

HOUSE BILL No. 2754

By Committee on Federal and State Affairs

1-27

10 AN ACT enacting Miki's law; requiring registration of offenders con-
11 victed of certain felonies; prescribing penalties for certain violations;
12 amending K.S.A. 12-16,123 and K.S.A. 2005 Supp. 22-3717, 45-221
13 and 75-5291 and repealing the existing sections.

14

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

16 New Section 1. Sections 1 through 10, and amendments thereto,
17 shall be known and may be cited as Miki's law.

18 New Sec. 2. As used in this act, unless the context otherwise
19 requires:

20 (a) "Institution of higher education" means any post-secondary
21 school under the supervision of the Kansas board of regents.

22 (b) "Nonresident student or worker" includes any offender who
23 crosses into the state or county for more than 14 days, or for an aggregate
24 period exceeding 30 days in a calendar year, for the purposes of employ-
25 ment, with or without compensation, or to attend school as a student.

26 (c) "Offender" means:

27 (1) Any person who, on or after the effective date of this act, is con-
28 victed of any felony in which the person used any deadly weapon in the
29 commission of such felony;

30 (2) any person who has been required to register under any federal,
31 military or other state's law, or is otherwise required to be registered, for
32 conviction of a felony described in subsection (c)(1);

33 (3) any person who has been convicted of an offense in effect at any
34 time prior to the effective date of this act, that is comparable to any crime
35 described in subsection (c)(1), or any federal, military or other state con-
36 viction for an offense that under the laws of this state would be a crime
37 described in subsection (c)(1); or

38 (4) any person who has been convicted of an attempt, conspiracy or
39 criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
40 and amendments thereto, of a crime described in subsection (c)(1), (c)(2)
41 or (c)(3).

42 Any conviction set aside pursuant to law is not a conviction for purposes
43 of this section. A conviction from another state shall constitute a convic-

1 tion for purposes of this section.

2 New Sec. 3. Any person who is required to register as provided in
3 this act and who violates any of the provisions of this act, including any
4 duty set out in sections 4 through 7, and amendments thereto, is guilty
5 of a severity level ~~10, nonperson felony~~ **[5, person felony]**.

6 New Sec. 4. (a) (1) Except as provided in subsection (a)(2), within
7 10 days after an offender comes into any county in which the offender
8 resides or is temporarily domiciled for more than 10 days, the offender
9 shall register with the sheriff of the county.

10 (2) Within 10 days after the offender comes into any county in which
11 the offender resides or is temporarily domiciled for more than 10 days,
12 any offender who has provided the information and completed and signed
13 the registration form as required in section 5, and amendments thereto,
14 shall verify with the sheriff of the county that the sheriff has received
15 such offender's information and registration form.

16 (3) Upon registration with a school or educational institution, a non-
17 resident student attending such school or educational institution shall
18 register with the sheriff within 10 days of the commencement of the
19 school term.

20 (4) Upon commencement of employment, a nonresident worker shall
21 register with the sheriff within 10 days of the commencement date of
22 employment.

23 (5) For persons required to register as provided in subsections (a)(1),
24 (a)(3) and (a)(4), the sheriff shall:

25 (A) Explain the duty to register and the procedure for registration;

26 (B) obtain the information required for registration as provided in
27 section 7, and amendments thereto;

28 (C) inform the offender that the offender must give written notice of
29 any change of address within 10 days of a change in residence to the law
30 enforcement agency where last registered and the Kansas bureau of
31 investigation;

32 (D) inform the nonresident student offender that the offender must
33 give written notice to the sheriff and the Kansas bureau of investigation
34 of any change or termination of attendance at the school or educational
35 institution the offender is attending, within 10 days of such change or
36 termination;

37 (E) inform the nonresident worker offender that the offender must
38 give written notice to the sheriff and the Kansas bureau of investigation
39 of any termination of employment at the offender's place of employment,
40 within 10 days of such termination;

41 (F) inform the offender that if the offender changes residence to
42 another state, the offender must inform the law enforcement agency
43 where last registered and the Kansas bureau of investigation of such

1 change in residence and must register in the new state within 10 days of
2 such change in residence;

3 (G) inform the offender that the offender must also register in any
4 state or county where the offender is employed, carries on a vocation or
5 is a student;

6 (H) inform the offender that if the offender expects to or subse-
7 quently becomes enrolled in any institution of higher education in the
8 state of Kansas on a full-time or part-time basis or have any full-time or
9 part-time employment at an institution of higher education in the state
10 of Kansas, with or without compensation, for more than 14 days, or for
11 an aggregate period exceeding 30 days in one calendar year, the offender
12 must provide written notice to the Kansas bureau of investigation within
13 10 days upon commencement of enrollment or employment;

14 (I) inform the offender that if there is any change or termination in
15 attendance or employment at an institution of higher education, the of-
16 fender must provide written notice to the Kansas bureau of investigation
17 within 10 days of the change or termination; and

18 (J) require the offender to read and sign the registration form which
19 shall include a statement that the requirements provided in this subsec-
20 tion have been explained to the offender.

21 (6) Such sheriff, within three days after receipt of the initial registra-
22 tion shall forward this information to the Kansas bureau of investigation.

23 (7) Within seven days after receipt of an offender's registration pur-
24 suant to this act, the sheriff shall request notice of the registration to be
25 given by at least two newspapers, radio stations or television stations hav-
26 ing general circulation or broadcasting in the area where the offender is
27 to reside. Any such newspaper, radio station or television station shall
28 publish or broadcast the Miki alert at least once upon the sheriff's request.
29 The notice shall include a photograph of the offender and the address at
30 which the offender is to reside and shall be called a "Miki alert."

31 (8) Notwithstanding any other provision of law, if a diversionary
32 agreement or probation order, either adult or juvenile, or a juvenile of-
33 fender sentencing order, requires registration under the Kansas offender
34 registration act then all provisions of that act shall apply, except that the
35 term of registration shall be controlled by such diversionary agreement,
36 probation order or juvenile offender sentencing order.

37 (b) (1) If any person required to register as provided in this act
38 changes the address of the person's residence, the offender, within 10
39 days, shall inform in writing the Kansas bureau of investigation of the new
40 address.

41 (2) After receipt of the change of address, the Kansas bureau of in-
42 vestigation shall forward this information to the law enforcement agency
43 having jurisdiction of the new place of residence within 10 days of such

- 1 receipt of the change of address.
- 2 (c) For any person required to register as provided in this act, every
3 90 days after the person's initial registration date during the period the
4 person is required to register, the following applies:
- 5 (1) The Kansas bureau of investigation shall mail a nonforwardable
6 verification form to the last reported address of the person.
- 7 (2) The person shall mail the verification form to the Kansas bureau
8 of investigation within 10 days after receipt of the form.
- 9 (3) The verification form shall be signed by the person and shall pro-
10 vide the following information, as applicable, to the Kansas bureau of
11 investigation: (A) Whether the person still resides at the address last re-
12 ported; (B) whether the person still attends the school or educational
13 institution last reported; (C) whether the person is still employed at the
14 place of employment last reported; and (D) whether the person's vehicle
15 registration information is the same as last reported.
- 16 (4) If the person fails to mail the verification form to the Kansas
17 bureau of investigation within 10 days after receipt of the form, the person
18 shall be in violation of the Kansas offender registration act.
- 19 (5) Nothing contained in this section shall be construed to alleviate
20 any person required to register as provided in this act from meeting the
21 requirements prescribed in subsections (a)(1), (a)(2) and (b)(1).
- 22 New Sec. 5. (a) (1) Prior to discharge, parole or release of any of-
23 fender from a prison, hospital or other institution or facility where the
24 offender is confined for any crime described in subsection (c) of section
25 2, and amendments thereto, the staff of such institution or facility shall
26 inform the offender of the duty to register as provided in this act.
- 27 (2) (A) The staff of the institution or facility shall:
- 28 (i) Explain the duty to register and the procedure for registration;
- 29 (ii) obtain the information required for registration as provided in
30 section 7, and amendments thereto;
- 31 (iii) inform the offender that the offender must give written notice
32 of any change of address within 10 days of a change in residence to the
33 law enforcement agency where last registered and the Kansas bureau of
34 investigation;
- 35 (iv) inform the offender that if the offender changes residence to
36 another state, the offender must inform the law enforcement agency
37 where last registered and the Kansas bureau of investigation of such
38 change in residence and must register in the new state within 10 days of
39 such change in residence;
- 40 (v) inform the offender that the offender must also register in any
41 state or county where the offender is employed, carries on a vocation or
42 is a student;
- 43 (vi) inform the offender that if the offender expects to or subse-

- 1 quently becomes enrolled in any institution of higher education in the
2 state of Kansas on a full-time or part-time basis or have any full-time or
3 part-time employment at an institution of higher education in the state
4 of Kansas, with or without compensation, for more than 14 days or an
5 aggregate period exceeding 30 days in one calendar year, the offender
6 must provide written notice to the Kansas bureau of investigation within
7 10 days upon commencement of enrollment or employment;
- 8 (vii) inform the offender that if there is any change or termination in
9 attendance or employment, at an institution of higher education, the of-
10 fender must provide written notice to the Kansas bureau of investigation
11 within 10 days of the change or termination; and
- 12 (viii) require the offender to read and sign the registration form
13 which shall include a statement that the requirements provided in this
14 subsection have been explained to the offender.
- 15 (B) The staff of the institution or facility shall give one copy of the
16 form to the person and, within three days, shall send two copies of the
17 registration form to the Kansas bureau of investigation, which shall then
18 forward one copy to the law enforcement agency having jurisdiction
19 where the person expects to reside upon discharge, parole or release. The
20 Kansas bureau of investigation must immediately ensure that such infor-
21 mation is entered in the state law enforcement record system. The Kansas
22 bureau of investigation shall transmit such conviction data and finger-
23 prints to the federal bureau of investigation.
- 24 (b) (1) Any offender who is released on probation, receives a sus-
25 pended sentence, is sentenced to community corrections or is released
26 on postrelease supervision because of the commission of any crime de-
27 scribed in subsection (c) of section 2, and amendments thereto, prior to
28 release, shall be informed of the offender's duty to register as provided
29 in this act by the court in which the offender is convicted.
- 30 (2) (A) The court shall:
- 31 (i) Explain the duty to register and the procedure for registration;
- 32 (ii) obtain the information required for registration as provided in
33 section 7, and amendments thereto;
- 34 (iii) inform the offender that the offender must give written notice
35 of any change of address within 10 days of a change in residence to the
36 law enforcement agency where last registered and the Kansas bureau of
37 investigation;
- 38 (iv) inform the offender that if the offender changes residence to
39 another state, the offender must inform the law enforcement agency
40 where last registered and the Kansas bureau of investigation of such
41 change in residence and must register in the new state within 10 days of
42 such change in residence;
- 43 (v) inform the offender that the offender must also register in any

1 state or county where the offender is employed, carries on a vocation or
2 is a student;

3 (vi) inform the offender that if the offender expects to or subse-
4 quently becomes enrolled in any institution of higher education in the
5 state of Kansas on a full-time or part-time basis or have any full-time or
6 part-time employment at an institution of higher education in the state
7 of Kansas, with or without compensation, for more than 14 days or for
8 an aggregate period exceeding 30 days in one calendar year, the offender
9 must provide written notice to the Kansas bureau of investigation within
10 10 days upon commencement of enrollment or employment;

11 (vii) inform the offender that if there is any change or termination in
12 attendance or employment at an institution of higher education, the of-
13 fender must provide written notice to the Kansas bureau of investigation
14 within 10 days of the change or termination; and

15 (viii) require the offender to read and sign the registration form
16 which shall include a statement that the requirements provided in this
17 subsection have been explained to the offender.

18 (B) The court shall give one copy of the form to the person and,
19 within three days, shall send two copies of the registration form to the
20 Kansas bureau of investigation which shall then forward one copy to the
21 law enforcement agency having jurisdiction where the person expects to
22 reside upon release. The Kansas bureau of investigation must immedi-
23 ately ensure that such information is entered in the state law enforcement
24 record system. The Kansas bureau of investigation shall transmit such
25 conviction data and fingerprints to the federal bureau of investigation.

26 New Sec. 6. (a) Any person required to register as provided in this
27 act shall be required to register:

28 (1) Upon the first conviction of any crime described in subsection (c)
29 of section 2, and amendments thereto, for a period of 10 years after
30 conviction or, if the person is confined, for a period of 10 years after being
31 paroled, discharged or released; or (2) upon a second or subsequent con-
32 viction of any crime described in subsection (c) of section 2, and amend-
33 ments thereto, for such person's lifetime.

34 (b) Upon the first conviction, liability for registration terminates, if
35 the person is not confined, at the expiration of 10 years from the date of
36 conviction or, if the person is confined, at the expiration of 10 years from
37 the date of parole, discharge or release, if the convicted offender does
38 not again become liable to register as provided by this act during that
39 period.

40 (c) Any nonresident worker shall register for the duration of such
41 person's employment. The provisions of this subsection are in addition to
42 subsections (a) and (b).

43 (d) Any nonresident student shall register for the duration of such

1 person's attendance at a school or educational institution as provided in
2 this act. The provisions of this subsection are in addition to subsections
3 (a) and (b).

4 New Sec. 7. (a) Registration as required by this act shall consist of a
5 form prepared by the Kansas bureau of investigation, which shall include
6 a statement that the requirements provided in this section have been
7 explained to the person and shall be signed by the person. Such registra-
8 tion form shall include the following:

- 9 (1) Name;
- 10 (2) date and place of birth;
- 11 (3) offense or offenses committed, date of conviction or convictions
12 obtained;
- 13 (4) city or county of conviction or convictions obtained;
- 14 (5) sex and age of victim;
- 15 (6) current address;
- 16 (7) social security number;
- 17 (8) identifying characteristics such as race, skin tone, sex, age, hair
18 and eye color, scars, tattoos and blood type;
- 19 (9) occupation, name of employer and place of employment;
- 20 (10) driver's license and vehicle information;
- 21 (11) documentation of any treatment received for a mental abnor-
22 mality or personality disorder of the offender; for purposes of docu-
23 menting the treatment received, sheriffs, prison officials and courts may
24 rely on information that is readily available to them from existing records
25 and the offender;
- 26 (12) anticipated future residence;
- 27 (13) a photograph;
- 28 (14) fingerprints; and
- 29 (15) if a student, school.

30 (b) (1) The offender shall also provide to the registering law enforce-
31 ment agency DNA exemplars, unless already on file.

32 (2) If the exemplars to be taken require the withdrawal of blood, such
33 withdrawal may be performed only by:

- 34 (A) A person licensed to practice medicine and surgery or a person
35 acting under the supervision of any such licensed person;
- 36 (B) a registered nurse or a licensed practical nurse;
- 37 (C) any qualified medical technician; or
- 38 (D) a licensed phlebotomist.

39 (c) Unless the person has provided the information and completed
40 and signed the registration form as provided in section 5, and amend-
41 ments thereto, within three days, the registering law enforcement agency
42 shall forward the registration form to the Kansas bureau of investigation.

43 New Sec. 8. No person required to register as an offender pursuant

1 to the Miki's law shall be granted an order relieving the offender of fur-
2 ther registration under this act.

3 New Sec. 9. The statements or any other information required by
4 this act shall be open to inspection by the public at the sheriff's office, at
5 the headquarters of the Kansas bureau of investigation and on any inter-
6 net website sponsored or created by a sheriff's department or the Kansas
7 bureau of investigation that contains such statements or information, and
8 specifically are subject to the provisions of the Kansas open records act,
9 K.S.A. 45-215 et seq., and amendments thereto, except that the name,
10 address, telephone number or any other information which specifically
11 and individually identifies the victim of any offender required to register
12 as provided in this act shall not be disclosed other than to law enforcement
13 agencies.

14 New Sec. 10. Nothing in the Miki's law shall create a cause of action
15 against the state or an employee of the state acting within the scope of
16 the employee's employment as a result of requiring an offender to register
17 or an offender's failure to register.

18 Sec. 11. K.S.A. 12-16,123 is hereby amended to read as follows: 12-
19 16,123. (a) As used in this section, "municipality" means any city or county
20 or agency, department or other division of a city or county.

21 (b) Except as provided by subsection (c) and as necessary to comply
22 with the Kansas offender registration act, K.S.A. 22-4901 et seq., and
23 amendments thereto, *and Miki's law, section 1 et seq., and amendments*
24 *thereto*, no municipality shall adopt or enforce an ordinance or resolution
25 which requires any landlord to provide to such municipality a list of names
26 of any tenants of such landlord.

27 (c) A municipality may require a landlord to provide to the munici-
28 pality a list of the names of tenants occupying the landlord's property if
29 a citation for a violation of an ordinance or resolution adopted to protect
30 the public health, safety or welfare has occurred on such property. Such
31 list shall not be required to be provided until at least 30 days following
32 the date of the issuance of a citation. Such list shall not be required if the
33 landlord complies with the provisions of such ordinance or resolution.

34 Sec. 12. K.S.A. 2005 Supp. 22-3717 is hereby amended to read as
35 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
36 1993 Supp. 21-4628 prior to its repeal; K.S.A. 21-4635 through 21-4638
37 and amendments thereto; K.S.A. 8-1567, and amendments thereto; and
38 K.S.A 21-4624, and amendments thereto, an inmate, including an inmate
39 sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be
40 eligible for parole after serving the entire minimum sentence imposed by
41 the court, less good time credits.

42 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and
43 amendments thereto, an inmate sentenced to imprisonment for the crime

1 of capital murder, or an inmate sentenced for the crime of murder in the
2 first degree based upon a finding of premeditated murder, committed on
3 or after July 1, 1994, shall be eligible for parole after serving 25 years of
4 confinement, without deduction of any good time credits.

5 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
6 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,
7 and amendments thereto, an inmate sentenced to imprisonment for an
8 off-grid offense committed on or after July 1, 1993, but prior to July 1,
9 1999, shall be eligible for parole after serving 15 years of confinement,
10 without deduction of any good time credits and an inmate sentenced to
11 imprisonment for an off-grid offense committed on or after July 1, 1999,
12 shall be eligible for parole after serving 20 years of confinement without
13 deduction of any good time credits.

14 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its
15 repeal, an inmate sentenced for a class A felony committed before July
16 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and
17 amendments thereto, shall be eligible for parole after serving 15 years of
18 confinement, without deduction of any good time credits.

19 (4) An inmate sentenced to imprisonment for a violation of subsec-
20 tion (a) of K.S.A. 21-3402 and amendments thereto committed on or after
21 July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after
22 serving 10 years of confinement without deduction of any good time
23 credits.

24 (c) Except as provided in subsection (e), if an inmate is sentenced to
25 imprisonment for more than one crime and the sentences run consecu-
26 tively, the inmate shall be eligible for parole after serving the total of:

27 (1) The aggregate minimum sentences, as determined pursuant to
28 K.S.A. 21-4608 and amendments thereto, less good time credits for those
29 crimes which are not class A felonies; and

30 (2) an additional 15 years, without deduction of good time credits,
31 for each crime which is a class A felony.

32 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
33 committed on or after July 1, 1993, will not be eligible for parole, but will
34 be released to a mandatory period of postrelease supervision upon com-
35 pletion of the prison portion of their sentence as follows:

36 (A) Except as provided in subparagraphs (D) and (E), persons sen-
37 tenced for nondrug severity level 1 through 4 crimes and drug severity
38 levels 1 and 2 crimes must serve 36 months, plus the amount of good
39 time earned and retained pursuant to K.S.A. 21-4722 and amendments
40 thereto, on postrelease supervision.

41 (B) Except as provided in subparagraphs (D) and (E), persons sen-
42 tenced for nondrug severity levels 5 and 6 crimes and drug severity level
43 3 crimes must serve 24 months, plus the amount of good time earned

1 and retained pursuant to K.S.A. 21-4722, and amendments thereto, on
2 postrelease supervision.

3 (C) Except as provided in subparagraphs (D) and (E), persons sen-
4 tenced for nondrug severity level 7 through 10 crimes and drug severity
5 level 4 crimes must serve 12 months, plus the amount of good time earned
6 and retained pursuant to K.S.A. 21-4722 and amendments thereto, on
7 postrelease supervision.

8 (D) (i) The sentencing judge shall impose the postrelease supervi-
9 sion period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C),
10 unless the judge finds substantial and compelling reasons to impose a
11 departure based upon a finding that the current crime of conviction was
12 sexually violent or sexually motivated. In that event, departure may be
13 imposed to extend the postrelease supervision to a period of up to 60
14 months.

15 (ii) If the sentencing judge departs from the presumptive postrelease
16 supervision period, the judge shall state on the record at the time of
17 sentencing the substantial and compelling reasons for the departure. De-
18 partures in this section are subject to appeal pursuant to K.S.A. 21-4721
19 and amendments thereto.

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

22 (a) Written briefs or oral arguments submitted by either the defend-
23 ant or the state;

24 (b) any evidence received during the proceeding;

25 (c) the presentence report, the victim's impact statement and any
26 psychological evaluation as ordered by the court pursuant to subsection
27 (e) of K.S.A. 21-4714 and amendments thereto; and

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

29 (iv) The sentencing judge may order that a psychological evaluation
30 be prepared and the recommended programming be completed by the
31 offender. The department of corrections or the parole board shall ensure
32 that court ordered sex offender treatment be carried out.

33 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court
34 shall refer to K.S.A. 21-4718 and amendments thereto.

35 (vi) Upon petition, the parole board may provide for early discharge
36 from the postrelease supervision period upon completion of court or-
37 dered programs and completion of the presumptive postrelease super-
38 vision period, as determined by the crime of conviction, pursuant to sub-
39 paragraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
40 postrelease supervision is at the discretion of the parole board.

41 (vii) Persons convicted of crimes deemed sexually violent or sexually
42 motivated, shall be registered according to the ~~habitual sex~~ *Kansas* of-
43 fender registration act, K.S.A. 22-4901 through 22-4910 and amendments

1 thereto.

2 (viii) *A person convicted of a felony in which the person used a deadly*
3 *weapon in the commission of the felony shall be registered in accordance*
4 *with Miki's law, section 1 et seq., and amendments thereto.*

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

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

17 (2) As used in this section, "sexually violent crime" means:

18 (A) Rape, K.S.A. 21-3502, and amendments thereto;

19 (B) indecent liberties with a child, K.S.A. 21-3503, and amendments
20 thereto;

21 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and
22 amendments thereto;

23 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505
24 and amendments thereto;

25 (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments
26 thereto;

27 (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments
28 thereto;

29 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and
30 amendments thereto;

31 (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments
32 thereto;

33 (I) aggravated sexual battery, K.S.A. 21-3518, and amendments
34 thereto;

35 (J) any conviction for a felony offense in effect at any time prior to
36 the effective date of this act, that is comparable to a sexually violent crime
37 as defined in subparagraphs (A) through (I), or any federal or other state
38 conviction for a felony offense that under the laws of this state would be
39 a sexually violent crime as defined in this section;

40 (K) an attempt, conspiracy or criminal solicitation, as defined in
41 K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually
42 violent crime as defined in this section; or

43 (L) any act which at the time of sentencing for the offense has been

1 determined beyond a reasonable doubt to have been sexually motivated.
2 As used in this subparagraph, “sexually motivated” means that one of the
3 purposes for which the defendant committed the crime was for the pur-
4 pose of the defendant’s sexual gratification.

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

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

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

1 law abiding citizen and is of the opinion that there is reasonable proba-
2 bility that the inmate can be released without detriment to the community
3 or to the inmate. Parole shall not be granted as an award of clemency and
4 shall not be considered a reduction of sentence or a pardon.

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

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

11 (j) Before ordering the parole of any inmate, the Kansas parole board
12 shall have the inmate appear before either in person or via a video con-
13 ferencing format and shall interview the inmate unless impractical be-
14 cause of the inmate's physical or mental condition or absence from the
15 institution. Every inmate while on parole shall remain in the legal custody
16 of the secretary of corrections and is subject to the orders of the secretary.
17 Whenever the Kansas parole board formally considers placing an inmate
18 on parole and no agreement has been entered into with the inmate under
19 K.S.A. 75-5210a and amendments thereto, the board shall notify the in-
20 mate in writing of the reasons for not granting parole. If an agreement
21 has been entered under K.S.A. 75-5210a and amendments thereto and
22 the inmate has not satisfactorily completed the programs specified in the
23 agreement, or any revision of such agreement, the board shall notify the
24 inmate in writing of the specific programs the inmate must satisfactorily
25 complete before parole will be granted. If parole is not granted only
26 because of a failure to satisfactorily complete such programs, the board
27 shall grant parole upon the secretary's certification that the inmate has
28 successfully completed such programs. If an agreement has been entered
29 under K.S.A. 75-5210a and amendments thereto and the secretary of
30 corrections has reported to the board in writing that the inmate has sat-
31 isfactorily completed the programs required by such agreement, or any
32 revision thereof, the board shall not require further program participa-
33 tion. However, if the board determines that other pertinent information
34 regarding the inmate warrants the inmate's not being released on parole,
35 the board shall state in writing the reasons for not granting the parole. If
36 parole is denied for an inmate sentenced for a crime other than a class A
37 or class B felony or an off-grid felony, the board shall hold another parole
38 hearing for the inmate not later than one year after the denial unless the
39 parole board finds that it is not reasonable to expect that parole would
40 be granted at a hearing if held in the next three years or during the interim
41 period of a deferral. In such case, the parole board may defer subsequent
42 parole hearings for up to three years but any such deferral by the board
43 shall require the board to state the basis for its findings. If parole is denied

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

9 (k) Parolees and persons on postrelease supervision shall be assigned,
10 upon release, to the appropriate level of supervision pursuant to the cri-
11 teria established by the secretary of corrections.

12 (l) The Kansas parole board shall adopt rules and regulations in ac-
13 cordance with K.S.A. 77-415 *et seq.*, and amendments thereto, not in-
14 consistent with the law and as it may deem proper or necessary, with
15 respect to the conduct of parole hearings, postrelease supervision reviews,
16 revocation hearings, orders of restitution, reimbursement of expenditures
17 by the state board of indigents' defense services and other conditions to
18 be imposed upon parolees or releasees. Whenever an order for parole or
19 postrelease supervision is issued it shall recite the conditions thereof.

20 (m) Whenever the Kansas parole board orders the parole of an in-
21 mate or establishes conditions for an inmate placed on postrelease su-
22 pervision, the board:

23 (1) Unless it finds compelling circumstances which would render a
24 plan of payment unworkable, shall order as a condition of parole or post-
25 release supervision that the parolee or the person on postrelease super-
26 vision pay any transportation expenses resulting from returning the pa-
27 rolee or the person on postrelease supervision to this state to answer
28 criminal charges or a warrant for a violation of a condition of probation,
29 assignment to a community correctional services program, parole, con-
30 ditional release or postrelease supervision;

31 (2) to the extent practicable, shall order as a condition of parole or
32 postrelease supervision that the parolee or the person on postrelease su-
33 pervision make progress towards or successfully complete the equivalent
34 of a secondary education if the inmate has not previously completed such
35 educational equivalent and is capable of doing so;

36 (3) may order that the parolee or person on postrelease supervision
37 perform community or public service work for local governmental agen-
38 cies, private corporations organized not-for-profit or charitable or social
39 service organizations performing services for the community;

40 (4) may order the parolee or person on postrelease supervision to pay
41 the administrative fee imposed pursuant to K.S.A. 2005 Supp. 22-4529,
42 and amendments thereto, unless the board finds compelling circum-
43 stances which would render payment unworkable; and

1 (5) unless it finds compelling circumstances which would render a
2 plan of payment unworkable, shall order that the parolee or person on
3 postrelease supervision reimburse the state for all or part of the expend-
4 itures by the state board of indigents' defense services to provide counsel
5 and other defense services to the person. In determining the amount and
6 method of payment of such sum, the parole board shall take account of
7 the financial resources of the person and the nature of the burden that
8 the payment of such sum will impose. Such amount shall not exceed the
9 amount claimed by appointed counsel on the payment voucher for indi-
10 gents' defense services or the amount prescribed by the board of indi-
11 gents' defense services reimbursement tables as provided in K.S.A. 22-
12 4522 and amendments thereto, whichever is less, minus any previous
13 payments for such services.

14 (n) If the court which sentenced an inmate specified at the time of
15 sentencing the amount and the recipient of any restitution ordered as a
16 condition of parole or postrelease supervision, the Kansas parole board
17 shall order as a condition of parole or postrelease supervision that the
18 inmate pay restitution in the amount and manner provided in the journal
19 entry unless the board finds compelling circumstances which would ren-
20 der a plan of restitution unworkable.

21 (o) Whenever the Kansas parole board grants the parole of an inmate,
22 the board, within 10 days of the date of the decision to grant parole, shall
23 give written notice of the decision to the county or district attorney of the
24 county where the inmate was sentenced.

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

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

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

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

42 (t) For offenders sentenced prior to the effective date of this act who
43 are eligible for modification of their postrelease supervision obligation,

1 the department of corrections shall modify the period of postrelease su-
2 pervision as provided for by this section for offenders convicted of severity
3 level 9 and 10 crimes on the sentencing guidelines grid for nondrug
4 crimes and severity level 4 crimes on the sentencing guidelines grid for
5 drug crimes on or before September 1, 2000; for offenders convicted of
6 severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug
7 crimes on or before November 1, 2000; and for offenders convicted of
8 severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug
9 crimes and severity level 3 crimes on the sentencing guidelines grid for
10 drug crimes on or before January 1, 2001.

11 Sec. 13. K.S.A. 2005 Supp. 45-221 is hereby amended to read as
12 follows: 45-221. (a) Except to the extent disclosure is otherwise required
13 by law, a public agency shall not be required to disclose:

14 (1) Records the disclosure of which is specifically prohibited or re-
15 stricted by federal law, state statute or rule of the Kansas supreme court
16 or the disclosure of which is prohibited or restricted pursuant to specific
17 authorization of federal law, state statute or rule of the Kansas supreme
18 court to restrict or prohibit disclosure.

19 (2) Records which are privileged under the rules of evidence, unless
20 the holder of the privilege consents to the disclosure.

21 (3) Medical, psychiatric, psychological or alcoholism or drug depend-
22 ency treatment records which pertain to identifiable patients.

23 (4) Personnel records, performance ratings or individually identifi-
24 ble records pertaining to employees or applicants for employment, except
25 that this exemption shall not apply to the names, positions, salaries or
26 actual compensation employment contracts or employment-related con-
27 tracts or agreements and lengths of service of officers and employees of
28 public agencies once they are employed as such.

29 (5) Information which would reveal the identity of any undercover
30 agent or any informant reporting a specific violation of law.

31 (6) Letters of reference or recommendation pertaining to the char-
32 acter or qualifications of an identifiable individual, except documents re-
33 lating to the appointment of persons to fill a vacancy in an elected office.

34 (7) Library, archive and museum materials contributed by private
35 persons, to the extent of any limitations imposed as conditions of the
36 contribution.

37 (8) Information which would reveal the identity of an individual who
38 lawfully makes a donation to a public agency, if anonymity of the donor
39 is a condition of the donation, except if the donation is intended for or
40 restricted to providing remuneration or personal tangible benefit to a
41 named public officer or employee.

42 (9) Testing and examination materials, before the test or examination
43 is given or if it is to be given again, or records of individual test or ex-

1 amination scores, other than records which show only passage or failure
2 and not specific scores.

3 (10) Criminal investigation records, except as provided herein. The
4 district court, in an action brought pursuant to K.S.A. 45-222, and amend-
5 ments thereto, may order disclosure of such records, subject to such con-
6 ditions as the court may impose, if the court finds that disclosure:

7 (A) Is in the public interest;

8 (B) would not interfere with any prospective law enforcement action,
9 criminal investigation or prosecution;

10 (C) would not reveal the identity of any confidential source or un-
11 dercover agent;

12 (D) would not reveal confidential investigative techniques or proce-
13 dures not known to the general public;

14 (E) would not endanger the life or physical safety of any person; and

15 (F) would not reveal the name, address, phone number or any other
16 information which specifically and individually identifies the victim of any
17 sexual offense in article 35 of chapter 21 of the Kansas Statutes Anno-
18 tated, and amendments thereto.

19 If a public record is discretionarily closed by a public agency pursuant
20 to this subsection, the record custodian, upon request, shall provide a
21 written citation to the specific provisions of paragraphs (A) through (F)
22 that necessitate closure of that public record.

23 (11) Records of agencies involved in administrative adjudication or
24 civil litigation, compiled in the process of detecting or investigating vio-
25 lations of civil law or administrative rules and regulations, if disclosure
26 would interfere with a prospective administrative adjudication or civil
27 litigation or reveal the identity of a confidential source or undercover
28 agent.

29 (12) Records of emergency or security information or procedures of
30 a public agency, or plans, drawings, specifications or related information
31 for any building or facility which is used for purposes requiring security
32 measures in or around the building or facility or which is used for the
33 generation or transmission of power, water, fuels or communications, if
34 disclosure would jeopardize security of the public agency, building or
35 facility.

36 (13) The contents of appraisals or engineering or feasibility estimates
37 or evaluations made by or for a public agency relative to the acquisition
38 of property, prior to the award of formal contracts therefor.

39 (14) Correspondence between a public agency and a private individ-
40 ual, other than correspondence which is intended to give notice of an
41 action, policy or determination relating to any regulatory, supervisory or
42 enforcement responsibility of the public agency or which is widely dis-
43 tributed to the public by a public agency and is not specifically in response

1 to communications from such a private individual.

2 (15) Records pertaining to employer-employee negotiations, if dis-
3 closure would reveal information discussed in a lawful executive session
4 under K.S.A. 75-4319, and amendments thereto.

5 (16) Software programs for electronic data processing and documen-
6 tation thereof, but each public agency shall maintain a register, open to
7 the public, that describes:

8 (A) The information which the agency maintains on computer facil-
9 ities; and

10 (B) the form in which the information can be made available using
11 existing computer programs.

12 (17) Applications, financial statements and other information sub-
13 mitted in connection with applications for student financial assistance
14 where financial need is a consideration for the award.

15 (18) Plans, designs, drawings or specifications which are prepared by
16 a person other than an employee of a public agency or records which are
17 the property of a private person.

18 (19) Well samples, logs or surveys which the state corporation com-
19 mission requires to be filed by persons who have drilled or caused to be
20 drilled, or are drilling or causing to be drilled, holes for the purpose of
21 discovery or production of oil or gas, to the extent that disclosure is limited
22 by rules and regulations of the state corporation commission.

23 (20) Notes, preliminary drafts, research data in the process of anal-
24 ysis, unfunded grant proposals, memoranda, recommendations or other
25 records in which opinions are expressed or policies or actions are pro-
26 posed, except that this exemption shall not apply when such records are
27 publicly cited or identified in an open meeting or in an agenda of an open
28 meeting.

29 (21) Records of a public agency having legislative powers, which re-
30 cords pertain to proposed legislation or amendments to proposed legis-
31 lation, except that this exemption shall not apply when such records are:

32 (A) Publicly cited or identified in an open meeting or in an agenda
33 of an open meeting; or

34 (B) distributed to a majority of a quorum of any body which has au-
35 thority to take action or make recommendations to the public agency with
36 regard to the matters to which such records pertain.

37 (22) Records of a public agency having legislative powers, which re-
38 cords pertain to research prepared for one or more members of such
39 agency, except that this exemption shall not apply when such records are:

40 (A) Publicly cited or identified in an open meeting or in an agenda
41 of an open meeting; or

42 (B) distributed to a majority of a quorum of any body which has au-
43 thority to take action or make recommendations to the public agency with

1 regard to the matters to which such records pertain.

2 (23) Library patron and circulation records which pertain to identi-
3 fiable individuals.

4 (24) Records which are compiled for census or research purposes and
5 which pertain to identifiable individuals.

6 (25) Records which represent and constitute the work product of an
7 attorney.

8 (26) Records of a utility or other public service pertaining to individ-
9 ually identifiable residential customers of the utility or service, except that
10 information concerning billings for specific individual customers named
11 by the requester shall be subject to disclosure as provided by this act.

12 (27) Specifications for competitive bidding, until the specifications
13 are officially approved by the public agency.

14 (28) Sealed bids and related documents, until a bid is accepted or all
15 bids rejected.

16 (29) Correctional records pertaining to an identifiable inmate or re-
17 lease, except that:

18 (A) The name; photograph and other identifying information; sen-
19 tence data; parole eligibility date; custody or supervision level; disciplinary
20 record; supervision violations; conditions of supervision, excluding
21 requirements pertaining to mental health or substance abuse counseling;
22 location of facility where incarcerated or location of parole office main-
23 taining supervision and address of a releasee whose crime was committed
24 after the effective date of this act shall be subject to disclosure to any
25 person other than another inmate or releasee, except that the disclosure
26 of the location of an inmate transferred to another state pursuant to the
27 interstate corrections compact shall be at the discretion of the secretary
28 of corrections;

29 (B) the ombudsman of corrections, the attorney general, law enforce-
30 ment agencies, counsel for the inmate to whom the record pertains and
31 any county or district attorney shall have access to correctional records to
32 the extent otherwise permitted by law;

33 (C) the information provided to the law enforcement agency pursu-
34 ant to the ~~sex~~ *Kansas* offender registration act, K.S.A. 22-4901 et seq.,
35 and amendments thereto, *or Miki's law, section 1 et seq., and amendments*
36 *thereto*, shall be subject to disclosure to any person, except that the name,
37 address, telephone number or any other information which specifically
38 and individually identifies the victim of any offender required to register
39 as provided by the *Kansas* offender registration act, K.S.A. 22-4901 et
40 seq., and amendments thereto, *or Miki's law, section 1 et seq., and amend-*
41 *ments thereto*, shall not be disclosed; and

42 (D) records of the department of corrections regarding the financial
43 assets of an offender in the custody of the secretary of corrections shall

- 1 be subject to disclosure to the victim, or such victim's family, of the crime
2 for which the inmate is in custody as set forth in an order of restitution
3 by the sentencing court.
- 4 (30) Public records containing information of a personal nature
5 where the public disclosure thereof would constitute a clearly unwar-
6 ranted invasion of personal privacy.
- 7 (31) Public records pertaining to prospective location of a business
8 or industry where no previous public disclosure has been made of the
9 business' or industry's interest in locating in, relocating within or expand-
10 ing within the state. This exception shall not include those records per-
11 taining to application of agencies for permits or licenses necessary to do
12 business or to expand business operations within this state, except as
13 otherwise provided by law.
- 14 (32) Engineering and architectural estimates made by or for any pub-
15 lic agency relative to public improvements.
- 16 (33) Financial information submitted by contractors in qualification
17 statements to any public agency.
- 18 (34) Records involved in the obtaining and processing of intellectual
19 property rights that are expected to be, wholly or partially vested in or
20 owned by a state educational institution, as defined in K.S.A. 76-711, and
21 amendments thereto, or an assignee of the institution organized and ex-
22 isting for the benefit of the institution.
- 23 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
24 65-4923 or 65-4924, and amendments thereto, and which is privileged
25 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
- 26 (36) Information which would reveal the precise location of an ar-
27 cheological site.
- 28 (37) Any financial data or traffic information from a railroad company,
29 to a public agency, concerning the sale, lease or rehabilitation of the
30 railroad's property in Kansas.
- 31 (38) Risk-based capital reports, risk-based capital plans and corrective
32 orders including the working papers and the results of any analysis filed
33 with the commissioner of insurance in accordance with K.S.A. 40-2c20
34 and 40-2d20 and amendments thereto.
- 35 (39) Memoranda and related materials required to be used to support
36 the annual actuarial opinions submitted pursuant to subsection (b) of
37 K.S.A. 40-409, and amendments thereto.
- 38 (40) Disclosure reports filed with the commissioner of insurance un-
39 der subsection (a) of K.S.A. 40-2,156, and amendments thereto.
- 40 (41) All financial analysis ratios and examination synopses concerning
41 insurance companies that are submitted to the commissioner by the na-
42 tional association of insurance commissioners' insurance regulatory infor-
43 mation system.

1 (42) Any records the disclosure of which is restricted or prohibited
2 by a tribal-state gaming compact.

3 (43) Market research, market plans, business plans and the terms and
4 conditions of managed care or other third party contracts, developed or
5 entered into by the university of Kansas medical center in the operation
6 and management of the university hospital which the chancellor of the
7 university of Kansas or the chancellor's designee determines would give
8 an unfair advantage to competitors of the university of Kansas medical
9 center.

10 (44) The amount of franchise tax paid to the secretary of revenue or
11 the secretary of state by domestic corporations, foreign corporations, do-
12 mestic limited liability companies, foreign limited liability companies, do-
13 mestic limited partnership, foreign limited partnership, domestic limited
14 liability partnerships and foreign limited liability partnerships.

15 (45) Records, other than criminal investigation records, the disclo-
16 sure of which would pose a substantial likelihood of revealing security
17 measures that protect: (A) Systems, facilities or equipment used in the
18 production, transmission or distribution of energy, water or communi-
19 cations services; (B) transportation and sewer or wastewater treatment
20 systems, facilities or equipment; or (C) private property or persons, if the
21 records are submitted to the agency. For purposes of this paragraph,
22 security means measures that protect against criminal acts intended to
23 intimidate or coerce the civilian population, influence government policy
24 by intimidation or coercion or to affect the operation of government by
25 disruption of public services, mass destruction, assassination or kidnap-
26 ping. Security measures include, but are not limited to, intelligence in-
27 formation, tactical plans, resource deployment and vulnerability
28 assessments.

29 (46) Any information or material received by the register of deeds of
30 a county from military discharge papers (DD Form 214). Such papers
31 shall be disclosed: To the military dischargee; to such dischargee's im-
32 mediate family members and lineal descendants; to such dischargee's
33 heirs, agents or assigns; to the licensed funeral director who has custody
34 of the body of the deceased dischargee; when required by a department
35 or agency of the federal or state government or a political subdivision
36 thereof; when the form is required to perfect the claim of military service
37 or honorable discharge or a claim of a dependent of the dischargee; and
38 upon the written approval of the commissioner of veterans affairs, to a
39 person conducting research.

40 (47) Information that would reveal the location of a shelter or a sa-
41 fehouse or similar place where persons are provided protection from
42 abuse.

43 (b) Except to the extent disclosure is otherwise required by law or as

1 appropriate during the course of an administrative proceeding or on ap-
2 peal from agency action, a public agency or officer shall not disclose fi-
3 nancial information of a taxpayer which may be required or requested by
4 a county appraiser or the director of property valuation to assist in the
5 determination of the value of the taxpayer's property for ad valorem tax-
6 ation purposes; or any financial information of a personal nature required
7 or requested by a public agency or officer, including a name, job descrip-
8 tion or title revealing the salary or other compensation of officers, em-
9 ployees or applicants for employment with a firm, corporation or agency,
10 except a public agency. Nothing contained herein shall be construed to
11 prohibit the publication of statistics, so classified as to prevent identifi-
12 cation of particular reports or returns and the items thereof.

13 (c) As used in this section, the term "cited or identified" shall not
14 include a request to an employee of a public agency that a document be
15 prepared.

16 (d) If a public record contains material which is not subject to dis-
17 closure pursuant to this act, the public agency shall separate or delete
18 such material and make available to the requester that material in the
19 public record which is subject to disclosure pursuant to this act. If a public
20 record is not subject to disclosure because it pertains to an identifiable
21 individual, the public agency shall delete the identifying portions of the
22 record and make available to the requester any remaining portions which
23 are subject to disclosure pursuant to this act, unless the request is for a
24 record pertaining to a specific individual or to such a limited group of
25 individuals that the individuals' identities are reasonably ascertainable, the
26 public agency shall not be required to disclose those portions of the record
27 which pertain to such individual or individuals.

28 (e) The provisions of this section shall not be construed to exempt
29 from public disclosure statistical information not descriptive of any iden-
30 tifiable person.

31 (f) Notwithstanding the provisions of subsection (a), any public rec-
32 ord which has been in existence more than 70 years shall be open for
33 inspection by any person unless disclosure of the record is specifically
34 prohibited or restricted by federal law, state statute or rule of the Kansas
35 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
36 amendments thereto.

37 (g) Any confidential records or information relating to security meas-
38 ures provided or received under the provisions of subsection (a)(45) shall
39 not be subject to subpoena, discovery or other demand in any adminis-
40 trative, criminal or civil action.

41 Sec. 14. K.S.A. 2005 Supp. 75-5291 is hereby amended to read as
42 follows: 75-5291. (a) (1) The secretary of corrections may make grants to
43 counties for the development, implementation, operation and improve-

1 ment of community correctional services that address the criminogenic
2 needs of felony offenders including, but not limited to, adult intensive
3 supervision, substance abuse and mental health services, employment and
4 residential services, and facilities for the detention or confinement, care
5 or treatment of offenders as provided in this section except that no com-
6 munity corrections funds shall be expended by the secretary for the pur-
7 pose of establishing or operating a conservation camp as provided by
8 K.S.A. 75-52,127 and amendments thereto.

9 (2) Except as otherwise provided, placement of offenders in com-
10 munity correctional services programs by the court shall be limited to
11 placement of adult offenders, convicted of a felony offense:

12 (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the
13 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,
14 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In
15 addition, the court may place in a community correctional services pro-
16 gram adult offenders, convicted of a felony offense, whose offense is clas-
17 sified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the
18 sentencing guidelines grid for nondrug crimes;

19 (B) whose severity level and criminal history score designate a pre-
20 sumptive prison sentence on either sentencing guidelines grid but receive
21 a nonprison sentence as a result of departure;

22 (C) all offenders convicted of an offense ~~which satisfies~~ *described in*
23 *the definition of offender pursuant to in K.S.A. 22-4902 or section 1,* and
24 amendments thereto, and which is classified as a severity level 7 or higher
25 offense and who receive a nonprison sentence, regardless of the manner
26 in which the sentence is imposed;

27 (D) any offender for whom a violation of conditions of release or
28 assignment or a nonprison sanction has been established as provided in
29 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting
30 in the offender being required to serve any time for the sentence imposed
31 or which might originally have been imposed in a state facility in the
32 custody of the secretary of corrections;

33 (E) any offender who is determined to be “high risk or needs, or
34 both” by the use of a statewide, mandatory, standardized risk assessment
35 tool or instrument validated for community correctional placements;

36 (F) placed in community correctional services programs as a condi-
37 tion of supervision following the successful completion of a conservation
38 camp program; or

39 (G) who has been sentenced to community corrections supervision
40 pursuant to K.S.A. 2005 Supp. 21-4729, and amendments thereto.

41 (3) Notwithstanding any law to the contrary and subject to the avail-
42 ability of funding therefor, adult offenders sentenced to community su-
43 pervision in Johnson county for felony crimes that occurred on or after

1 July 1, 2002, but before July 1, 2006, shall be placed under court services
2 or community corrections supervision based upon court rules issued by
3 the chief judge of the 10th judicial district. The provisions contained in
4 this subsection shall not apply to offenders transferred by the assigned
5 agency to an agency located outside of Johnson county. The provisions of
6 this section shall expire on July 1, 2006.

7 (4) Nothing in this act shall prohibit a community correctional serv-
8 ices program from providing services to juvenile offenders upon approval
9 by the local community corrections advisory board. Grants from com-
10 munity corrections funds administered by the secretary of corrections
11 shall not be expended for such services.

12 (5) The court may require an offender for whom a violation of con-
13 ditions of release or assignment or a nonprison sanction has been estab-
14 lished, as provided in K.S.A. 22-3716, and amendments thereto, to serve
15 any time for the sentence imposed or which might originally have been
16 imposed in a state facility in the custody of the secretary of corrections
17 without a prior assignment to a community correctional services program
18 if the court finds and sets forth with particularity the reasons for finding
19 that the safety of the members of the public will be jeopardized or that
20 the welfare of the inmate will not be served by such assignment to a
21 community correctional services program.

22 (b) (1) In order to establish a mechanism for community correctional
23 services to participate in the department of corrections annual budget
24 planning process, the secretary of corrections shall establish a community
25 corrections advisory committee to identify new or enhanced correctional
26 or treatment interventions designed to divert offenders from prison.

27 (2) The secretary shall appoint one member from the southeast com-
28 munity corrections region, one member from the northeast community
29 corrections region, one member from the central community corrections
30 region and one member from the western community corrections region.
31 The deputy secretary of community and field services shall designate two
32 members from the state at large. The secretary shall have final appoint-
33 ment approval of the members designated by the deputy secretary. The
34 committee shall reflect the diversity of community correctional services
35 with respect to geographical location and average daily population of of-
36 fenders under supervision.

37 (3) Each member shall be appointed for a term of three years and
38 such terms shall be staggered as determined by the secretary. Members
39 shall be eligible for reappointment.

40 (4) The committee, in collaboration with the deputy secretary of com-
41 munity and field services or the deputy secretary's designee, shall rou-
42 tinely examine and report to the secretary on the following issues:

43 (A) Efficiencies in the delivery of field supervision services;

- 1 (B) effectiveness and enhancement of existing interventions;
- 2 (C) identification of new interventions; and
- 3 (D) statewide performance indicators.
- 4 (5) The committee's report concerning enhanced or new interven-
- 5 tions shall address:
 - 6 (A) Goals and measurable objectives;
 - 7 (B) projected costs;
 - 8 (C) the impact on public safety; and
 - 9 (D) the evaluation process.
- 10 (6) The committee shall submit its report to the secretary annually
- 11 on or before July 15 in order for the enhanced or new interventions to
- 12 be considered for inclusion within the department of corrections budget
- 13 request for community correctional services or in the department's en-
- 14 hanced services budget request for the subsequent fiscal year.
- 15 Sec. 15. K.S.A. 12-16,123 and K.S.A. 2005 Supp. 22-3717, 45-221
- 16 and 75-5291 are hereby repealed.
- 17 Sec. 16. This act shall take effect and be in force from and after its
- 18 publication in the statute book.