

## HOUSE BILL No. 2142

By Committee on Judiciary

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9 AN ACT concerning corrections; relating to program credits; amending  
10 K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 and repealing the  
11 existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 21-4706 is hereby amended to read as  
15 follows: 21-4706. (a) For crimes committed on or after July 1, 1993, the  
16 sentences of imprisonment shall represent the time a person shall actually  
17 serve, subject to a reduction of up to 15% of the primary sentence for  
18 good time as authorized by law. *For crimes committed on or after January*  
19 *1, 2008, the sentences of imprisonment shall represent the time a person*  
20 *shall actually serve, subject to a reduction of up to 15% of the primary*  
21 *sentence for good time and a reduction for program credit as authorized*  
22 *by K.S.A. 21-4722, and amendments thereto.*

23 (b) The sentencing court shall pronounce sentence in all felony cases.

24 (c) Violations of K.S.A. 21-3401, 21-3439 and 21-3801 and amend-  
25 ments thereto and K.S.A. 2006 Supp. 21-3449 and 21-3450, and amend-  
26 ments thereto, are off-grid crimes for the purpose of sentencing. Except  
27 as otherwise provided by K.S.A. 21-4622 through 21-4627, and 21-4629  
28 through 21-4631, and amendments thereto, the sentence shall be im-  
29 prisonment for life and shall not be subject to statutory provisions for  
30 suspended sentence, community service or probation.

31 (d) As identified in K.S.A. 21-3502, 21-3404, 21-3506, 21-3513 and  
32 21-3516 and K.S.A. 2006 Supp. 21-3447, and amendments thereto, if the  
33 offender is 18 years of age or older and the victim is under 14 years of  
34 age, such violations are off-grid crimes for the purposes of sentencing.  
35 Except as provided in K.S.A. 2006 Supp. 21-4642, and amendments  
36 thereto, the sentence shall be imprisonment for life pursuant to K.S.A.  
37 2006 Supp. 21-4643, and amendments thereto.

38 Sec. 2. K.S.A. 2006 Supp. 21-4722 is hereby amended to read as  
39 follows: 21-4722. (a) For purposes of determining release of an inmate  
40 for a crime committed on or after July 1, 1993, the following shall apply  
41 with regard to good time calculations:

42 (1) A system shall be developed whereby good behavior by inmates  
43 is the expected norm and negative behavior will be punished; and

- 1 (2) the amount of time which can be earned by an inmate and sub-  
2 tracted from any sentence is limited to an amount equal to 15% of the  
3 prison part of the sentence.
- 4 (b) Any time which is earned and subtracted from any presumptive  
5 sentence of any inmate pursuant to good time calculation shall be added  
6 to such inmate's time of postrelease supervision.
- 7 (c) The secretary of corrections is hereby authorized to adopt rules  
8 and regulations to carry out the provisions of this ~~act~~ *section* regarding  
9 good time calculations. Such rules and regulations shall provide circum-  
10 stances upon which an inmate may earn good time credits and for the  
11 forfeiture of earned credits and such circumstances may include factors  
12 substantially related to program and work participation and conduct and  
13 the inmate's willingness to examine and confront the past behavior pat-  
14 terns that resulted in the commission of the inmate's crimes.
- 15 (d) An inmate shall not be awarded good time credits pursuant to  
16 this section for any review period established by the secretary of correc-  
17 tions in which a court finds that the inmate has done any of the following  
18 while in the custody of the secretary of corrections:
- 19 (1) Filed a false or malicious action or claim with the court;  
20 (2) brought an action or claim with the court solely or primarily for  
21 delay or harassment;  
22 (3) testified falsely or otherwise submitted false evidence or infor-  
23 mation to the court;  
24 (4) attempted to create or obtain a false affidavit, testimony or evi-  
25 dence; or  
26 (5) abused the discovery process in any judicial action or proceeding.
- 27 (e) (1) *For purposes of determining release of an inmate who is serv-*  
28 *ing a sentence for a nondrug severity level 4 through 10 crime or a drug*  
29 *severity level 3 or 4 crime committed on or after January 1, 2008, in*  
30 *addition to any good time credits earned and retained, the following shall*  
31 *apply with regard to program credit calculations:*
- 32 (A) *A system shall be developed whereby program credits may be*  
33 *earned by inmates for the successful completion of a general education*  
34 *diploma, a technical or vocational training program, a substance abuse*  
35 *treatment program or any other program designated by the secretary*  
36 *which has been shown to reduce offender's risk after release; and*
- 37 (B) *the amount of time which can be earned and retained by an in-*  
38 *mate and subtracted from any sentence is limited to not more than 60*  
39 *days for the successful completion of each program.*
- 40 (2) *Any time which is earned and subtracted from any presumptive*  
41 *sentence of any inmate pursuant to program credit calculation shall be*  
42 *added to such inmate's time of postrelease supervision, if applicable.*
- 43 (3) *When separate sentences of imprisonment for different crimes are*

1 *imposed on a defendant on the same date, a defendant shall only be eligible*  
2 *for program credits if such crimes are a nondrug severity level 4 through*  
3 *10 or a drug severity level 3 or 4.*

4 (4) *Program credits shall not be earned by any offender successfully*  
5 *completing a sex offender treatment program.*

6 (5) *The secretary of corrections is hereby authorized to adopt rules*  
7 *and regulations to carry out the provisions of this subsection regarding*  
8 *program credit calculations. Such rules and regulations shall provide cir-*  
9 *cumstances upon which an inmate may earn program credits and for the*  
10 *forfeiture of earned credits and such circumstances may include factors*  
11 *substantially related to program participation and conduct.*

12 (6) *The secretary of corrections shall report to the Kansas sentencing*  
13 *commission and the Kansas reentry policy council the data on the pro-*  
14 *gram credit calculations.*

15 Sec. 3. K.S.A. 2006 Supp. 22-3717 is hereby amended to read as  
16 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
17 1993 Supp. 21-4628 prior to its repeal; K.S.A. 21-4635 through 21-4638,  
18 and amendments thereto; K.S.A. 8-1567, and amendments thereto;  
19 K.S.A. 2006 Supp. 21-4642, and amendments thereto; and K.S.A. 21-4624,  
20 and amendments thereto, an inmate, including an inmate sentenced pur-  
21 suant to K.S.A. 21-4618, and amendments thereto, shall be eligible for  
22 parole after serving the entire minimum sentence imposed by the court,  
23 less good time credits.

24 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, and  
25 amendments thereto, an inmate sentenced to imprisonment for the crime  
26 of capital murder, or an inmate sentenced for the crime of murder in the  
27 first degree based upon a finding of premeditated murder, committed on  
28 or after July 1, 1994, shall be eligible for parole after serving 25 years of  
29 confinement, without deduction of any good time credits.

30 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993  
31 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,  
32 and amendments thereto, an inmate sentenced to imprisonment for an  
33 off-grid offense committed on or after July 1, 1993, but prior to July 1,  
34 1999, shall be eligible for parole after serving 15 years of confinement,  
35 without deduction of any good time credits and an inmate sentenced to  
36 imprisonment for an off-grid offense committed on or after July 1, 1999,  
37 shall be eligible for parole after serving 20 years of confinement without  
38 deduction of any good time credits.

39 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its  
40 repeal, an inmate sentenced for a class A felony committed before July  
41 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, and  
42 amendments thereto, shall be eligible for parole after serving 15 years of  
43 confinement, without deduction of any good time credits.

- 1 (4) An inmate sentenced to imprisonment for a violation of subsec-  
2 tion (a) of K.S.A. 21-3402, and amendments thereto, committed on or  
3 after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole  
4 after serving 10 years of confinement without deduction of any good time  
5 credits.
- 6 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 2006  
7 Supp. 21-4643, and amendments thereto, committed on or after July 1,  
8 2006, shall be eligible for parole after serving the mandatory term of  
9 imprisonment without deduction of any good time credits.
- 10 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
11 to imprisonment for more than one crime and the sentences run consec-  
12 utively, the inmate shall be eligible for parole after serving the total of:
- 13 (A) The aggregate minimum sentences, as determined pursuant to  
14 K.S.A. 21-4608 and amendments thereto, less good time credits for those  
15 crimes which are not class A felonies; and
- 16 (B) an additional 15 years, without deduction of good time credits,  
17 for each crime which is a class A felony.
- 18 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A.  
19 2006 Supp. 21-4643, and amendments thereto, for crimes committed on  
20 or after July 1, 2006, the inmate shall be eligible for parole after serving  
21 the mandatory term of imprisonment.
- 22 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
23 committed on or after July 1, 1993, or persons subject to subparagraph  
24 (G), will not be eligible for parole, but will be released to a mandatory  
25 period of postrelease supervision upon completion of the prison portion  
26 of their sentence as follows:
- 27 (A) Except as provided in subparagraphs (D) and (E), persons sen-  
28 tenced for nondrug severity level 1 through 4 crimes and drug severity  
29 levels 1 and 2 crimes must serve 36 months, plus the amount of good  
30 time *and program credit* earned and retained pursuant to K.S.A. 21-4722,  
31 and amendments thereto, on postrelease supervision.
- 32 (B) Except as provided in subparagraphs (D) and (E), persons sen-  
33 tenced for nondrug severity levels 5 and 6 crimes and drug severity level  
34 3 crimes must serve 24 months, plus the amount of good time *and pro-*  
35 *gram credit* earned and retained pursuant to K.S.A. 21-4722, and amend-  
36 ments thereto, on postrelease supervision.
- 37 (C) Except as provided in subparagraphs (D) and (E), persons sen-  
38 tenced for nondrug severity level 7 through 10 crimes and drug severity  
39 level 4 crimes must serve 12 months, plus the amount of good time *and*  
40 *program credit* earned and retained pursuant to K.S.A. 21-4722, and  
41 amendments thereto, on postrelease supervision.
- 42 (D) (i) The sentencing judge shall impose the postrelease supervi-  
43 sion period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C),

1 unless the judge finds substantial and compelling reasons to impose a  
2 departure based upon a finding that the current crime of conviction was  
3 sexually motivated. In that event, departure may be imposed to extend  
4 the postrelease supervision to a period of up to 60 months.

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

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

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

14 (b) any evidence received during the proceeding;

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

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

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

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

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

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

34 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, and amend-  
35 ments thereto, shall be required to participate in a treatment program  
36 for sex offenders during the postrelease supervision period.

37 (E) The period of postrelease supervision provided in subparagraphs  
38 (A) and (B) may be reduced by up to 12 months and the period of post-  
39 release supervision provided in subparagraph (C) may be reduced by up  
40 to six months based on the offender's compliance with conditions of su-  
41 pervision and overall performance while on postrelease supervision. The  
42 reduction in the supervision period shall be on an earned basis pursuant  
43 to rules and regulations adopted by the secretary of corrections.

- 1 (F) In cases where sentences for crimes from more than one severity  
2 level have been imposed, the offender shall serve the longest period of  
3 postrelease supervision as provided by this section available for any crime  
4 upon which sentence was imposed irrespective of the severity level of the  
5 crime. Supervision periods will not aggregate.
- 6 (G) Except as provided in subsection (u), persons convicted of a sex-  
7 ually violent crime committed on or after July 1, 2006, and who are re-  
8 leased from prison, shall be released to a mandatory period of postrelease  
9 supervision for the duration of the person's natural life.
- 10 (2) As used in this section, "sexually violent crime" means:
- 11 (A) Rape, K.S.A. 21-3502, and amendments thereto;
- 12 (B) indecent liberties with a child, K.S.A. 21-3503, and amendments  
13 thereto;
- 14 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and  
15 amendments thereto;
- 16 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,  
17 and amendments thereto;
- 18 (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments  
19 thereto;
- 20 (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments  
21 thereto;
- 22 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and  
23 amendments thereto;
- 24 (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments  
25 thereto;
- 26 (I) aggravated sexual battery, K.S.A. 21-3518, and amendments  
27 thereto;
- 28 (J) aggravated incest, K.S.A. 21-3603, and amendments thereto; or
- 29 (K) an attempt, conspiracy or criminal solicitation, as defined in  
30 K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of a sex-  
31 ually violent crime as defined in this section.
- 32 "Sexually motivated" means that one of the purposes for which the  
33 defendant committed the crime was for the purpose of the defendant's  
34 sexual gratification.
- 35 (e) If an inmate is sentenced to imprisonment for a crime committed  
36 while on parole or conditional release, the inmate shall be eligible for  
37 parole as provided by subsection (c), except that the Kansas parole board  
38 may postpone the inmate's parole eligibility date by assessing a penalty  
39 not exceeding the period of time which could have been assessed if the  
40 inmate's parole or conditional release had been violated for reasons other  
41 than conviction of a crime.
- 42 (f) If a person is sentenced to prison for a crime committed on or  
43 after July 1, 1993, while on probation, parole, conditional release or in a

1 community corrections program, for a crime committed prior to July 1,  
2 1993, and the person is not eligible for retroactive application of the  
3 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
4 4724, and amendments thereto, the new sentence shall not be aggregated  
5 with the old sentence, but shall begin when the person is paroled or  
6 reaches the conditional release date on the old sentence. If the offender  
7 was past the offender's conditional release date at the time the new of-  
8 fense was committed, the new sentence shall not be aggregated with the  
9 old sentence but shall begin when the person is ordered released by the  
10 Kansas parole board or reaches the maximum sentence expiration date  
11 on the old sentence, whichever is earlier. The new sentence shall then  
12 be served as otherwise provided by law. The period of postrelease su-  
13 pervision shall be based on the new sentence, except that those offenders  
14 whose old sentence is a term of imprisonment for life, imposed pursuant  
15 to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate  
16 sentence with a maximum term of life imprisonment, for which there is  
17 no conditional release or maximum sentence expiration date, shall remain  
18 on postrelease supervision for life or until discharged from supervision  
19 by the Kansas parole board.

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

35 (h) The Kansas parole board shall hold a parole hearing at least the  
36 month prior to the month an inmate will be eligible for parole under  
37 subsections (a), (b) and (c). At least the month preceding the parole hear-  
38 ing, the county or district attorney of the county where the inmate was  
39 convicted shall give written notice of the time and place of the public  
40 comment sessions for the inmate to any victim of the inmate's crime who  
41 is alive and whose address is known to the county or district attorney or,  
42 if the victim is deceased, to the victim's family if the family's address is  
43 known to the county or district attorney. Except as otherwise provided,

1 failure to notify pursuant to this section shall not be a reason to postpone  
2 a parole hearing. In the case of any inmate convicted of an off-grid felony  
3 or a class A felony the secretary of corrections shall give written notice  
4 of the time and place of the public comment session for such inmate at  
5 least one month preceding the public comment session to any victim of  
6 such inmate's crime or the victim's family pursuant to K.S.A. 74-7338,  
7 and amendments thereto. If notification is not given to such victim or  
8 such victim's family in the case of any inmate convicted of an off-grid  
9 felony or a class A felony, the board shall postpone a decision on parole  
10 of the inmate to a time at least 30 days after notification is given as  
11 provided in this section. Nothing in this section shall create a cause of  
12 action against the state or an employee of the state acting within the scope  
13 of the employee's employment as a result of the failure to notify pursuant  
14 to this section. If granted parole, the inmate may be released on parole  
15 on the date specified by the board, but not earlier than the date the  
16 inmate is eligible for parole under subsections (a), (b) and (c). At each  
17 parole hearing and, if parole is not granted, at such intervals thereafter  
18 as it determines appropriate, the Kansas parole board shall consider: (1)  
19 Whether the inmate has satisfactorily completed the programs required  
20 by any agreement entered under K.S.A. 75-5210a, and amendments  
21 thereto, or any revision of such agreement; and (2) all pertinent infor-  
22 mation regarding such inmate, including, but not limited to, the circum-  
23 stances of the offense of the inmate; the presentence report; the previous  
24 social history and criminal record of the inmate; the conduct, employ-  
25 ment, and attitude of the inmate in prison; the reports of such physical  
26 and mental examinations as have been made; comments of the victim and  
27 the victim's family including in person comments, contemporaneous com-  
28 ments and prerecorded comments made by any technological means;  
29 comments of the public; official comments; and capacity of state correc-  
30 tional institutions.

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

41 (j) Before ordering the parole of any inmate, the Kansas parole board  
42 shall have the inmate appear before either in person or via a video con-  
43 ferencing format and shall interview the inmate unless impractical be-



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

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

42 (l) The Kansas parole board shall adopt rules and regulations in ac-  
43 cordance with K.S.A. 77-415 et seq., and amendments thereto, not in-

1 consistent with the law and as it may deem proper or necessary, with  
2 respect to the conduct of parole hearings, postrelease supervision reviews,  
3 revocation hearings, orders of restitution, reimbursement of expenditures  
4 by the state board of indigents' defense services and other conditions to  
5 be imposed upon parolees or releasees. Whenever an order for parole or  
6 postrelease supervision is issued it shall recite the conditions thereof.

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

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

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

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

27 (4) may order the parolee or person on postrelease supervision to pay  
28 the administrative fee imposed pursuant to K.S.A. 2006 Supp. 22-4529,  
29 and amendments thereto, unless the board finds compelling circum-  
30 stances which would render payment unworkable; and

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

- 1 (n) If the court which sentenced an inmate specified at the time of  
2 sentencing the amount and the recipient of any restitution ordered as a  
3 condition of parole or postrelease supervision, the Kansas parole board  
4 shall order as a condition of parole or postrelease supervision that the  
5 inmate pay restitution in the amount and manner provided in the journal  
6 entry unless the board finds compelling circumstances which would ren-  
7 der a plan of restitution unworkable.
- 8 (o) Whenever the Kansas parole board grants the parole of an inmate,  
9 the board, within 10 days of the date of the decision to grant parole, shall  
10 give written notice of the decision to the county or district attorney of the  
11 county where the inmate was sentenced.
- 12 (p) When an inmate is to be released on postrelease supervision, the  
13 secretary, within 30 days prior to release, shall provide the county or  
14 district attorney of the county where the inmate was sentenced written  
15 notice of the release date.
- 16 (q) Inmates shall be released on postrelease supervision upon the  
17 termination of the prison portion of their sentence. Time served while  
18 on postrelease supervision will vest.
- 19 (r) An inmate who is allocated regular good time credits as provided  
20 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
21 good time credits in increments of not more than 90 days per meritorious  
22 act. These credits may be awarded by the secretary of corrections when  
23 an inmate has acted in a heroic or outstanding manner in coming to the  
24 assistance of another person in a life threatening situation, preventing  
25 injury or death to a person, preventing the destruction of property or  
26 taking actions which result in a financial savings to the state.
- 27 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
28 (d)(1)(E) shall be applied retroactively as provided in subsection (t).
- 29 (t) For offenders sentenced prior to the effective date of this act who  
30 are eligible for modification of their postrelease supervision obligation,  
31 the department of corrections shall modify the period of postrelease su-  
32 pervision as provided for by this section for offenders convicted of severity  
33 level 9 and 10 crimes on the sentencing guidelines grid for nondrug  
34 crimes and severity level 4 crimes on the sentencing guidelines grid for  
35 drug crimes on or before September 1, 2000; for offenders convicted of  
36 severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug  
37 crimes on or before November 1, 2000; and for offenders convicted of  
38 severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug  
39 crimes and severity level 3 crimes on the sentencing guidelines grid for  
40 drug crimes on or before January 1, 2001.
- 41 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 2006  
42 Supp. 21-4643, and amendments thereto, for crimes committed on or  
43 after July 1, 2006, shall be placed on parole for life and shall not be

1 discharged from supervision by the Kansas parole board. When the board  
2 orders the parole of an inmate pursuant to this subsection, the board shall  
3 order as a condition of parole that the inmate be electronically monitored  
4 for the duration of the inmate's natural life.

5 (v) Whenever the Kansas parole board or the court orders a person  
6 to be electronically monitored, the board or court shall order the person  
7 to reimburse the state for all or part of the cost of such monitoring. In  
8 determining the amount and method of payment of such sum, the board  
9 or court shall take account of the financial resources of the person and  
10 the nature of the burden that the payment of such sum will impose.

11 Sec. 4. K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 are hereby  
12 repealed.

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