

SENATE BILL No. 295

By Committee on Federal and State Affairs

3-11

1 AN ACT concerning marijuana; removing the criminal penalties for
2 possession of a personal-use quantity of marijuana; creating a
3 marijuana infraction; amending K.S.A. 21-5706 and 21-5709 and
4 K.S.A. 2024 Supp. 21-6607 and 22-3717 and repealing the existing
5 sections.

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

8 New Section 1. (a) It shall be unlawful to knowingly possess a
9 personal-use quantity of marijuana or marijuana paraphernalia.

10 (b) (1) Any person who violates the provisions of subsection (a) shall
11 be guilty of a marijuana infraction punishable by:

12 (A) A fine of \$25 and no court costs or, if requested, a requirement to
13 complete up to three hours of community service in lieu of such fine, if
14 such person is 18 years of age or older; and

15 (B) a requirement to complete up to five hours of community service
16 or a drug awareness program, or both, if such person is under 18 years of
17 age.

18 (2) Possession of a cannabidiol treatment preparation, as defined in
19 K.S.A. 2024 Supp. 65-6235, and amendments thereto, shall not be a
20 violation of this section.

21 (3) No person shall be subject to arrest for a marijuana infraction. If a
22 person under 18 years of age is issued a marijuana infraction, the person's
23 parents or legal guardian shall be notified of such infraction.

24 (c) (1) A municipality shall not enact or enforce any ordinance,
25 resolution or regulation relating to possessing a personal-use quantity of
26 marijuana or marijuana paraphernalia. Any ordinance, resolution or
27 regulation prohibited by this subsection that was adopted prior to July 1,
28 2025, shall be null and void.

29 (2) Nothing in this section shall prohibit a municipality from enacting
30 or enforcing any ordinance, resolution or regulation related to
31 consumption of marijuana in public places. Any such ordinance, resolution
32 or regulation shall not punish consumption of marijuana in public places
33 more harshly than consumption of alcohol in public places.

34 (d) A marijuana infraction shall not:

35 (1) Be considered as a drug offense as defined in 23 C.F.R § 1212;

36 (2) have any impact on a person's driving privileges;

1 (3) constitute grounds for denying a person student financial aid,
2 public housing or any form of public financial assistance, including
3 unemployment benefits;

4 (4) be used to disqualify a person from being considered as an
5 adoptive parent or for licensure as a family foster home pursuant to rules
6 and regulations adopted by the secretary for children and families;

7 (5) be used as probable cause or reasonable suspicion and shall not be
8 used as a basis to support any stop or search of a person or motor vehicle;
9 or

10 (6) be considered as a violation of a condition of probation,
11 assignment to a community correctional services program, suspended
12 sentence, conditional release, parole or postrelease supervision.

13 (f) (1) No record of a marijuana infraction shall be recorded in the
14 Kansas criminal justice information system or any other criminal database.
15 Every law enforcement agency shall collect data on the number of
16 marijuana infractions issued pursuant to this section and report such data
17 annually to the attorney general on or before July 1 of each year. The
18 attorney general shall compile the reports received from law enforcement
19 agencies and provide an aggregated report to the legislature on or before
20 January 1 of each year.

21 (2) Records of marijuana infractions shall be confidential and shall
22 not be subject to the provisions of the Kansas open records act, K.S.A. 45-
23 215 et seq., and amendments thereto. The provisions of this paragraph
24 shall expire on July 1, 2030, unless the legislature reviews and reenacts
25 this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to
26 July 1, 2030.

27 (g) (1) All moneys received from fines imposed under this section
28 shall be remitted to the state treasurer in accordance with the provisions of
29 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
30 remittance, the state treasurer shall deposit the entire amount in the state
31 treasury. Of each such deposit, 50% shall be credited to the state general
32 fund, and the remaining 50% shall be credited to the drug awareness
33 program fund of the department for children and families.

34 (2) There is hereby established in the state treasury the drug
35 awareness program fund, which shall be administered by the secretary for
36 children and families. Expenditures from the fund shall be used for the
37 purpose of providing for the drug awareness program described in this
38 section. All expenditures from the drug awareness program fund shall be
39 made in accordance with appropriation acts upon warrants of the director
40 of accounts and reports issued pursuant to vouchers approved by the
41 secretary for children and families or the secretary's designee.

42 (h) As used in this section:

43 (1) "Drug awareness program" means a program created by the

1 department for children and families that provides between two and five
2 hours of instruction or group discussion about the use and abuse of
3 marijuana, alcohol and controlled substances and is provided at no cost;

4 (2) "marijuana" means the same as defined in K.S.A. 21-5701, and
5 amendments thereto, and includes tetrahydrocannabinols, as designated in
6 K.S.A. 65-4105(h), and amendments thereto;

7 (3) "marijuana paraphernalia" means paraphernalia used for the
8 ingestion, use, inhalation, preparation for personal use or storage of a
9 personal-use quantity of marijuana;

10 (4) "municipality" means the same as defined in K.S.A. 75-6102, and
11 amendments thereto; and

12 (5) "personal-use quantity" means one ounce or less of marijuana,
13 five grams or less of resin extracted or concentrates derived from
14 marijuana and 1,000 milligrams or less of tetrahydrocannabinols.

15 Sec. 2. K.S.A. 21-5706 is hereby amended to read as follows: 21-
16 5706. (a) It shall be unlawful for any person to possess any opiates, opium
17 or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)
18 (3) or (f)(1), and amendments thereto, or a controlled substance analog
19 thereof.

20 (b) *Except as provided in section 1, and amendments thereto*, it shall
21 be unlawful for any person to possess any of the following controlled
22 substances or controlled substance analogs thereof:

23 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
24 4109(b) or (c) or 65-4111(b), and amendments thereto;

25 (2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)
26 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

27 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
28 4107(g) or 65-4109(g), and amendments thereto;

29 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),
30 (d), (e), (f) or (g), and amendments thereto;

31 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
32 amendments thereto;

33 (6) any substance designated in K.S.A. 65-4113, and amendments
34 thereto; or

35 (7) any substance designated in K.S.A. 65-4105(h), and amendments
36 thereto.

37 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

38 ~~(2) Except as provided in subsection (c)(3):~~

39 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
40 except as provided in subparagraph (B); and

41 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
42 severity level 5 felony if that person has a prior conviction under such
43 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially

1 similar offense from another jurisdiction, or under any city ordinance or
2 county resolution for a substantially similar offense if the substance
3 involved was 3, 4-methylenedioxyamphetamine (MDMA), marijuana
4 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
5 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
6 analog thereof.

7 ~~(3) If the substance involved is marijuana, as designated in K.S.A.~~
8 ~~65-4105(d), and amendments thereto, or tetrahydrocannabinols, as~~
9 ~~designated in K.S.A. 65-4105(h), and amendments thereto, violation of~~
10 ~~subsection (b) is a:~~

11 ~~(A) Class B nonperson misdemeanor, except as provided in~~
12 ~~subparagraphs (B) and (C);~~

13 ~~(B) class A nonperson misdemeanor if that person has a prior~~
14 ~~conviction under such subsection, under K.S.A. 65-4162, prior to its~~
15 ~~repeal, under a substantially similar offense from another jurisdiction, or~~
16 ~~under any city ordinance or county resolution for a substantially similar~~
17 ~~offense; and~~

18 ~~(C) drug severity level 5 felony if that person has two or more prior~~
19 ~~convictions under such subsection, under K.S.A. 65-4162, prior to its~~
20 ~~repeal, under a substantially similar offense from another jurisdiction, or~~
21 ~~under any city ordinance or county resolution for a substantially similar~~
22 ~~offense.~~

23 (d) It shall be an affirmative defense to prosecution under this section
24 arising out of a person's possession of any cannabidiol treatment
25 preparation if the person:

26 (1) Has a debilitating medical condition, as defined in K.S.A. 2024
27 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a
28 minor child who has such debilitating medical condition;

29 (2) is possessing a cannabidiol treatment preparation, as defined in
30 K.S.A. 2024 Supp. 65-6235, and amendments thereto, that is being used to
31 treat such debilitating medical condition; and

32 (3) has possession of a letter, at all times while the person has
33 possession of the cannabidiol treatment preparation, that:

34 (A) Shall be shown to a law enforcement officer on such officer's
35 request;

36 (B) is dated within the preceding 15 months and signed by the
37 physician licensed to practice medicine and surgery in Kansas who
38 diagnosed the debilitating medical condition;

39 (C) is on such physician's letterhead; and

40 (D) identifies the person or the person's minor child as such
41 physician's patient and identifies the patient's debilitating medical
42 condition.

43 (e) It shall not be a defense to charges arising under this section that

1 the defendant was acting in an agency relationship on behalf of any other
2 party in a transaction involving a controlled substance or controlled
3 substance analog.

4 Sec. 3. K.S.A. 21-5709 is hereby amended to read as follows: 21-
5 5709. (a) It shall be unlawful for any person to possess ephedrine,
6 pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine,
7 anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or
8 their salts, isomers or salts of isomers with an intent to use the product to
9 manufacture a controlled substance.

10 (b) (1) It shall be unlawful for any person to use or possess with
11 intent to use any drug paraphernalia to:

12 ~~(1)(A)~~ Manufacture, cultivate, plant, propagate, harvest, test, analyze
13 or distribute a controlled substance; or

14 ~~(2)(B)~~ store, contain, conceal, inject, ingest, inhale or otherwise
15 introduce a controlled substance into the human body.

16 *(2) The provisions of subsection (b)(1)(B) shall not apply to*
17 *marijuana paraphernalia as defined in section 1, and amendments thereto.*

18 (c) It shall be unlawful for any person to use or possess with intent to
19 use anhydrous ammonia or pressurized ammonia in a container not
20 approved for that chemical by the Kansas department of agriculture.

21 (d) It shall be unlawful for any person to purchase, receive or
22 otherwise acquire at retail any compound, mixture or preparation
23 containing more than 3.6 grams of pseudoephedrine base or ephedrine
24 base in any single transaction or any compound, mixture or preparation
25 containing more than nine grams of pseudoephedrine base or ephedrine
26 base within any 30-day period.

27 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

28 (2) violation of subsection (b)(1) is a:

29 (A) Drug severity level 5 felony, except as provided in subsection (e)
30 (2)(B); and

31 (B) class B nonperson misdemeanor if the drug paraphernalia was
32 used to cultivate fewer than five marijuana plants;

33 (3) violation of subsection (b)(2) is a class B nonperson
34 misdemeanor;

35 (4) violation of subsection (c) is a drug severity level 5 felony; and

36 (5) violation of subsection (d) is a class A nonperson misdemeanor.

37 (f) For persons arrested and charged under subsection (a) or (c), bail
38 shall be at least \$50,000 cash or surety, and such person shall not be
39 released upon the person's own recognizance pursuant to K.S.A. 22-2802,
40 and amendments thereto, unless the court determines, on the record, that
41 the defendant is not likely to reoffend, the court imposes pretrial
42 supervision or the defendant agrees to participate in a licensed or certified
43 drug treatment program.

1 Sec. 4. K.S.A. 2024 Supp. 21-6607 is hereby amended to read as
2 follows: 21-6607. (a) Except as required by ~~subsection~~ *subsections (c) and*
3 *(d)*, nothing in this section shall be construed to limit the authority of the
4 court to impose or modify any general or specific conditions of probation,
5 suspension of sentence or assignment to a community correctional services
6 program. The court services officer or community correctional services
7 officer may recommend, and the court may order, the imposition of any
8 conditions of probation, suspension of sentence or assignment to a
9 community correctional services program. For crimes committed on or
10 after July 1, 1993, in presumptive nonprison cases, the court services
11 officer or community correctional services officer may recommend, and
12 the court may order, the imposition of any conditions of probation or
13 assignment to a community correctional services program. The court may
14 at any time order the modification of such conditions, after notice to the
15 court services officer or community correctional services officer and an
16 opportunity for such officer to be heard thereon. The court shall cause a
17 copy of any such order to be delivered to the court services officer and the
18 probationer or to the community correctional services officer and the
19 community corrections participant, as the case may be. The provisions of
20 K.S.A. 75-5291, and amendments thereto, shall be applicable to any
21 assignment to a community correctional services program pursuant to this
22 section.

23 (b) The court may impose any conditions of probation, suspension of
24 sentence or assignment to a community correctional services program that
25 the court deems proper, including, but not limited to, requiring that the
26 defendant:

27 (1) Obey all laws and ordinances and report any law enforcement
28 contact to the defendant's supervision officer within 24 hours after such
29 contact;

30 (2) not engage in physical violence or threats of violence of any kind
31 and, if the defendant is being supervised for conviction of a felony, not
32 purchase or possess a dangerous weapon, including a firearm, while on
33 supervision;

34 (3) report to the defendant's supervision officer as directed and be
35 truthful in all matters;

36 (4) remain within the state of Kansas or other specified areas as
37 defined by the defendant's supervision officer;

38 (5) reside at the defendant's approved residence unless the defendant
39 receives permission from the defendant's supervision officer to relocate
40 and notify the defendant's supervision officer within 24 hours after any
41 emergency changes in residence or contact information;

42 (6) *except as provided in subsection (d)*, not possess, use or distribute
43 any controlled substances except those prescribed by a licensed medical

1 professional;

2 (7) not possess or consume any form of alcohol or intoxicating
3 substance or enter any establishment where alcohol is sold or consumed as
4 the primary business;

5 (8) submit to any form of alcohol or substance use testing directed by
6 the defendant's supervision officer and not alter or tamper with the
7 specimen or test;

8 (9) participate in assessment, treatment, programming and other
9 directives of the court or the defendant's supervision officer;

10 (10) be subject to searches of the defendant's person, effects, vehicle,
11 residence and property by a court services officer, community correctional
12 services officer or any other law enforcement officer based on reasonable
13 suspicion that the defendant violated conditions of probation or engaged in
14 criminal activity; or

15 (11) refrain from contacting victims unless authorized by the court to
16 contact a victim as part of rehabilitative or therapeutic purposes.

17 (c) In addition to any conditions of probation, suspension of sentence
18 or assignment to a community correctional services program ordered
19 pursuant to subsection (b), the court shall order the defendant to:

20 (1) Make reparation or restitution to the aggrieved party for the
21 damage or loss caused by the defendant's crime in accordance with K.S.A.
22 21-6604(b), and amendments thereto;

23 (2) (A) pay a correctional supervision fee of \$60 if the person was
24 convicted of a misdemeanor or a fee of \$120 if the person was convicted
25 of a felony. In any case the amount of the correctional supervision fee
26 specified by this paragraph may be reduced or waived by the judge if the
27 person is unable to pay that amount;

28 (B) the correctional supervision fee imposed by this paragraph shall
29 be charged and collected by the district court. The clerk of the district
30 court shall remit all revenues received under this paragraph from
31 correctional supervision fees to the state treasurer in accordance with the
32 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
33 each such remittance, the state treasurer shall deposit the entire amount in
34 the state treasury to the credit of the state general fund, a sum equal to
35 41.67% of such remittance, and to the correctional supervision fund, a sum
36 equal to 58.33% of such remittance;

37 (C) this paragraph shall apply to persons placed on felony or
38 misdemeanor probation or released on misdemeanor parole to reside in
39 Kansas and supervised by Kansas court services officers under the
40 interstate compact for offender supervision; and

41 (D) this paragraph shall not apply to persons placed on probation or
42 released on parole to reside in Kansas under the uniform act for out-of-
43 state parolee supervision; and

1 (3) reimburse the state general fund for all or a part of the
2 expenditures by the state board of indigents' defense services to provide
3 counsel and other defense services to the defendant. In determining the
4 amount and method of payment of such sum, the court shall take account
5 of the financial resources of the defendant and the nature of the burden that
6 payment of such sum will impose. A defendant who has been required to
7 pay such sum and who is not willfully in default in the payment thereof
8 may at any time petition the court ~~which~~ that sentenced the defendant to
9 waive payment of such sum or of any unpaid portion thereof. If it appears
10 to the satisfaction of the court that payment of the amount due will impose
11 manifest hardship on the defendant or the defendant's immediate family,
12 the court may waive payment of all or part of the amount due or modify
13 the method of payment. The amount of attorney fees to be included in the
14 court order for reimbursement shall be the amount claimed by appointed
15 counsel on the payment voucher for indigents' defense services or the
16 amount prescribed by the board of indigents' defense services
17 reimbursement tables as provided in K.S.A. 22-4522, and amendments
18 thereto, whichever is less.

19 (d) *The court shall not impose any condition of probation, suspension*
20 *of sentence or assignment to a community correctional services program*
21 *that prohibits the defendant from using marijuana as defined in section 1,*
22 *and amendments thereto, unless the court makes a finding that marijuana*
23 *use would create a danger to the defendant or another person. A*
24 *marijuana infraction as described in section 1, and amendments thereto,*
25 *or a drug test that is positive for marijuana shall not be considered as a*
26 *violation of a condition of probation, suspension of sentence or*
27 *assignment to a community correctional services program.*

28 (e) The office of judicial administration and the department of
29 corrections shall collaborate to develop documentation related to
30 conditions of supervision.

31 ~~(e)(f)~~ Any law enforcement officer who conducts a search pursuant to
32 subsection (b)(10) shall submit a written report to the appropriate court
33 services officer or community correctional services officer not later than
34 the close of business the next day after such search is conducted. The
35 written report shall include the facts leading to such search, the scope of
36 such search and any findings resulting from such search.

37 ~~(f)(g)~~ (1) There is hereby established in the state treasury the
38 correctional supervision fund. All moneys credited to the correctional
39 supervision fund shall be used for:

40 ~~(f)(A)~~ (A) The implementation of and training for use of a statewide,
41 mandatory, standardized risk assessment tool or instrument as specified by
42 the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and
43 amendments thereto;

1 ~~(2)~~(B) the implementation of and training for use of a statewide,
2 mandatory, standardized risk assessment tool or instrument for juveniles
3 adjudicated to be juvenile offenders; and

4 ~~(3)~~(C) evidence-based adult and juvenile offender supervision
5 programs by judicial branch personnel.

6 (2) If all expenditures for the program have been paid and moneys
7 remain in the correctional supervision fund for a fiscal year, remaining
8 moneys may be expended from the correctional supervision fund to
9 support adult and juvenile offender supervision by court services officers.
10 All expenditures from the correctional supervision fund shall be made in
11 accordance with appropriation acts upon warrants of the director of
12 accounts and reports issued pursuant to vouchers approved by the chief
13 justice of the Kansas supreme court or by a person or persons designated
14 by the chief justice.

15 Sec. 5. K.S.A. 2024 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. 21-4624, 21-4635 through
18 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-
19 6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and
20 K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate
21 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-
22 6707, and amendments thereto, shall be eligible for parole after serving the
23 entire minimum sentence imposed by the court, less good time credits.

24 (b) (1) An inmate sentenced to imprisonment for life without the
25 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,
26 shall not be eligible for parole.

27 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
28 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and
29 amendments thereto, an inmate sentenced to imprisonment for the crime of
30 of:

31 (A) Capital murder committed on or after July 1, 1994, shall be
32 eligible for parole after serving 25 years of confinement, without
33 deduction of any good time credits;

34 (B) murder in the first degree based upon a finding of premeditated
35 murder committed on or after July 1, 1994, but prior to July 1, 2014, shall
36 be eligible for parole after serving 25 years of confinement, without
37 deduction of any good time credits; and

38 (C) murder in the first degree as described in K.S.A. 21-5402(a)(2),
39 and amendments thereto, committed on or after July 1, 2014, shall be
40 eligible for parole after serving 25 years of confinement, without
41 deduction of any good time credits.

42 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
43 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through

1 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and
2 21-6625, and amendments thereto, an inmate sentenced to imprisonment
3 for an off-grid offense committed on or after July 1, 1993, but prior to July
4 1, 1999, shall be eligible for parole after serving 15 years of confinement,
5 without deduction of any good time credits and an inmate sentenced to
6 imprisonment for an off-grid offense committed on or after July 1, 1999,
7 shall be eligible for parole after serving 20 years of confinement without
8 deduction of any good time credits.

9 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
10 repeal, an inmate sentenced for a class A felony committed before July 1,
11 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
12 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for
13 parole after serving 15 years of confinement, without deduction of any
14 good time credits.

15 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
16 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
17 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
18 confinement without deduction of any good time credits.

19 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
20 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,
21 committed on or after July 1, 2006, shall be eligible for parole after
22 serving the mandatory term of imprisonment without deduction of any
23 good time credits.

24 (c) (1) Except as provided in subsection (e), if an inmate is sentenced
25 to imprisonment for more than one crime and the sentences run
26 consecutively, the inmate shall be eligible for parole after serving the total
27 of:

28 (A) The aggregate minimum sentences, as determined pursuant to
29 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments
30 thereto, less good time credits for those crimes which are not class A
31 felonies; and

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

34 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
35 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
36 crimes committed on or after July 1, 2006, the inmate shall be eligible for
37 parole after serving the mandatory term of imprisonment.

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

43 (A) Except as provided in subparagraphs (D) and (E), persons

1 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
2 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
3 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
4 July 1, 2012, ~~must~~ shall serve 36 months on postrelease supervision.

5 (B) Except as provided in subparagraphs (D) and (E), persons
6 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
7 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
8 drug severity level 4 crimes committed on or after July 1, 2012, ~~must~~ shall
9 serve 24 months on postrelease supervision.

10 (C) Except as provided in subparagraphs (D) and (E), persons
11 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
12 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
13 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
14 ~~must~~ shall serve 12 months on postrelease supervision.

15 (D) Persons sentenced to a term of imprisonment that includes a
16 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
17 amendments thereto, committed on or after July 1, 1993, but prior to July
18 1, 2006, a sexually motivated crime in which the offender has been
19 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
20 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
21 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual
22 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and
23 amendments thereto, shall serve the period of postrelease supervision as
24 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount
25 of good time and program credit earned and retained pursuant to K.S.A.
26 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,
27 on postrelease supervision.

28 (i) If the sentencing judge finds substantial and compelling reasons to
29 impose a departure based upon a finding that the current crime of
30 conviction was sexually motivated, departure may be imposed to extend
31 the postrelease supervision to a period of up to 60 months.

32 (ii) If the sentencing judge departs from the presumptive postrelease
33 supervision period, the judge shall state on the record at the time of
34 sentencing the substantial and compelling reasons for the departure.
35 Departures in this section are subject to appeal pursuant to K.S.A. 21-
36 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

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

39 (a) Written briefs or oral arguments submitted by either the defendant
40 or the state;

41 (b) any evidence received during the proceeding;

42 (c) the presentence report, the victim's impact statement and any
43 psychological evaluation as ordered by the court pursuant to K.S.A. 21-

1 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;
2 and

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

4 (iv) The sentencing judge may order that a psychological evaluation
5 be prepared and the recommended programming be completed by the
6 offender. The department of corrections or the prisoner review board shall
7 ensure that court ordered sex offender treatment be carried out.

8 (v) In carrying out the provisions of subsection (d)(1)(D), the court
9 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and
10 amendments thereto.

11 (vi) Upon petition and payment of any restitution ordered pursuant to
12 K.S.A. 21-6604, and amendments thereto, the prisoner review board may
13 provide for early discharge from the postrelease supervision period
14 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court
15 ordered programs and completion of the presumptive postrelease
16 supervision period, as determined by the crime of conviction, pursuant to
17 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
18 postrelease supervision is at the discretion of the board.

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

22 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
23 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to
24 participate in a treatment program for sex offenders during the postrelease
25 supervision period.

26 (E) The period of postrelease supervision provided in subparagraphs
27 (A) and (B) may be reduced by up to 12 months and the period of
28 postrelease supervision provided in subparagraph (C) may be reduced by
29 up to six months based on the offender's compliance with conditions of
30 supervision and overall performance while on postrelease supervision. The
31 reduction in the supervision period shall be on an earned basis pursuant to
32 rules and regulations adopted by the secretary of corrections.

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

38 (G) (i) Except as provided in subsection(v), persons sentenced to
39 imprisonment for a sexually violent crime committed on or after July 1,
40 2006, when the offender was 18 years of age or older, and who are
41 released from prison, shall be released to a mandatory period of
42 postrelease supervision for the duration of the person's natural life.

43 (ii) Persons sentenced to imprisonment for a sexually violent crime

1 committed on or after the effective date of this act, when the offender was
2 under 18 years of age, and who are released from prison, shall be released
3 to a mandatory period of postrelease supervision for 60 months, plus the
4 amount of good time and program credit earned and retained pursuant to
5 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments
6 thereto.

7 (2) Persons serving a period of postrelease supervision pursuant to
8 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
9 review board for early discharge. Upon payment of restitution, the prisoner
10 review board may provide for early discharge.

11 (3) Persons serving a period of incarceration for a supervision
12 violation shall not have the period of postrelease supervision modified
13 until such person is released and returned to postrelease supervision.

14 (4) Offenders whose crime of conviction was committed on or after
15 July 1, 2013, and whose probation, assignment to a community
16 correctional services program, suspension of sentence or nonprison
17 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
18 thereto, or whose underlying prison term expires while serving a sanction
19 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a
20 period of postrelease supervision upon the completion of the underlying
21 prison term.

22 (5) As used in this subsection, "sexually violent crime" means:

23 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and
24 amendments thereto;

25 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
26 or K.S.A. 21-5506(a), and amendments thereto;

27 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
28 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

29 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
30 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

31 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
32 or K.S.A. 21-5504(b), and amendments thereto;

33 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
34 or K.S.A. 21-5508(a), and amendments thereto;

35 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
36 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

37 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
38 or K.S.A. 21-5510, and amendments thereto;

39 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
40 K.S.A. 21-5505(b), and amendments thereto;

41 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
42 21-5604(b), and amendments thereto;

43 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,

1 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if
2 committed in whole or in part for the purpose of the sexual gratification of
3 the defendant or another;

4 (L) internet trading in child pornography, as defined in K.S.A. 21-
5 5514(a), and amendments thereto;

6 (M) aggravated internet trading in child pornography, as defined in
7 K.S.A. 21-5514(b), and amendments thereto;

8 (N) commercial sexual exploitation of a child, as defined in K.S.A.
9 21-6422, and amendments thereto; or

10 (O) an attempt, conspiracy or criminal solicitation, as defined in
11 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
12 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent
13 crime as defined in this section.

14 (6) As used in this subsection, "sexually motivated" means that one of
15 the purposes for which the defendant committed the crime was for the
16 purpose of the defendant's sexual gratification.

17 (e) If an inmate is sentenced to imprisonment for a crime committed
18 while on parole or conditional release, the inmate shall be eligible for
19 parole as provided by subsection (c), except that the prisoner review board
20 may postpone the inmate's parole eligibility date by assessing a penalty not
21 exceeding the period of time ~~which~~ *that* could have been assessed if the
22 inmate's parole or conditional release had been violated for reasons other
23 than conviction of a crime.

24 (f) If a person is sentenced to prison for a crime committed on or after
25 July 1, 1993, while on probation, parole, conditional release or in a
26 community corrections program, for a crime committed prior to July 1,
27 1993, and the person is not eligible for retroactive application of the
28 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
29 4724, prior to its repeal, the new sentence shall not be aggregated with the
30 old sentence, but shall begin when the person is paroled or reaches the
31 conditional release date on the old sentence. If the offender was past the
32 offender's conditional release date at the time the new offense was
33 committed, the new sentence shall not be aggregated with the old sentence
34 but shall begin when the person is ordered released by the prisoner review
35 board or reaches the maximum sentence expiration date on the old
36 sentence, whichever is earlier. The new sentence shall then be served as
37 otherwise provided by law. The period of postrelease supervision shall be
38 based on the new sentence, except that those offenders whose old sentence
39 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
40 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
41 term of life imprisonment, for which there is no conditional release or
42 maximum sentence expiration date, shall remain on postrelease
43 supervision for life or until discharged from supervision by the prisoner

1 review board.

2 (g) Subject to the provisions of this section, the prisoner review board
3 may release on parole those persons confined in institutions who are
4 eligible for parole when: (1) The board believes that the inmate should be
5 released for hospitalization, deportation or to answer the warrant or other
6 process of a court and is of the opinion that there is reasonable probability
7 that the inmate can be released without detriment to the community or to
8 the inmate; or (2) the secretary of corrections has reported to the board in
9 writing that the inmate has satisfactorily completed the programs required
10 by any agreement entered under K.S.A. 75-5210a, and amendments
11 thereto, or any revision of such agreement, and the board believes that the
12 inmate is able and willing to fulfill the obligations of a law abiding citizen
13 and is of the opinion that there is reasonable probability that the inmate
14 can be released without detriment to the community or to the inmate.
15 Parole shall not be granted as an award of clemency and shall not be
16 considered a reduction of sentence or a pardon.

17 (h) The prisoner review board shall hold a parole hearing at least the
18 month prior to the month an inmate will be eligible for parole under
19 subsections (a), (b) and (c). At least one month preceding the parole
20 hearing, the county or district attorney of the county where the inmate was
21 convicted shall give written notice of the time and place of the public
22 comment sessions for the inmate to any victim of the inmate's crime who
23 is alive and whose address is known to the county or district attorney or, if
24 the victim is deceased, to the victim's family if the family's address is
25 known to the county or district attorney. Except as otherwise provided,
26 failure to notify pursuant to this section shall not be a reason to postpone a
27 parole hearing. In the case of any inmate convicted of an off-grid felony or
28 a class A felony, the secretary of corrections shall give written notice of the
29 time and place of the public comment session for such inmate at least one
30 month preceding the public comment session to any victim of such
31 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
32 amendments thereto. If notification is not given to such victim or such
33 victim's family in the case of any inmate convicted of an off-grid felony or
34 a class A felony, the board shall postpone a decision on parole of the
35 inmate to a time at least 30 days after notification is given as provided in
36 this section. Nothing in this section shall create a cause of action against
37 the state or an employee of the state acting within the scope of the
38 employee's employment as a result of the failure to notify pursuant to this
39 section. If granted parole, the inmate may be released on parole on the date
40 specified by the board, but not earlier than the date the inmate is eligible
41 for parole under subsections (a), (b) and (c). At each parole hearing and, if
42 parole is not granted, at such intervals thereafter as it determines
43 appropriate, the board shall consider:

1 (1) Whether the inmate has satisfactorily completed the programs
2 required by any agreement entered under K.S.A. 75-5210a, and
3 amendments thereto, or any revision of such agreement; and

4 (2) all pertinent information regarding such inmate, including, but not
5 limited to, the circumstances of the offense of the inmate; the presentence
6 report; the previous social history and criminal record of the inmate; the
7 conduct, employment, and attitude of the inmate in prison; the reports of
8 such physical and mental examinations as have been made, including, but
9 not limited to, risk factors revealed by any risk assessment of the inmate;
10 comments of the victim and the victim's family including in person
11 comments, contemporaneous comments and prerecorded comments made
12 by any technological means; comments of the public; official comments;
13 any recommendation by the staff of the facility where the inmate is
14 incarcerated; proportionality of the time the inmate has served to the
15 sentence a person would receive under the Kansas sentencing guidelines
16 for the conduct that resulted in the inmate's incarceration; and capacity of
17 state correctional institutions.

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

28 (j) (1) Before ordering the parole of any inmate, the prisoner review
29 board shall have the inmate appear either in person or via a video
30 conferencing format and ~~shall~~ interview the inmate unless impractical
31 because of the inmate's physical or mental condition or absence from the
32 institution. Every inmate while on parole shall remain in the legal custody
33 of the secretary of corrections and is subject to the orders of the secretary.
34 Whenever the board formally considers placing an inmate on parole and
35 no agreement has been entered into with the inmate under K.S.A. 75-
36 5210a, and amendments thereto, the board shall notify the inmate in
37 writing of the reasons for not granting parole. If an agreement has been
38 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
39 has not satisfactorily completed the programs specified in the agreement,
40 or any revision of such agreement, the board shall notify the inmate in
41 writing of the specific programs *that* the inmate must satisfactorily
42 complete before parole will be granted. If parole is not granted only
43 because of a failure to satisfactorily complete such programs, the board

1 shall grant parole upon the secretary's certification that the inmate has
2 successfully completed such programs. If an agreement has been entered
3 under K.S.A. 75-5210a, and amendments thereto, and the secretary of
4 corrections has reported to the board in writing that the inmate has
5 satisfactorily completed the programs required by such agreement, or any
6 revision thereof, the board shall not require further program participation.
7 However, if the board determines that other pertinent information
8 regarding the inmate warrants the inmate's not being released on parole,
9 the board shall state in writing the reasons for not granting the parole. If
10 parole is denied for an inmate sentenced for a crime other than a class A or
11 class B felony or an off-grid felony, the board shall hold another parole
12 hearing for the inmate not later than one year after the denial unless the
13 board finds that it is not reasonable to expect that parole would be granted
14 at a hearing if held in the next three years or during the interim period of a
15 deferral. In such case, the board may defer subsequent parole hearings for
16 up to three years but any such deferral by the board shall require the board
17 to state the basis for its findings. If parole is denied for an inmate
18 sentenced for a class A or class B felony or an off-grid felony, the board
19 shall hold another parole hearing for the inmate not later than three years
20 after the denial unless the board finds that it is not reasonable to expect
21 that parole would be granted at a hearing if held in the next 10 years or
22 during the interim period of a deferral. In such case, the board may defer
23 subsequent parole hearings for up to 10 years, but any such deferral shall
24 require the board to state the basis for its findings.

25 (2) Inmates sentenced for a class A or class B felony who have not
26 had a board hearing in the five years prior to July 1, 2010, shall have such
27 inmates' cases reviewed by the board on or before July 1, 2012. Such
28 review shall begin with the inmates with the oldest deferral date and
29 progress to the most recent. Such review shall be done utilizing existing
30 resources unless the board determines that such resources are insufficient.
31 If the board determines that such resources are insufficient, then the
32 provisions of this paragraph are subject to appropriations therefor.

33 (k) (1) Parolees and persons on postrelease supervision shall be
34 assigned, upon release, to the appropriate level of supervision pursuant to
35 the criteria established by the secretary of corrections.

36 (2) Parolees and persons on postrelease supervision are, and shall
37 agree in writing to be, subject to searches of the person and the person's
38 effects, vehicle, residence and property by a parole officer or a department
39 of corrections enforcement, apprehension and investigation officer, at any
40 time of the day or night, with or without a search warrant and with or
41 without cause. Nothing in this subsection shall be construed to authorize
42 such officers to conduct arbitrary or capricious searches or searches for the
43 sole purpose of harassment.

1 (3) Parolees and persons on postrelease supervision are, and shall
2 agree in writing to be, subject to searches of the person and the person's
3 effects, vehicle, residence and property by any law enforcement officer
4 based on reasonable suspicion of the person violating conditions of parole
5 or postrelease supervision or reasonable suspicion of criminal activity. Any
6 law enforcement officer who conducts such a search shall submit a written
7 report to the appropriate parole officer no later than the close of the next
8 business day after such search. The written report shall include the facts
9 leading to such search, the scope of such search and any findings resulting
10 from such search.

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

19 (m) Whenever the prisoner review board orders the parole of an
20 inmate or establishes conditions for an inmate placed on postrelease
21 supervision, the board shall require that the inmate:

22 (1) Obey all laws and ordinances and report any law enforcement
23 contact to the inmate's supervision officer within 24 hours after such
24 contact;

25 (2) not engage in physical violence or threats of violence of any kind
26 and, if the inmate is being supervised for conviction of a felony, not
27 purchase or possess a dangerous weapon, including a firearm, while on
28 supervision;

29 (3) report to the inmate's supervision officer as directed and be
30 truthful in all matters;

31 (4) remain within the state of Kansas or other specified areas as
32 defined by the defendant's supervision officer;

33 (5) reside at the inmate's approved residence unless the defendant
34 receives permission from the inmate's supervision officer to relocate and
35 notify the inmate's supervision officer within 24 hours after any emergency
36 changes in residence or contact information;

37 (6) *except as provided in subsection (n)*, not possess, use or distribute
38 any controlled substances except those prescribed by a licensed medical
39 professional;

40 (7) not possess or consume any form of alcohol or intoxicating
41 substance or enter any establishment where alcohol is sold or consumed as
42 the primary business;

43 (8) submit to any form of alcohol or substance use testing directed by

1 the inmate's supervision officer and not alter or tamper with the specimen
2 or test;

3 (9) participate in assessment, treatment, programming and other
4 directives of the court or the inmate's supervision officer;

5 (10) submit to searches of the person and the person's effects, vehicle,
6 residence and property by a parole officer or a department of corrections
7 enforcement, apprehension and investigation officer, at any time of the day
8 or night, with or without a search warrant and with or without cause,
9 except that nothing in this paragraph shall be construed to authorize such
10 officers to conduct arbitrary or capricious searches or searches for the sole
11 purpose of harassment;

12 (11) submit to searches of the person and the person's effects, vehicle,
13 residence and property by any law enforcement officer based on
14 reasonable suspicion of the person violating conditions of parole or
15 postrelease supervision or reasonable suspicion of criminal activity;

16 (12) refrain from contacting victims unless authorized by the board to
17 contact a victim as part of rehabilitative or therapeutic purposes;

18 (13) pay the administrative fee imposed pursuant to K.S.A. 22-4529,
19 and amendments thereto, unless the board finds compelling circumstances
20 that would render payment unworkable; and

21 (14) unless the board finds compelling circumstances that would
22 render a plan of payment unworkable, reimburse the state for all or part of
23 the expenditures by the state board of indigents' defense services to
24 provide counsel and other defense services to the person. In determining
25 the amount and method of payment of such sum, the prisoner review board
26 shall take account of the financial resources of the person and the nature of
27 the burden that the payment of such sum will impose. Such amount shall
28 not exceed the amount claimed by appointed counsel on the payment
29 voucher for indigents' defense services or the amount prescribed by the
30 board of indigents' defense services reimbursement tables as provided in
31 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
32 previous payments for such services.

33 (n) *The prisoner review board shall not impose any condition of*
34 *parole or postrelease supervision that prohibits the inmate from using*
35 *marijuana as defined in section 1, and amendments thereto, unless the*
36 *court makes a finding that marijuana use would create a danger to the*
37 *inmate or another person. A marijuana infraction as described in section*
38 *1, and amendments thereto, or a drug test that is positive for marijuana*
39 *shall not be considered as a violation of a condition of parole or*
40 *postrelease supervision.*

41 (o) Any law enforcement officer who conducts a search pursuant to
42 subsection (m)(11) shall submit a written report to the inmate's parole
43 officer not later than the close of business the next day after such search is

1 conducted. The written report shall include the facts leading to such
2 search, the scope of such search and any findings resulting from such
3 search.

4 ~~(p)~~ If the court that sentenced an inmate specified at the time of
5 sentencing the amount and the recipient of any restitution ordered as a
6 condition of parole or postrelease supervision, the prisoner review board
7 shall order as a condition of parole or postrelease supervision that the
8 inmate pay restitution in the amount and manner provided in the journal
9 entry unless the board finds compelling circumstances that would render a
10 plan of restitution unworkable.

11 ~~(q)~~ Whenever the prisoner review board grants the parole of an
12 inmate, the board, within 14 days of the date of the decision to grant
13 parole, shall give written notice of the decision to the county or district
14 attorney of the county where the inmate was sentenced.

15 ~~(r)~~ When an inmate is to be released on postrelease supervision,
16 the secretary, within 30 days prior to release, shall provide the county or
17 district attorney of the county where the inmate was sentenced written
18 notice of the release date.

19 ~~(s)~~ Inmates shall be released on postrelease supervision upon the
20 termination of the prison portion of their sentence. Time served while on
21 postrelease supervision will vest.

22 ~~(t)~~ An inmate who is allocated regular good time credits as
23 provided in K.S.A. 22-3725, and amendments thereto, may receive
24 meritorious good time credits in increments of not more than 90 days per
25 meritorious act. These credits may be awarded by the secretary of
26 corrections when an inmate has acted in a heroic or outstanding manner in
27 coming to the assistance of another person in a life-threatening situation,
28 preventing injury or death to a person, preventing the destruction of
29 property or taking actions that result in a financial savings to the state.

30 ~~(u)~~ The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C)
31 and (d)(1)(E) shall be applied retroactively as provided in subsection(u).

32 ~~(v)~~ For offenders sentenced prior to July 1, 2014, who are eligible
33 for modification of their postrelease supervision obligation, the department
34 of corrections shall modify the period of postrelease supervision as
35 provided for by this section:

36 (1) On or before September 1, 2013, for offenders convicted of:

37 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
38 for nondrug crimes;

39 (B) severity level 4 crimes on the sentencing guidelines grid for drug
40 crimes committed prior to July 1, 2012; and

41 (C) severity level 5 crimes on the sentencing guidelines grid for drug
42 crimes committed on and after July 1, 2012;

43 (2) on or before November 1, 2013, for offenders convicted of:

1 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
2 grid for nondrug crimes;

3 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
4 committed prior to July 1, 2012; and

5 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
6 committed on or after July 1, 2012; and

7 (3) on or before January 1, 2014, for offenders convicted of:

8 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
9 guidelines grid for nondrug crimes;

10 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
11 for drug crimes committed at any time; and

12 (C) severity level 3 crimes on the sentencing guidelines grid for drug
13 crimes committed on or after July 1, 2012.

14 ~~(v)~~(w) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
15 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
16 crimes committed on or after July 1, 2006, shall be placed on parole for
17 life and shall not be discharged from supervision by the prisoner review
18 board. When the board orders the parole of an inmate pursuant to this
19 subsection, the board shall order as a condition of parole that the inmate be
20 electronically monitored for the duration of the inmate's natural life.

21 ~~(w)~~(x) Whenever the prisoner review board orders a person to be
22 electronically monitored pursuant to this section, or the court orders a
23 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and
24 amendments thereto, the board shall order the person to reimburse the state
25 for all or part of the cost of such monitoring. In determining the amount
26 and method of payment of such sum, the board shall take account of the
27 financial resources of the person and the nature of the burden that the
28 payment of such sum will impose.

29 ~~(x)~~(y) (1) On and after July 1, 2012, for any inmate who is a sex
30 offender, as defined in K.S.A. 22-4902, and amendments thereto,
31 whenever the prisoner review board orders the parole of such inmate or
32 establishes conditions for such inmate placed on postrelease supervision,
33 such inmate shall agree in writing to not possess pornographic materials.

34 (A) As used in this subsection, "pornographic materials" means any
35 obscene material or performance depicting sexual conduct, sexual contact
36 or a sexual performance; and any visual depiction of sexually explicit
37 conduct.

38 (B) As used in this subsection, all other terms have the meanings
39 provided by K.S.A. 21-5510, and amendments thereto.

40 (2) The provisions of this subsection shall be applied retroactively to
41 every sex offender, as defined in K.S.A. 22-4902, and amendments
42 thereto, who is on parole or postrelease supervision on July 1, 2012. The
43 prisoner review board shall obtain the written agreement required by this

1 subsection from such offenders as soon as practicable.

2 Sec. 6. K.S.A. 21-5706 and 21-5709 and K.S.A. 2024 Supp. 21-6607
3 and 22-3717 are hereby repealed.

4 Sec. 7. This act shall take effect and be in force from and after its
5 publication in the statute book.