K.S.A. 2013 Supp. 21-6604, 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 Section 1. K.S.A. 2013 Supp. 21-6604 is hereby amended to read as
8 follows: 21-6604. (a) Whenever any person has been found guilty of a
9 crime, the court may adjudge any of the following:

10 (1) Commit the defendant to the custody of the secretary of
11 corrections if the current crime of conviction is a felony and the sentence
12 presumes imprisonment, or the sentence imposed is a dispositional
13 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
14 for the term provided by law;

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

17 (3) release the defendant on probation if the current crime of
18 conviction and criminal history fall within a presumptive nonprison
19 category or through a departure for substantial and compelling reasons
20 subject to such conditions as the court may deem appropriate. In felony
21 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2013
22 Supp. 8-1025, and amendments thereto, the court may include
23 confinement in a county jail not to exceed 60 days, which need not be
24 served consecutively, as a condition of an original probation sentence and
25 up to 60 days in a county jail upon each revocation of the probation
26 sentence, or community corrections placement;

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

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

1 (6) assign the defendant to a house arrest program pursuant to K.S.A.
2 2013 Supp. 21-6609, and amendments thereto;

3 (7) order the defendant to attend and satisfactorily complete an
4 alcohol or drug education or training program as provided by subsection
5 (c) of K.S.A. 2013 Supp. 21-6602, and amendments thereto;

6 (8) order the defendant to repay the amount of any reward paid by
7 any crime stoppers chapter, individual, corporation or public entity which
8 materially aided in the apprehension or conviction of the defendant; repay
9 the amount of any costs and expenses incurred by any law enforcement
10 agency in the apprehension of the defendant, if one of the current crimes
11 of conviction of the defendant includes escape from custody or aggravated
12 escape from custody, as defined in K.S.A. 2013 Supp. 21-5911, and
13 amendments thereto; repay expenses incurred by a fire district, fire
14 department or fire company responding to a fire which has been
15 determined to be arson or aggravated arson as defined in K.S.A. 2013
16 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
17 such crime; repay the amount of any public funds utilized by a law
18 enforcement agency to purchase controlled substances from the defendant
19 during the investigation which leads to the defendant's conviction; or repay
20 the amount of any medical costs and expenses incurred by any law
21 enforcement agency or county. Such repayment of the amount of any such
22 costs and expenses incurred by a county, law enforcement agency, fire
23 district, fire department or fire company or any public funds utilized by a
24 law enforcement agency shall be deposited and credited to the same fund
25 from which the public funds were credited to prior to use by the county,
26 law enforcement agency, fire district, fire department or fire company;

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

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

31 (11) if the defendant is convicted of a misdemeanor or convicted of a
32 felony specified in subsection (i) of K.S.A. 2013 Supp. 21-6804, and
33 amendments thereto, assign the defendant to work release program, other
34 than a program at a correctional institution under the control of the
35 secretary of corrections as defined in K.S.A. 75-5202, and amendments
36 thereto, provided such work release program requires such defendant to
37 return to confinement at the end of each day in the work release program.
38 On a second or subsequent conviction of K.S.A. 8-1567, and amendments
39 thereto, an offender placed into a work release program shall serve the
40 total number of hours of confinement mandated by that section;

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

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

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

4 (b) (1) In addition to or in lieu of any of the above, the court shall
5 order the defendant to pay restitution, which shall include, but not be
6 limited to, damage or loss caused by the defendant's crime, unless the
7 court finds compelling circumstances which would render a plan of
8 restitution unworkable. In regard to a violation of K.S.A. 2013 Supp. 21-
9 6107, and amendments thereto, such damage or loss shall include, but not
10 be limited to, attorney fees and costs incurred to repair the credit history or
11 rating of the person whose personal identification documents were
12 obtained and used in violation of such section, and to satisfy a debt, lien or
13 other obligation incurred by the person whose personal identification
14 documents were obtained and used in violation of such section. If the court
15 finds a plan of restitution unworkable, the court shall state on the record in
16 detail the reasons therefor.

17 (2) If the court orders restitution, the restitution shall be a judgment
18 against the defendant which may be collected by the court by garnishment
19 or other execution as on judgments in civil cases. If, after 60 days from the
20 date restitution is ordered by the court, a defendant is found to be in
21 noncompliance with the plan established by the court for payment of
22 restitution, and the victim to whom restitution is ordered paid has not
23 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
24 amendments thereto, the court shall assign an agent procured by the
25 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
26 collect the restitution on behalf of the victim. The chief judge of each
27 judicial district may assign such cases to an appropriate division of the
28 court for the conduct of civil collection proceedings.

29 (c) In addition to or in lieu of any of the above, the court shall order
30 the defendant to submit to and complete an alcohol and drug evaluation,
31 and pay a fee therefor, when required by subsection (d) of K.S.A. 2013
32 Supp. 21-6602, and amendments thereto.

33 (d) In addition to any of the above, the court shall order the defendant
34 to reimburse the county general fund for all or a part of the expenditures
35 by the county to provide counsel and other defense services to the
36 defendant. Any such reimbursement to the county shall be paid only after
37 any order for restitution has been paid in full. In determining the amount
38 and method of payment of such sum, the court shall take account of the
39 financial resources of the defendant and the nature of the burden that
40 payment of such sum will impose. A defendant who has been required to
41 pay such sum and who is not willfully in default in the payment thereof
42 may at any time petition the court which sentenced the defendant to waive
43 payment of such sum or any unpaid portion thereof. If it appears to the

1 satisfaction of the court that payment of the amount due will impose
2 manifest hardship on the defendant or the defendant's immediate family,
3 the court may waive payment of all or part of the amount due or modify
4 the method of payment.

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

11 (f) (1) When a new felony is committed while the offender is
12 incarcerated and serving a sentence for a felony, or while the offender is on
13 probation, assignment to a community correctional services program,
14 parole, conditional release or postrelease supervision for a felony, a new
15 sentence shall be imposed consecutively pursuant to the provisions of
16 K.S.A. 2013 Supp. 21-6606, and amendments thereto, and the court may
17 sentence the offender to imprisonment for the new conviction, even when
18 the new crime of conviction otherwise presumes a nonprison sentence. In
19 this event, imposition of a prison sentence for the new crime does not
20 constitute a departure.

21 (2) When a new felony is committed during a period of time during
22 which the defendant would have been on probation, assignment to a
23 community correctional services program, parole, conditional release or
24 postrelease supervision for a felony had the defendant not been granted
25 release by the court pursuant to subsection (d) of K.S.A. 2013 Supp. 21-
26 6608, and amendments thereto, or the prisoner review board pursuant to
27 K.S.A. 22-3717, and amendments thereto, the court may sentence the
28 offender to imprisonment for the new conviction, even when the new
29 crime of conviction otherwise presumes a nonprison sentence. In this
30 event, imposition of a prison sentence for the new crime does not
31 constitute a departure.

32 (3) When a new felony is committed while the offender is
33 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
34 prior to its repeal, or K.S.A. 2013 Supp. 38-2373, and amendments
35 thereto, for an offense, which if committed by an adult would constitute
36 the commission of a felony, upon conviction, the court shall sentence the
37 offender to imprisonment for the new conviction, even when the new
38 crime of conviction otherwise presumes a nonprison sentence. In this
39 event, imposition of a prison sentence for the new crime does not
40 constitute a departure. The conviction shall operate as a full and complete
41 discharge from any obligations, except for an order of restitution, imposed
42 on the offender arising from the offense for which the offender was
43 committed to a juvenile correctional facility.

1 (4) When a new felony is committed while the offender is on release
2 for a felony pursuant to the provisions of article 28 of chapter 22 of the
3 Kansas Statutes Annotated, and amendments thereto, or similar provisions
4 of the laws of another jurisdiction, a new sentence may be imposed
5 consecutively pursuant to the provisions of K.S.A. 2013 Supp. 21-6606,
6 and amendments thereto, and the court may sentence the offender to
7 imprisonment for the new conviction, even when the new crime of
8 conviction otherwise presumes a nonprison sentence. In this event,
9 imposition of a prison sentence for the new crime does not constitute a
10 departure.

11 (g) Prior to imposing a dispositional departure for a defendant whose
12 offense is classified in the presumptive nonprison grid block of either
13 sentencing guideline grid, prior to sentencing a defendant to incarceration
14 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
15 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
16 of the sentencing guidelines grid for drug crimes committed prior to July
17 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
18 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
19 sentencing a defendant to incarceration whose offense is classified in grid
20 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
21 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
22 the sentencing guidelines grid for drug crimes committed on or after July
23 1, 2012, and whose offense does not meet the requirements of K.S.A. 2013
24 Supp. 21-6824, and amendments thereto, prior to revocation of a
25 nonprison sanction of a defendant whose offense is classified in grid
26 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
27 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
28 the sentencing guidelines grid for drug crimes committed on or after July
29 1, 2012, and whose offense does not meet the requirements of K.S.A. 2013
30 Supp. 21-6824, and amendments thereto, or prior to revocation of a
31 nonprison sanction of a defendant whose offense is classified in the
32 presumptive nonprison grid block of either sentencing guideline grid or
33 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
34 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
35 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
36 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
37 crimes committed on or after July 1, 2012, the court shall consider
38 placement of the defendant in the Labette correctional conservation camp,
39 conservation camps established by the secretary of corrections pursuant to
40 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
41 sanction center. Pursuant to this subsection the defendant shall not be
42 sentenced to imprisonment if space is available in a conservation camp or
43 community intermediate sanction center and the defendant meets all of the

1 conservation camp's or community intermediate sanction center's
2 placement criteria unless the court states on the record the reasons for not
3 placing the defendant in a conservation camp or community intermediate
4 sanction center.

5 (h) In committing a defendant to the custody of the secretary of
6 corrections, the court shall fix a term of confinement within the limits
7 provided by law. In those cases where the law does not fix a term of
8 confinement for the crime for which the defendant was convicted, the
9 court shall fix the term of such confinement.

10 (i) In addition to any of the above, the court shall order the defendant
11 to reimburse the state general fund for all or part of the expenditures by the
12 state board of indigents' defense services to provide counsel and other
13 defense services to the defendant. In determining the amount and method
14 of payment of such sum, the court shall take account of the financial
15 resources of the defendant and the nature of the burden that payment of
16 such sum will impose. A defendant who has been required to pay such sum
17 and who is not willfully in default in the payment thereof may at any time
18 petition the court which sentenced the defendant to waive payment of such
19 sum or any unpaid portion thereof. If it appears to the satisfaction of the
20 court that payment of the amount due will impose manifest hardship on the
21 defendant or the defendant's immediate family, the court may waive
22 payment of all or part of the amount due or modify the method of
23 payment. The amount of attorney fees to be included in the court order for
24 reimbursement shall be the amount claimed by appointed counsel on the
25 payment voucher for indigents' defense services or the amount prescribed
26 by the board of indigents' defense services reimbursement tables as
27 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

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

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

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

43 (1) Has been sentenced to the secretary for a probation revocation, as

1 a departure from the presumptive nonimprisonment grid block of either
2 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I
3 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks
4 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
5 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
6 the sentencing guidelines grid for drug crimes committed on or after July
7 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of
8 the sentencing guidelines grid for drug crimes committed prior to July 1,
9 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines
10 grid for drug crimes committed on or after July 1, 2012, and such offense
11 does not meet the requirements of K.S.A. 2013 Supp. 21-6824, and
12 amendments thereto; and

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

14 If the inmate successfully completes a conservation camp program, the
15 secretary of corrections shall report such completion to the sentencing
16 court and the county or district attorney. The inmate shall then be assigned
17 by the court to six months of follow-up supervision conducted by the
18 appropriate community corrections services program. The court may also
19 order that supervision continue thereafter for the length of time authorized
20 by K.S.A. 2013 Supp. 21-6608, and amendments thereto.

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

24 (n) (1) Except as provided by subsection (f) of K.S.A. 2013 Supp. 21-
25 6805, and amendments thereto, in addition to any of the above, for felony
26 violations of K.S.A. 2013 Supp. 21-5706, and amendments thereto, the
27 court shall require the defendant who meets the requirements established
28 in K.S.A. 2013 Supp. 21-6824, and amendments thereto, to participate in a
29 certified drug abuse treatment program, as provided in K.S.A. 2013 Supp.
30 75-52,144, and amendments thereto, including, but not limited to, an
31 approved after-care plan. The amount of time spent participating in such
32 program shall not be credited as service on the underlying prison sentence.

33 (2) If the defendant fails to participate in or has a pattern of
34 intentional conduct that demonstrates the defendant's refusal to comply
35 with or participate in the treatment program, as established by judicial
36 finding, the defendant shall be subject to sanction or revocation pursuant
37 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
38 defendant's probation is revoked, the defendant shall serve the underlying
39 prison sentence as established in K.S.A. 2013 Supp. 21-6805, and
40 amendments thereto.

41 (A) Except as provided in subsection (n)(2)(B), for those offenders
42 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon
43 completion of the underlying prison sentence, the offender shall not be

1 subject to a period of postrelease supervision.

2 (B) Offenders whose crime of conviction was committed on or after
3 July 1, 2013, and whose probation is revoked pursuant to subsection (c) of
4 K.S.A. 22-3716, and amendments thereto, or whose underlying prison
5 term expires while serving a sanction pursuant to subsection (c)(1)(C) or
6 (c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period
7 of postrelease supervision upon the completion of the underlying prison
8 term.

9 (o) (1) Except as provided in paragraph (3), in addition to any other
10 penalty or disposition imposed by law, upon a conviction for unlawful
11 possession of a controlled substance or controlled substance analog in
12 violation of K.S.A. 2013 Supp. 21-5706, and amendments thereto, in
13 which the trier of fact makes a finding that the unlawful possession
14 occurred while transporting the controlled substance or controlled
15 substance analog in any vehicle upon a highway or street, the offender's
16 driver's license or privilege to operate a motor vehicle on the streets and
17 highways of this state shall be suspended for one year.

18 (2) Upon suspension of a license pursuant to this subsection, the court
19 shall require the person to surrender the license to the court, which shall
20 transmit the license to the division of motor vehicles of the department of
21 revenue, to be retained until the period of suspension expires. At that time,
22 the licensee may apply to the division for return of the license. If the
23 license has expired, the person may apply for a new license, which shall be
24 issued promptly upon payment of the proper fee and satisfaction of other
25 conditions established by law for obtaining a license unless another
26 suspension or revocation of the person's privilege to operate a motor
27 vehicle is in effect.

28 (3) (A) In lieu of suspending the driver's license or privilege to
29 operate a motor vehicle on the highways of this state of any person as
30 provided in paragraph (1), the judge of the court in which such person was
31 convicted may enter an order which places conditions on such person's
32 privilege of operating a motor vehicle on the highways of this state, a
33 certified copy of which such person shall be required to carry any time
34 such person is operating a motor vehicle on the highways of this state. Any
35 such order shall prescribe the duration of the conditions imposed, which in
36 no event shall be for a period of more than one year.

37 (B) Upon entering an order restricting a person's license hereunder,
38 the judge shall require such person to surrender such person's driver's
39 license to the judge who shall cause it to be transmitted to the division of
40 vehicles, together with a copy of the order. Upon receipt thereof, the
41 division of vehicles shall issue without charge a driver's license which
42 shall indicate on its face that conditions have been imposed on such
43 person's privilege of operating a motor vehicle and that a certified copy of

1 the order imposing such conditions is required to be carried by the person
2 for whom the license was issued any time such person is operating a motor
3 vehicle on the highways of this state. If the person convicted is a
4 nonresident, the judge shall cause a copy of the order to be transmitted to
5 the division and the division shall forward a copy of it to the motor vehicle
6 administrator of such person's state of residence. Such judge shall furnish
7 to any person whose driver's license has had conditions imposed on it
8 under this paragraph a copy of the order, which shall be recognized as a
9 valid Kansas driver's license until such time as the division shall issue the
10 restricted license provided for in this paragraph.

11 (C) Upon expiration of the period of time for which conditions are
12 imposed pursuant to this subsection, the licensee may apply to the division
13 for the return of the license previously surrendered by such licensee. In the
14 event such license has expired, such person may apply to the division for a
15 new license, which shall be issued immediately by the division upon
16 payment of the proper fee and satisfaction of the other conditions
17 established by law, unless such person's privilege to operate a motor
18 vehicle on the highways of this state has been suspended or revoked prior
19 thereto. If any person shall violate any of the conditions imposed under
20 this paragraph, such person's driver's license or privilege to operate a
21 motor vehicle on the highways of this state shall be revoked for a period of
22 not less than 60 days nor more than one year by the judge of the court in
23 which such person is convicted of violating such conditions.

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

26 (p) In addition to any of the above, for any criminal offense that
27 includes the domestic violence designation pursuant to K.S.A. 2013 Supp.
28 22-4616, and amendments thereto, *the provisions of this subsection shall*
29 *apply.*

30 (1) The court shall require the defendant to: ~~(1)~~ (A) Undergo a
31 domestic violence offender assessment conducted by a certified batterer
32 intervention program; and ~~(2)~~ (B) follow all recommendations made by
33 such program, unless otherwise ordered by the court or the department of
34 corrections. The court may order a domestic violence offender assessment
35 and any other evaluation prior to sentencing if the assessment or
36 evaluation would assist the court in determining an appropriate sentence.
37 The entity completing the assessment or evaluation shall provide the
38 assessment or evaluation and recommendations to the court and the court
39 shall provide the domestic violence offender assessment to any entity
40 responsible for supervising such defendant. A defendant ordered to
41 undergo a domestic violence offender assessment shall be required to pay
42 for the assessment and, unless otherwise ordered by the court or the
43 department of corrections, for completion of all recommendations.

1 (2) *The court shall order that the defendant be electronically*
2 *monitored upon release from imprisonment for the duration of the*
3 *defendant's period of postrelease supervision pursuant to subsection (u) of*
4 *K.S.A. 22-3717, and amendments thereto, and that the defendant shall*
5 *reimburse the state for all or part of the cost of such monitoring as*
6 *determined by the prisoner review board.*

7 (q) In imposing a fine, the court may authorize the payment thereof in
8 installments. In lieu of payment of any fine imposed, the court may order
9 that the person perform community service specified by the court. The
10 person shall receive a credit on the fine imposed in an amount equal to \$5
11 for each full hour spent by the person in the specified community service.
12 The community service ordered by the court shall be required to be
13 performed by the later of one year after the fine is imposed or one year
14 after release from imprisonment or jail, or by an earlier date specified by
15 the court. If by the required date the person performs an insufficient
16 amount of community service to reduce to zero the portion of the fine
17 required to be paid by the person, the remaining balance shall become due
18 on that date. If conditional reduction of any fine is rescinded by the court
19 for any reason, then pursuant to the court's order the person may be
20 ordered to perform community service by one year after the date of such
21 rescission or by an earlier date specified by the court. If by the required
22 date the person performs an insufficient amount of community service to
23 reduce to zero the portion of the fine required to be paid by the person, the
24 remaining balance of the fine shall become due on that date. All credits for
25 community service shall be subject to review and approval by the court.

26 (r) In addition to any other penalty or disposition imposed by law, for
27 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
28 prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments
29 thereto, for crimes committed on or after July 1, 2006, the court shall order
30 that the defendant be electronically monitored upon release from
31 imprisonment for the duration of the defendant's natural life and that the
32 defendant shall reimburse the state for all or part of the cost of such
33 monitoring as determined by the prisoner review board.

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

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

42 (2) the defendant, after being apprised of the right to a revocation
43 hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and

1 amendments thereto, refuses to waive such right.

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

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

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

13 Sec. 2. K.S.A. 2013 Supp. 21-6607 is hereby amended to read as
14 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
15 section shall be construed to limit the authority of the court to impose or
16 modify any general or specific conditions of probation, suspension of
17 sentence or assignment to a community correctional services program. The
18 court services officer or community correctional services officer may
19 recommend, and the court may order, the imposition of any conditions of
20 probation, suspension of sentence or assignment to a community
21 correctional services program. For crimes committed on or after July 1,
22 1993, in presumptive nonprison cases, the court services officer or
23 community correctional services officer may recommend, and the court
24 may order, the imposition of any conditions of probation or assignment to
25 a community correctional services program. The court may at any time
26 order the modification of such conditions, after notice to the court services
27 officer or community correctional services officer and an opportunity for
28 such officer to be heard thereon. The court shall cause a copy of any such
29 order to be delivered to the court services officer and the probationer or to
30 the community correctional services officer and the community corrections
31 participant, as the case may be. The provisions of K.S.A. 75-5291, and
32 amendments thereto, shall be applicable to any assignment to a community
33 correctional services program pursuant to this section.

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

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

40 (2) avoid such persons or places of disreputable or harmful character,
41 as directed by the court, court services officer or community correctional
42 services officer;

43 (3) report to the court services officer or community correctional

1 services officer as directed;

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

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

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

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

9 (8) support the defendant's dependents;

10 (9) reside in a residential facility located in the community and
11 participate in educational, counseling, work and other correctional or
12 rehabilitative programs;

13 (10) perform community or public service work for local
14 governmental agencies, private corporations organized not for profit, or
15 charitable or social service organizations performing services for the
16 community;

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

22 (12) participate in a house arrest program pursuant to K.S.A. 2013
23 Supp. 21-6609, and amendments thereto;

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

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

29 (c) (1) *In addition to any other conditions of probation, suspension of*
30 *sentence or assignment to a community correctional services program, the*
31 *court may order any defendant convicted of any criminal offense that*
32 *includes the domestic violence designation pursuant to K.S.A. 22-4616,*
33 *and amendments thereto, to be electronically monitored and subject to the*
34 *provisions of this subsection.*

35 (2) *If the court orders a defendant to be electronically monitored*
36 *pursuant to this subsection, the court shall: (A) Prohibit contact with the*
37 *victim of such defendant's crime through the establishment of court-*
38 *defined geographic exclusion zones including, but not limited to, the areas*
39 *in and around the victim's residence, place of employment and the victim's*
40 *child's school; and (B) order the defendant to wear a global positioning*
41 *satellite tracking device designed to transmit and record the defendant's*
42 *location data. The court's order shall provide that if the defendant enters a*
43 *court-defined geographic exclusion zone, the defendant's location data*

1 *shall be immediately transmitted to the victim, and to the police, through*
2 *an appropriate means including, but not limited to, the telephone, an*
3 *electronic beeper or a paging device.*

4 (e) (d) In addition to any other conditions of probation, suspension of
5 sentence or assignment to a community correctional services program, the
6 court shall order the defendant to comply with each of the following
7 conditions:

8 (1) The defendant shall obey all laws of the United States, the state of
9 Kansas and any other jurisdiction to the laws of which the defendant may
10 be subject;

11 (2) make reparation or restitution to the aggrieved party for the
12 damage or loss caused by the defendant's crime, in an amount and manner
13 determined by the court and to the person specified by the court, unless the
14 court finds compelling circumstances which would render a plan of
15 restitution unworkable. If the court finds a plan of restitution unworkable,
16 the court shall state on the record in detail the reasons therefore;

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

27 ~~(e)~~ (f) There is hereby established in the state treasury the correctional
28 supervision fund. All moneys credited to the correctional supervision fund
29 shall be used for the implementation of and training for use of a statewide,
30 mandatory, standardized risk assessment tool or instrument as specified by
31 the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and
32 amendments thereto, and for evidence-based offender supervision
33 programs by judicial branch personnel. If all expenditures for the program
34 have been paid and moneys remain in the correctional supervision fund for
35 a fiscal year, remaining moneys may be expended from the correctional
36 supervision fund to support offender supervision by court services officers.
37 All expenditures from the correctional supervision fund shall be made in
38 accordance with appropriation acts upon warrants of the director of
39 accounts and reports issued pursuant to vouchers approved by the chief
40 justice of the Kansas supreme court or by a person or persons designated
41 by the chief justice.

42 Sec. 3. K.S.A. 2013 Supp. 22-3717 is hereby amended to read as
43 follows: 22-3717. (a) Except as otherwise provided by this section;

1 K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through
2 21-4638, prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A.
3 21-4642, prior to its repeal; K.S.A. 2013 Supp. 21-6617, 21-6620, 21-
4 6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and
5 K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate
6 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2013
7 Supp. 21-6707, and amendments thereto, shall be eligible for parole after
8 serving the entire minimum sentence imposed by the court, less good time
9 credits.

10 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, prior
11 to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-
12 6625, and amendments thereto, an inmate sentenced to imprisonment for
13 the crime of capital murder, or an inmate sentenced for the crime of
14 murder in the first degree based upon a finding of premeditated murder,
15 committed on or after July 1, 1994, shall be eligible for parole after
16 serving 25 years of confinement, without deduction of any good time
17 credits.

18 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
19 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior
20 to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-
21 6625, and amendments thereto, an inmate sentenced to imprisonment for
22 an off-grid offense committed on or after July 1, 1993, but prior to July 1,
23 1999, shall be eligible for parole after serving 15 years of confinement,
24 without deduction of any good time credits and an inmate sentenced to
25 imprisonment for an off-grid offense committed on or after July 1, 1999,
26 shall be eligible for parole after serving 20 years of confinement without
27 deduction of any good time credits.

28 (3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
29 repeal, an inmate sentenced for a class A felony committed before July 1,
30 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
31 its repeal, or K.S.A. 2013 Supp. 21-6707, and amendments thereto, shall
32 be eligible for parole after serving 15 years of confinement, without
33 deduction of any good time credits.

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

39 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
40 4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments
41 thereto, committed on or after July 1, 2006, shall be eligible for parole
42 after serving the mandatory term of imprisonment without deduction of
43 any good time credits.

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

5 (A) The aggregate minimum sentences, as determined pursuant to
6 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2013 Supp. 21-6606, and
7 amendments thereto, less good time credits for those crimes which are not
8 class A felonies; and

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

11 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
12 4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments
13 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
14 eligible for parole after serving the mandatory term of imprisonment.

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

20 (A) Except as provided in subparagraphs (D) and (E), persons
21 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
22 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
23 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
24 July 1, 2012, must serve 36 months on postrelease supervision.

25 (B) Except as provided in subparagraphs (D) and (E), persons
26 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
27 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
28 drug severity level 4 crimes committed on or after July 1, 2012, must serve
29 24 months on postrelease supervision.

30 (C) Except as provided in subparagraphs (D) and (E), persons
31 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
32 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
33 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
34 must serve 12 months on postrelease supervision.

35 (D) Persons sentenced to a term of imprisonment that includes a
36 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
37 amendments thereto, a sexually motivated crime in which the offender has
38 been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-
39 3717, and amendments thereto, electronic solicitation, K.S.A. 21-3523,
40 prior to its repeal, or K.S.A. 2013 Supp. 21-5509, and amendments
41 thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or
42 K.S.A. 2013 Supp. 21-5512, and amendments thereto, shall serve the
43 period of postrelease supervision as provided in subsections (d)(1)(A), (d)

1 (1)(B) or (d)(1)(C) plus the amount of good time and program credit
2 earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or
3 K.S.A. 2013 Supp. 21-6821, and amendments thereto, on postrelease
4 supervision.

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

9 (ii) If the sentencing judge departs from the presumptive postrelease
10 supervision period, the judge shall state on the record at the time of
11 sentencing the substantial and compelling reasons for the departure.
12 Departures in this section are subject to appeal pursuant to K.S.A. 21-
13 4721, prior to its repeal, or K.S.A. 2013 Supp. 21-6820, and amendments
14 thereto.

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

17 (a) Written briefs or oral arguments submitted by either the defendant
18 or the state;

19 (b) any evidence received during the proceeding;

20 (c) the presentence report, the victim's impact statement and any
21 psychological evaluation as ordered by the court pursuant to subsection (e)
22 of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2013
23 Supp. 21-6813, and amendments thereto; and

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

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

29 (v) In carrying out the provisions of subsection (d)(1)(D), the court
30 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2013 Supp. 21-
31 6817, and amendments thereto.

32 (vi) Upon petition and payment of any restitution ordered pursuant to
33 K.S.A. 2013 Supp. 21-6604, and amendments thereto, the prisoner review
34 board may provide for early discharge from the postrelease supervision
35 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
36 court ordered programs and completion of the presumptive postrelease
37 supervision period, as determined by the crime of conviction, pursuant to
38 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
39 postrelease supervision is at the discretion of the board.

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

43 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their

1 repeal, or K.S.A. 2013 Supp. 21-5508, and amendments thereto, shall be
2 required to participate in a treatment program for sex offenders during the
3 postrelease supervision period.

4 (E) The period of postrelease supervision provided in subparagraphs
5 (A) and (B) may be reduced by up to 12 months and the period of
6 postrelease supervision provided in subparagraph (C) may be reduced by
7 up to six months based on the offender's compliance with conditions of
8 supervision and overall performance while on postrelease supervision. The
9 reduction in the supervision period shall be on an earned basis pursuant to
10 rules and regulations adopted by the secretary of corrections.

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

16 (G) Except as provided in subsection (u), persons convicted of a
17 sexually violent crime committed on or after July 1, 2006, and who are
18 released from prison, shall be released to a mandatory period of
19 postrelease supervision for the duration of the person's natural life.

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

24 (3) Persons serving a period of incarceration for a supervision
25 violation shall not have the period of postrelease supervision modified
26 until such person is released and returned to postrelease supervision.

27 (4) Offenders whose crime of conviction was committed on or after
28 July 1, 2013, and whose probation, assignment to a community
29 correctional services program, suspension of sentence or nonprison
30 sanction is revoked pursuant to subsection (c) of K.S.A. 22-3716, and
31 amendments thereto, or whose underlying prison term expires while
32 serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) of K.S.A.
33 22-3716, and amendments thereto, shall serve a period of postrelease
34 supervision upon the completion of the underlying prison term.

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

36 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp.
37 21-5503, and amendments thereto;

38 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
39 or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto;

40 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
41 to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and
42 amendments thereto;

43 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,

1 prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2013 Supp. 21-
2 5504, and amendments thereto;

3 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
4 or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

5 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
6 or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

7 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
8 to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and
9 amendments thereto;

10 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
11 or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

12 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
13 subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

14 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or
15 subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto;

16 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
17 prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and
18 amendments thereto, if committed in whole or in part for the purpose of
19 the sexual gratification of the defendant or another;

20 (L) commercial sexual exploitation of a child, as defined in K.S.A.
21 2013 Supp. 21-6422, and amendments thereto; or

22 (M) an attempt, conspiracy or criminal solicitation, as defined in
23 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013
24 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
25 sexually violent crime as defined in this section.

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

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

36 (f) If a person is sentenced to prison for a crime committed on or after
37 July 1, 1993, while on probation, parole, conditional release or in a
38 community corrections program, for a crime committed prior to July 1,
39 1993, and the person is not eligible for retroactive application of the
40 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
41 4724, prior to its repeal, the new sentence shall not be aggregated with the
42 old sentence, but shall begin when the person is paroled or reaches the
43 conditional release date on the old sentence. If the offender was past the

1 offender's conditional release date at the time the new offense was
2 committed, the new sentence shall not be aggregated with the old sentence
3 but shall begin when the person is ordered released by the prisoner review
4 board or reaches the maximum sentence expiration date on the old
5 sentence, whichever is earlier. The new sentence shall then be served as
6 otherwise provided by law. The period of postrelease supervision shall be
7 based on the new sentence, except that those offenders whose old sentence
8 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
9 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
10 term of life imprisonment, for which there is no conditional release or
11 maximum sentence expiration date, shall remain on postrelease
12 supervision for life or until discharged from supervision by the prisoner
13 review board.

14 (g) Subject to the provisions of this section, the prisoner review board
15 may release on parole those persons confined in institutions who are
16 eligible for parole when: (1) The board believes that the inmate should be
17 released for hospitalization, deportation or to answer the warrant or other
18 process of a court and is of the opinion that there is reasonable probability
19 that the inmate can be released without detriment to the community or to
20 the inmate; or (2) the secretary of corrections has reported to the board in
21 writing that the inmate has satisfactorily completed the programs required
22 by any agreement entered under K.S.A. 75-5210a, and amendments
23 thereto, or any revision of such agreement, and the board believes that the
24 inmate is able and willing to fulfill the obligations of a law abiding citizen
25 and is of the opinion that there is reasonable probability that the inmate
26 can be released without detriment to the community or to the inmate.
27 Parole shall not be granted as an award of clemency and shall not be
28 considered a reduction of sentence or a pardon.

29 (h) The prisoner review board shall hold a parole hearing at least the
30 month prior to the month an inmate will be eligible for parole under
31 subsections (a), (b) and (c). At least one month preceding the parole
32 hearing, the county or district attorney of the county where the inmate was
33 convicted shall give written notice of the time and place of the public
34 comment sessions for the inmate to any victim of the inmate's crime who
35 is alive and whose address is known to the county or district attorney or, if
36 the victim is deceased, to the victim's family if the family's address is
37 known to the county or district attorney. Except as otherwise provided,
38 failure to notify pursuant to this section shall not be a reason to postpone a
39 parole hearing. In the case of any inmate convicted of an off-grid felony or
40 a class A felony, the secretary of corrections shall give written notice of the
41 time and place of the public comment session for such inmate at least one
42 month preceding the public comment session to any victim of such
43 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and

1 amendments thereto. If notification is not given to such victim or such
2 victim's family in the case of any inmate convicted of an off-grid felony or
3 a class A felony, the board shall postpone a decision on parole of the
4 inmate to a time at least 30 days after notification is given as provided in
5 this section. Nothing in this section shall create a cause of action against
6 the state or an employee of the state acting within the scope of the
7 employee's employment as a result of the failure to notify pursuant to this
8 section. If granted parole, the inmate may be released on parole on the date
9 specified by the board, but not earlier than the date the inmate is eligible
10 for parole under subsections (a), (b) and (c). At each parole hearing and, if
11 parole is not granted, at such intervals thereafter as it determines
12 appropriate, the board shall consider: (1) Whether the inmate has
13 satisfactorily completed the programs required by any agreement entered
14 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
15 agreement; and (2) all pertinent information regarding such inmate,
16 including, but not limited to, the circumstances of the offense of the
17 inmate; the presentence report; the previous social history and criminal
18 record of the inmate; the conduct, employment, and attitude of the inmate
19 in prison; the reports of such physical and mental examinations as have
20 been made, including, but not limited to, risk factors revealed by any risk
21 assessment of the inmate; comments of the victim and the victim's family
22 including in person comments, contemporaneous comments and
23 prerecorded comments made by any technological means; comments of
24 the public; official comments; any recommendation by the staff of the
25 facility where the inmate is incarcerated; proportionality of the time the
26 inmate has served to the sentence a person would receive under the Kansas
27 sentencing guidelines for the conduct that resulted in the inmate's
28 incarceration; and capacity of state correctional institutions.

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

39 (j) (1) Before ordering the parole of any inmate, the prisoner review
40 board shall have the inmate appear either in person or via a video
41 conferencing format and shall interview the inmate unless impractical
42 because of the inmate's physical or mental condition or absence from the
43 institution. Every inmate while on parole shall remain in the legal custody

1 of the secretary of corrections and is subject to the orders of the secretary.
2 Whenever the board formally considers placing an inmate on parole and
3 no agreement has been entered into with the inmate under K.S.A. 75-
4 5210a, and amendments thereto, the board shall notify the inmate in
5 writing of the reasons for not granting parole. If an agreement has been
6 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
7 has not satisfactorily completed the programs specified in the agreement,
8 or any revision of such agreement, the board shall notify the inmate in
9 writing of the specific programs the inmate must satisfactorily complete
10 before parole will be granted. If parole is not granted only because of a
11 failure to satisfactorily complete such programs, the board shall grant
12 parole upon the secretary's certification that the inmate has successfully
13 completed such programs. If an agreement has been entered under K.S.A.
14 75-5210a, and amendments thereto, and the secretary of corrections has
15 reported to the board in writing that the inmate has satisfactorily
16 completed the programs required by such agreement, or any revision
17 thereof, the board shall not require further program participation.
18 However, if the board determines that other pertinent information
19 regarding the inmate warrants the inmate's not being released on parole,
20 the board shall state in writing the reasons for not granting the parole. If
21 parole is denied for an inmate sentenced for a crime other than a class A or
22 class B felony or an off-grid felony, the board shall hold another parole
23 hearing for the inmate not later than one year after the denial unless the
24 board finds that it is not reasonable to expect that parole would be granted
25 at a hearing if held in the next three years or during the interim period of a
26 deferral. In such case, the board may defer subsequent parole hearings for
27 up to three years but any such deferral by the board shall require the board
28 to state the basis for its findings. If parole is denied for an inmate
29 sentenced for a class A or class B felony or an off-grid felony, the board
30 shall hold another parole hearing for the inmate not later than three years
31 after the denial unless the board finds that it is not reasonable to expect
32 that parole would be granted at a hearing if held in the next 10 years or
33 during the interim period of a deferral. In such case, the board may defer
34 subsequent parole hearings for up to 10 years, but any such deferral shall
35 require the board to state the basis for its findings.

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

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

4 (2) Parolees and persons on postrelease supervision are, and shall
5 agree in writing to be, subject to search or seizure by a parole officer or a
6 department of corrections enforcement, apprehension and investigation
7 officer, at any time of the day or night, with or without a search warrant
8 and with or without cause. Nothing in this subsection shall be construed to
9 authorize such officers to conduct arbitrary or capricious searches or
10 searches for the sole purpose of harassment.

11 (3) Parolees and persons on postrelease supervision are, and shall
12 agree in writing to be, subject to search or seizure by any law enforcement
13 officer based on reasonable suspicion of the person violating conditions of
14 parole or postrelease supervision or reasonable suspicion of criminal
15 activity. Any law enforcement officer who conducts such a search shall
16 submit a written report to the appropriate parole officer no later than the
17 close of the next business day after such search. The written report shall
18 include the facts leading to such search, the scope of such search and any
19 findings resulting from such search.

20 (l) The prisoner review board shall promulgate rules and regulations
21 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
22 inconsistent with the law and as it may deem proper or necessary, with
23 respect to the conduct of parole hearings, postrelease supervision reviews,
24 revocation hearings, orders of restitution, reimbursement of expenditures
25 by the state board of indigents' defense services and other conditions to be
26 imposed upon parolees or releasees. Whenever an order for parole or
27 postrelease supervision is issued it shall recite the conditions thereof.

28 (m) Whenever the prisoner review board orders the parole of an
29 inmate or establishes conditions for an inmate placed on postrelease
30 supervision, the board:

31 (1) Unless it finds compelling circumstances which would render a
32 plan of payment unworkable, shall order as a condition of parole or
33 postrelease supervision that the parolee or the person on postrelease
34 supervision pay any transportation expenses resulting from returning the
35 parolee or the person on postrelease supervision to this state to answer
36 criminal charges or a warrant for a violation of a condition of probation,
37 assignment to a community correctional services program, parole,
38 conditional release or postrelease supervision;

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

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

5 (4) may order the parolee or person on postrelease supervision to pay
6 the administrative fee imposed pursuant to K.S.A. 22-4529, and
7 amendments thereto, unless the board finds compelling circumstances
8 which would render payment unworkable;

9 (5) unless it finds compelling circumstances which would render a
10 plan of payment unworkable, shall order that the parolee or person on
11 postrelease supervision reimburse the state for all or part of the
12 expenditures by the state board of indigents' defense services to provide
13 counsel and other defense services to the person. In determining the
14 amount and method of payment of such sum, the prisoner review board
15 shall take account of the financial resources of the person and the nature of
16 the burden that the payment of such sum will impose. Such amount shall
17 not exceed the amount claimed by appointed counsel on the payment
18 voucher for indigents' defense services or the amount prescribed by the
19 board of indigents' defense services reimbursement tables as provided in
20 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
21 previous payments for such services;

22 (6) shall order that the parolee or person on postrelease supervision
23 agree in writing to be subject to search or seizure by a parole officer or a
24 department of corrections enforcement, apprehension and investigation
25 officer, at any time of the day or night, with or without a search warrant
26 and with or without cause. Nothing in this subsection shall be construed to
27 authorize such officers to conduct arbitrary or capricious searches or
28 searches for the sole purpose of harassment; and

29 (7) shall order that the parolee or person on postrelease supervision
30 agree in writing to be subject to search or seizure by any law enforcement
31 officer based on reasonable suspicion of the person violating conditions of
32 parole or postrelease supervision or reasonable suspicion of criminal
33 activity.

34 (n) If the court which sentenced an inmate specified at the time of
35 sentencing the amount and the recipient of any restitution ordered as a
36 condition of parole or postrelease supervision, the prisoner review board
37 shall order as a condition of parole or postrelease supervision that the
38 inmate pay restitution in the amount and manner provided in the journal
39 entry unless the board finds compelling circumstances which would render
40 a plan of restitution unworkable.

41 (o) Whenever the prisoner review board grants the parole of an
42 inmate, the board, within 14 days of the date of the decision to grant
43 parole, shall give written notice of the decision to the county or district

1 attorney of the county where the inmate was sentenced.

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

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

9 (r) An inmate who is allocated regular good time credits as provided
10 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
11 good time credits in increments of not more than 90 days per meritorious
12 act. These credits may be awarded by the secretary of corrections when an
13 inmate has acted in a heroic or outstanding manner in coming to the
14 assistance of another person in a life threatening situation, preventing
15 injury or death to a person, preventing the destruction of property or taking
16 actions which result in a financial savings to the state.

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

19 (t) For offenders sentenced prior to July 1, 2013, who are eligible for
20 modification of their postrelease supervision obligation, the department of
21 corrections shall modify the period of postrelease supervision as provided
22 for by this section:

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

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

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

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

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

31 (A) severity levels 6, 7 and 8 crimes on the sentencing guidelines grid
32 for nondrug crimes;

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

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

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

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

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

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

1 (u) (1) *In addition to any other conditions of postrelease supervision,*
2 *whenever the prisoner review board establishes conditions of postrelease*
3 *supervision for an inmate convicted of any criminal offense that includes*
4 *the domestic violence designation pursuant to K.S.A. 22-4616, and*
5 *amendments thereto, the board shall order that the inmate be*
6 *electronically monitored for the duration of the inmate's period of*
7 *postrelease supervision and subject to the provisions of this subsection.*

8 (2) *The board shall establish conditions of postrelease supervision*
9 *for such inmate that: (A) Prohibit contact with the victim of such inmate's*
10 *crime through the establishment of board-defined geographic exclusion*
11 *zones including, but not limited to, the areas in and around the victim's*
12 *residence, place of employment and the victim's child's school; and (B)*
13 *order the inmate to wear a global positioning satellite tracking device*
14 *designed to transmit and record the inmate's location data. The board's*
15 *order shall provide that if the inmate enters a board-defined geographic*
16 *exclusion zone, the inmate's location data shall be immediately*
17 *transmitted to the victim, and to the police, through an appropriate means*
18 *including, but not limited to, the telephone, an electronic beeper or a*
19 *paging device.*

20 ~~(u)~~ (v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
21 4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments
22 thereto, for crimes committed on or after July 1, 2006, shall be placed on
23 parole for life and shall not be discharged from supervision by the prisoner
24 review board. When the board orders the parole of an inmate pursuant to
25 this subsection, the board shall order as a condition of parole that the
26 inmate be electronically monitored for the duration of the inmate's natural
27 life.

28 ~~(v)~~ (w) Whenever the prisoner review board orders a person to be
29 electronically monitored pursuant to this section, or the court orders a
30 person to be electronically monitored pursuant to subsection (p) or (r)
31 of K.S.A. 2013 Supp. 21-6604, and amendments thereto, the board shall
32 order the person to reimburse the state for all or part of the cost of such
33 monitoring. In determining the amount and method of payment of such
34 sum, the board shall take account of the financial resources of the person
35 and the nature of the burden that the payment of such sum will impose.

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

41 (A) As used in this subsection, "pornographic materials" means: Any
42 obscene material or performance depicting sexual conduct, sexual contact
43 or a sexual performance; and any visual depiction of sexually explicit

1 conduct.

2 (B) As used in this subsection, all other terms have the meanings
3 provided by K.S.A. 2013 Supp. 21-5510, and amendments thereto.

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

9 Sec. 4. K.S.A. 2013 Supp. 21-6604, 21-6607 and 22-3717 are hereby
10 repealed.

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