

**As Amended by House Committee**

*Session of 2010*

**HOUSE BILL No. 2507**

By Committee on Corrections and Juvenile Justice

1-21

10 AN ACT concerning crimes, criminal procedure and punishment; relat-  
11 ing to the Kansas parole board; conditions of parole and postrelease  
12 supervision; amending K.S.A. 2009 Supp. 22-3717 and repealing the  
13 existing section.  
14

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

16 Section 1. K.S.A. 2009 Supp. 22-3717 is hereby amended to read as  
17 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
18 1993 Supp. 21-4628 prior to its repeal; K.S.A. 21-4635 through 21-4638,  
19 and amendments thereto; K.S.A. 8-1567, and amendments thereto;  
20 K.S.A. 21-4642, and amendments thereto; and K.S.A. 21-4624, and  
21 amendments thereto, an inmate, including an inmate sentenced pursuant  
22 to K.S.A. 21-4618, and amendments thereto, shall be eligible for parole  
23 after serving the entire minimum sentence imposed by the court, less  
24 good time credits.

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

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

40 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its  
41 repeal, an inmate sentenced for a class A felony committed before July  
42 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, and  
43 amendments thereto, shall be eligible for parole after serving 15 years of

1 confinement, without deduction of any good time credits.

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

7 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
8 4643, and amendments thereto, committed on or after July 1, 2006, shall  
9 be eligible for parole after serving the mandatory term of imprisonment  
10 without deduction of any good time credits.

11 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
12 to imprisonment for more than one crime and the sentences run consec-  
13 utively, the inmate shall be eligible for parole after serving the total of:

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

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

19 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
20 4643, and amendments thereto, for crimes committed on or after July 1,  
21 2006, the inmate shall be eligible for parole after serving the mandatory  
22 term of imprisonment.

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

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

33 (B) Except as provided in subparagraphs (D) and (E), persons sen-  
34 tenced for nondrug severity levels 5 and 6 crimes and drug severity level  
35 3 crimes must serve 24 months, plus the amount of good time and pro-  
36 gram credit earned and retained pursuant to K.S.A. 21-4722, and amend-  
37 ments thereto, on postrelease supervision.

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

43 (D) (i) The sentencing judge shall impose the postrelease supervi-

1 sion period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C),  
2 unless the judge finds substantial and compelling reasons to impose a  
3 departure based upon a finding that the current crime of conviction was  
4 sexually motivated. In that event, departure may be imposed to extend  
5 the postrelease supervision to a period of up to 60 months.

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

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

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

15 (b) any evidence received during the proceeding;

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (i) In those cases involving inmates sentenced for a crime committed  
38 after July 1, 1993, the parole board will review the inmates proposed  
39 release plan. The board may schedule a hearing if they desire. The board  
40 may impose any condition they deem necessary to insure public safety,  
41 aid in the reintegration of the inmate into the community, or items not  
42 completed under the agreement entered into under K.S.A. 75-5210a, and  
43 amendments thereto. The board may not advance or delay an inmate's

1 release date. Every inmate while on postrelease supervision shall remain  
2 in the legal custody of the secretary of corrections and is subject to the  
3 orders of the secretary.

4 (j) Before ordering the parole of any inmate, the Kansas parole board  
5 shall have the inmate appear ~~before~~ either in person or via a video con-  
6 ferencing format and shall interview the inmate unless impractical be-  
7 cause of the inmate's physical or mental condition or absence from the  
8 institution. Every inmate while on parole shall remain in the legal custody  
9 of the secretary of corrections and is subject to the orders of the secretary.

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

1 for its findings.

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

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

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

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

24 ~~(2) to the extent practicable, shall order as a condition of parole or~~  
 25 ~~postrelease supervision that the parolee or the person on postrelease su-~~  
 26 ~~per vision make progress towards or successfully complete the equivalent~~  
 27 ~~of a secondary education if the inmate has not previously completed such~~  
 28 ~~educational equivalent and is capable of doing so;~~

29 **(2) to the extent practicable, may order as a condition of parole**  
 30 **or postrelease supervision that the parolee or the person on post-**  
 31 **release supervision make progress towards or successfully com-**  
 32 **plete the equivalent of a secondary education if the inmate has not**  
 33 **previously completed such educational equivalent and is capable**  
 34 **of doing so;**

35 ~~(3)~~ **(3)** may order that the parolee or person on postrelease supervi-  
 36 sion perform community or public service work for local governmental  
 37 agencies, private corporations organized not-for-profit or charitable or  
 38 social service organizations performing services for the community;

39 ~~(4)~~ ~~(3)~~ **(4)** may order the parolee or person on postrelease supervision  
 40 to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and  
 41 amendments thereto, unless the board finds compelling circumstances  
 42 which would render payment unworkable; ~~and~~

43 ~~(5)~~ ~~(4)~~ **(5)** unless it finds compelling circumstances which would ren-



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

13 ~~(5) the board~~ (6) *may impose any other condition of postrelease su-*  
14 *per vision in accordance with evidence-based principles of offender case*  
15 *management.*

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

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

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

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

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

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

1 (t) For offenders sentenced prior to the effective date of this act who  
2 are eligible for modification of their postrelease supervision obligation,  
3 the department of corrections shall modify the period of postrelease su-  
4 pervision as provided for by this section for offenders convicted of severity  
5 level 9 and 10 crimes on the sentencing guidelines grid for nondrug  
6 crimes and severity level 4 crimes on the sentencing guidelines grid for  
7 drug crimes on or before September 1, 2000; for offenders convicted of  
8 severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug  
9 crimes on or before November 1, 2000; and for offenders convicted of  
10 severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug  
11 crimes and severity level 3 crimes on the sentencing guidelines grid for  
12 drug crimes on or before January 1, 2001.

13 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
14 4643, and amendments thereto, for crimes committed on or after July 1,  
15 2006, shall be placed on parole for life and shall not be discharged from  
16 supervision by the Kansas parole board. When the board orders the parole  
17 of an inmate pursuant to this subsection, the board shall order as a con-  
18 dition of parole that the inmate be electronically monitored for the du-  
19 ration of the inmate's natural life.

20 (v) Whenever the Kansas parole board or the court orders a person  
21 to be electronically monitored, the board or court shall order the person  
22 to reimburse the state for all or part of the cost of such monitoring. In  
23 determining the amount and method of payment of such sum, the board  
24 or court shall take account of the financial resources of the person and  
25 the nature of the burden that the payment of such sum will impose.

26 Sec. 2. K.S.A. 2009 Supp. 22-3717 is hereby repealed.

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