

**SENATE BILL No. 255**

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning crimes, punishment and criminal procedure; enacting  
2 the second look act; relating to sentencing; authorizing certain inmates  
3 in the custody of the secretary of corrections to petition the court that  
4 originally sentenced such inmate for a resentencing hearing.

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

7 Section 1. (a) This section shall be known as the second look act.

8 (b) An inmate in the custody of the secretary of corrections described  
9 in this subsection may file a verified petition as provided in subsection (c).  
10 Such petition may be filed:

11 (1) After 10 years have elapsed from the date of sentencing if the  
12 inmate was less than 25 years of age on the date the offense was  
13 committed;

14 (2) after 15 years have elapsed from the date of sentencing if the  
15 inmate was 25 or more years of age but less than 50 years of age on the  
16 date the offense was committed;

17 (3) after 10 years have elapsed from the date of sentencing if the  
18 inmate was 50 or more years of age on the date the offense was  
19 committed;

20 (4) after 10 years have elapsed from the date of sentencing if the  
21 inmate is a veteran and the veteran status of the defendant was not  
22 considered at sentencing;

23 (5) after 10 years have elapsed from the date of sentencing and the  
24 inmate completed any rehabilitative programming that was required as part  
25 of the original sentence; and

26 (6) on the effective date of a legislative enactment that was not made  
27 retroactive but that would have reduced the inmate's sentence if the law  
28 was made retroactive.

29 (c) A verified petition for resentencing shall be filed in the district  
30 court in the county where the inmate was convicted of the offense for  
31 which with inmate is requesting resentencing. The petition shall include:

32 (1) The inmate's full name;

33 (2) the inmate's full name at the time of conviction if different from  
34 the inmate's current name;

35 (3) the conviction for which the inmate is requesting resentencing;

36 (4) the date of conviction for the offense for which the inmate is

1 requesting resentencing; and

2 (5) the original criminal case number of the case associated with the  
3 conviction for which the inmate is requesting resentencing.

4 (d) When the petition is filed, the court shall set a date for a hearing  
5 on such petition and cause notice of the hearing to be given to the county  
6 or district attorney in the county where the petition is filed.

7 (e) The county or district attorney shall notify any victim of the  
8 offense for which the inmate has requested a hearing for resentencing who  
9 is alive and whose address is known or, if the victim is deceased, the  
10 victim's family if the family's address is known. The victim or the victim's  
11 family shall have the right to testify at the hearing but shall not be  
12 compelled to testify or provide discovery to the inmate.

13 (f) (1) Notwithstanding the provisions of article 68 of chapter 21 of  
14 the Kansas Statutes Annotated, and amendments thereto, if the court finds  
15 good cause to resentence the inmate, the court may impose a new sentence  
16 that:

17 (A) Reduces the total length of the sentence;

18 (B) releases the inmate from the custody of the secretary of  
19 corrections and adds the remainder of such inmate's sentence to such  
20 inmate's postrelease supervision term; or

21 (C) discharges the inmate from the remainder of the defendant's  
22 sentence.

23 (2) The provisions of this section shall not apply to any portion of a  
24 sentence imposed that is a mandatory minimum term of imprisonment.

25 (g) If the court denies a petition under this section, the inmate shall  
26 not file another petition under this section until five years have elapsed  
27 after such denial, unless a shorter time period is authorized by the court in  
28 an order denying a petition.

29 Sec. 2. This act shall take effect and be in force from and after its  
30 publication in the statute book.