

SENATE BILL No. 306

By Committee on Judiciary

2-6

9 AN ACT relating to the house arrest program; amending K.S.A. 21-
10 4603b and repealing the existing section.

11

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

13 Section 1. K.S.A. 21-4603b is hereby amended to read as follows: 21-
14 4603b. (a) ~~(1)~~ The court ~~or the secretary of corrections~~ may implement
15 a house arrest program for defendants ~~or inmates~~ being sentenced by the
16 court ~~or in the custody of the secretary of corrections~~, except:

17 ~~(1)~~ no defendant shall be placed by the court under house arrest if
18 found guilty of:

19 (A) Any crime in article 34 or 35 of chapter 21 in the K.S.A., and
20 amendments thereto, for which the penalty is a class A or B felony;

21 (B) K.S.A. 21-3603, and amendments thereto; or

22 (C) K.S.A. 21-3609, and amendments thereto;

23 (2) *The secretary of corrections shall implement a house arrest pro-*
24 *gram for inmates in the custody of the secretary of corrections, except:*

25 ~~(A)~~ (A) no inmate shall be placed under house arrest if such inmate's
26 security status is greater than minimum security; or

27 ~~(B)~~ (B) no inmate shall be placed under house arrest who has been
28 denied parole by the parole board within the last 6 months. Any inmate
29 who, while participating in the house arrest program, is denied parole by
30 the parole board shall be allowed to remain under house arrest until the
31 completion of the sentence or until the inmate is otherwise removed from
32 the program.

33 (b) House arrest is an individualized program in which the freedom
34 of an inmate is restricted within the community, home or noninstitutional
35 residential placement and specific sanctions are imposed and enforced.
36 House arrest may include:

37 (1) Electronic monitoring which requires a transmitter to be strapped
38 to the defendant or inmate which broadcasts an encoded signal to the
39 receiver located in the defendant's or inmate's home. The receiver is
40 connected to a central office computer and is notified of any absence of
41 the defendant or inmate; or

42 (2) voice identification-encoder which consists of an encoder worn
43 by the defendant or inmate. A computer is programmed to randomly call

1 the defendant or inmate and such defendant or inmate is required to
2 provide voice identification and then insert the encoder into the verifier
3 box, confirming identity.

4 (c) Prior to the placement of an inmate under house arrest, the court
5 or secretary shall provide written notification to the sheriff and district or
6 county attorney of the county in which any person under house arrest is
7 to be placed and to the chief law enforcement officer of any incorporated
8 city or town in which such person is to be placed of the placement of the
9 person under house arrest within the county or incorporated city or town.

10 (d) House arrest sanctions shall be administered by the court and the
11 secretary of corrections, respectively, through rules and regulations, and
12 may include, but are not limited to, rehabilitative restitution in money or
13 in kind, curfew, revocation or suspension of the driver's license, com-
14 munity service, deprivation of nonessential activities or privileges, or other
15 appropriate restraints on the inmate's liberty.

16 Sec. 2. K.S.A. 21-4603b is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.