

HOUSE BILL No. 2325

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to the calculation of good time credits for inmates on postrelease
3 supervision; amending K.S.A. 2010 Supp. 22-3717 and section 302 of
4 chapter 136 of the 2010 Session Laws of Kansas and repealing the
5 existing sections; also repealing K.S.A. 2010 Supp. 22-3717c.

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

8 Section 1. Section 302 of chapter 136 of the 2010 Session Laws of
9 Kansas is hereby amended to read as follows: Sec. 302. (a) The secretary
10 of corrections is hereby authorized to adopt rules and regulations
11 providing for a system of good time calculations. Such rules and
12 regulations shall provide circumstances upon which an inmate may earn
13 good time credits and for the forfeiture of earned credits. Such
14 circumstances may include factors related to program and work
15 participation and conduct and the inmate's willingness to examine and
16 confront past behavioral patterns that resulted in the commission of the
17 inmate's crimes.

18 (b) For purposes of determining release of an inmate, the following
19 shall apply with regard to good time calculations:

20 (1) Good behavior by inmates is the expected norm and negative
21 behavior will be punished; and

22 (2) the amount of good time which can be earned by an inmate and
23 subtracted from any sentence is limited to:

24 (A) For a crime committed on or after July 1, 1993, an amount equal
25 to 15% of the prison part of the sentence; or

26 (B) for a drug severity level 3 or 4 or a nondrug severity level 7
27 through 10 crime committed on or after January 1, 2008, an amount equal
28 to 20% of the prison part of the sentence.

29 (c) Any time which is earned and subtracted from the prison part of
30 the sentence of any inmate pursuant to good time calculation shall be
31 added to such inmate's postrelease supervision term.

32 (d) An inmate shall not be awarded good time credits pursuant to
33 this section for any review period established by the secretary of
34 corrections in which a court finds that the inmate has done any of the
35 following while in the custody of the secretary of corrections:

36 (1) Filed a false or malicious action or claim with the court;

1 (2) brought an action or claim with the court solely or primarily for
2 delay or harassment;

3 (3) testified falsely or otherwise submitted false evidence or
4 information to the court;

5 (4) attempted to create or obtain a false affidavit, testimony or
6 evidence; or

7 (5) abused the discovery process in any judicial action or
8 proceeding.

9 (e) (1) For purposes of determining release of an inmate who is
10 serving only a sentence for a nondrug severity level 4 through 10 crime or
11 a drug severity level 3 or 4 crime committed on or after January 1, 2008,
12 the secretary of corrections is hereby authorized to adopt rules and
13 regulations regarding program credit calculations. Such rules and
14 regulations shall provide circumstances upon which an inmate may earn
15 program credits and for the forfeiture of earned credits and such
16 circumstances may include factors substantially related to program
17 participation and conduct. In addition to any good time credits earned and
18 retained, the following shall apply with regard to program credit
19 calculations:

20 (A) A system shall be developed whereby program credits may be
21 earned by inmates for the successful completion of requirements for a
22 general education diploma, a technical or vocational training program, a
23 substance abuse treatment program or any other program designated by
24 the secretary which has been shown to reduce offender's risk after release;
25 and

26 (B) the amount of time which can be earned and retained by an
27 inmate for the successful completion of programs and subtracted from
28 any sentence is limited to not more than 60 days.

29 ~~(2) Any time which is earned and subtracted from the prison part of~~
30 ~~the sentence of any inmate pursuant to program credit calculation shall be~~
31 ~~added to such inmate's postrelease supervision obligation, if applicable.~~

32 ~~(3)~~—When separate sentences of imprisonment for different crimes
33 are imposed on a defendant on the same date, a defendant shall only be
34 eligible for program credits if such crimes are a nondrug severity level 4
35 through 10 or a drug severity level 3 or 4.

36 ~~(4)~~ (3) Program credits shall not be earned by any offender
37 successfully completing a sex offender treatment program.

38 ~~(5)~~ (4) The secretary of corrections shall report to the Kansas
39 sentencing commission and the Kansas reentry policy council the data on
40 the program credit calculations.

41 Sec. 2. K.S.A. 2010 Supp. 22-3717 is hereby amended to read as
42 follows: 22-3717. (a) Except as otherwise provided by this section;
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*; K.S.A. 21-4624, *prior to its repeal*; K.S.A.
2 21-4642, *prior to its repeal*; sections 260, 263, 264 and 265 of chapter
3 136 of the 2010 Session Laws of Kansas, and amendments thereto; K.S.A.
4 8-1567, and amendments thereto; ~~K.S.A. 21-4642~~ section 266 of chapter
5 136 of the 2010 Session Laws of Kansas, and amendments thereto; and
6 ~~K.S.A. 21-4624~~ section 257 of chapter 136 of the 2010 Session Laws of
7 Kansas, and amendments thereto, an inmate, including an inmate
8 sentenced pursuant to K.S.A. 21-4618, *prior to its repeal*, or section 276
9 of chapter 136 of the 2010 Session Laws of Kansas, and amendments
10 thereto, shall be eligible for parole after serving the entire minimum
11 sentence imposed by the court, less good time credits.

12 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638,
13 *prior to their repeal*, and sections 260, 263, 264 and 265 of chapter 136
14 of the 2010 Session Laws of Kansas, and amendments thereto, an inmate
15 sentenced to imprisonment for the crime of capital murder, or an inmate
16 sentenced for the crime of murder in the first degree based upon a finding
17 of premeditated murder, committed on or after July 1, 1994, shall be
18 eligible for parole after serving 25 years of confinement, without
19 deduction of any good time credits.

20 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
21 Supp. 21-4628, *prior to its repeal*, and K.S.A. 21-4635 through 21-4638,
22 *prior to their repeal*, and sections 260, 263, 264 and 265 of chapter 136
23 of the 2010 Session Laws of Kansas, and amendments thereto, an inmate
24 sentenced to imprisonment for an off-grid offense committed on or after
25 July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after
26 serving 15 years of confinement, without deduction of any good time
27 credits and an inmate sentenced to imprisonment for an off-grid offense
28 committed on or after July 1, 1999, shall be eligible for parole after
29 serving 20 years of confinement without deduction of any good time
30 credits.

31 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its
32 repeal, an inmate sentenced for a class A felony committed before July 1,
33 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior to*
34 *its repeal*, or section 276 of chapter 136 of the 2010 Session Laws of
35 Kansas, and amendments thereto, shall be eligible for parole after
36 serving 15 years of confinement, without deduction of any good time
37 credits.

38 (4) An inmate sentenced to imprisonment for a violation of
39 subsection (a) of K.S.A. 21-3402, *prior to its repeal*, or subsection (a) of
40 section 38 of chapter 136 of the 2010 Session Laws of Kansas, and
41 amendments thereto, committed on or after July 1, 1996, but prior to July
42 1, 1999, shall be eligible for parole after serving 10 years of confinement
43 without deduction of any good time credits.

1 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
2 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
3 *Session Laws of Kansas*, and amendments thereto, committed on or after
4 July 1, 2006, shall be eligible for parole after serving the mandatory term
5 of imprisonment without deduction of any good time credits.

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

10 (A) The aggregate minimum sentences, as determined pursuant to
11 K.S.A. 21-4608, *prior to its repeal, or section 246 of chapter 136 of the*
12 *2010 Session Laws of Kansas*, and amendments thereto, less good time
13 credits for those crimes which are not class A felonies; and

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

16 (2) (A) If an inmate is sentenced to imprisonment pursuant to K.S.A.
17 21-4643, ~~and amendments thereto~~ *prior to its repeal*, for crimes
18 committed on or after July 1, 2006, *but prior to July 1, 2011*, the inmate
19 shall be eligible for parole after serving the mandatory term of
20 imprisonment.

21 (B) *If an inmate is sentenced to imprisonment pursuant to section*
22 *267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
23 *thereto, for crimes committed on or after July 1, 2011, the inmate shall be*
24 *eligible for parole after serving the mandatory term of imprisonment.*

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

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

35 (B) Except as provided in subparagraphs (D) and (E), persons
36 sentenced for nondrug severity levels 5 and 6 crimes and drug severity
37 level 3 crimes must serve 24 months; ~~plus the amount of good time and~~
38 ~~program credit earned and retained pursuant to K.S.A. 21-4722 section;~~
39 ~~and amendments thereto, on postrelease supervision.~~

40 (C) Except as provided in subparagraphs (D) and (E), persons
41 sentenced for nondrug severity level 7 through 10 crimes and drug
42 severity level 4 crimes must serve 12 months; ~~plus the amount of good~~
43 ~~time and program credit earned and retained pursuant to K.S.A. 21-4722,~~

1 ~~section, and amendments thereto~~, on postrelease supervision.

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

9 (ii) If the sentencing judge departs from the presumptive postrelease
10 supervision period, the judge shall state on the record at the time of
11 sentencing the substantial and compelling reasons for the departure.
12 Departures in this section are subject to appeal pursuant to K.S.A. 21-
13 4721, *prior to its repeal, or section 301 of chapter 136 of the 2010*
14 *Session Laws of Kansas*, and amendments thereto.

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

17 (a) Written briefs or oral arguments submitted by either the
18 defendant or the state;

19 (b) any evidence received during the proceeding;

20 (c) the presentence report, the victim's impact statement and any
21 psychological evaluation as ordered by the court pursuant to subsection
22 (e) of K.S.A. 21-4714, *prior to its repeal, or subsection (e) of section 294*
23 *of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
24 thereto; and

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

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

30 (v) In carrying out the provisions of subparagraph (d)(1)(D), the
31 court shall refer to K.S.A. 21-4718, *prior to its repeal, or section 298 of*
32 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments
33 thereto.

34 (vi) Upon petition, the parole board may provide for early discharge
35 from the postrelease supervision period upon completion of court ordered
36 programs and completion of the presumptive postrelease supervision
37 period, as determined by the crime of conviction, pursuant to
38 subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
39 postrelease supervision is at the discretion of the parole board.

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

1 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, *prior to their*
2 *repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas,*
3 and amendments thereto, shall be required to participate in a treatment
4 program for sex offenders during the postrelease supervision period.

5 (E) The period of postrelease supervision provided in subparagraphs
6 (A) and (B) may be reduced by up to 12 months and the period of
7 postrelease supervision provided in subparagraph (C) may be reduced by
8 up to six months based on the offender's compliance with conditions of
9 supervision and overall performance while on postrelease supervision.
10 The reduction in the supervision period shall be on an earned basis
11 pursuant to rules and regulations adopted by the secretary of corrections.

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

17 (G) Except as provided in subsection (u), persons convicted of a
18 sexually violent crime committed on or after July 1, 2006, and who are
19 released from prison, shall be released to a mandatory period of
20 postrelease supervision for the duration of the person's natural life.

21 (2) As used in this section, "sexually violent crime" means:

22 (A) Rape, K.S.A. 21-3502, *prior to its repeal, or section 67 of*
23 *chapter 136 of the 2010 Session Laws of Kansas,* and amendments
24 thereto;

25 (B) indecent liberties with a child, K.S.A. 21-3503, *prior to its*
26 *repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session*
27 *Laws of Kansas,* and amendments thereto;

28 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, *prior*
29 *to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010*
30 *Session Laws of Kansas,* and amendments thereto;

31 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-
32 3505, *prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of*
33 *chapter 136 of the 2010 Session Laws of Kansas,* and amendments
34 thereto;

35 (E) aggravated criminal sodomy, K.S.A. 21-3506, *prior to its repeal,*
36 *or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws*
37 *of Kansas,* and amendments thereto;

38 (F) indecent solicitation of a child, K.S.A. 21-3510, *prior to its*
39 *repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session*
40 *Laws of Kansas,* and amendments thereto;

41 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511,
42 *prior to its repeal, or subsection (b) of section 72 of chapter 136 of the*
43 *2010 Session Laws of Kansas,* and amendments thereto;

1 (H) sexual exploitation of a child, K.S.A. 21-3516, *prior to its*
2 *repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas,*
3 *and amendments thereto;*

4 (I) aggravated sexual battery, K.S.A. 21-3518, *prior to its repeal, or*
5 *subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of*
6 *Kansas, and amendments thereto;*

7 (J) aggravated incest, K.S.A. 21-3603, *prior to its repeal, or*
8 *subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of*
9 *Kansas, and amendments thereto; or*

10 (K) 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 sections*
12 *33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas,* and
13 amendments thereto, of a sexually violent crime as defined in this section.

14 "Sexually motivated" means that one of the purposes for which the
15 defendant committed the crime was for the purpose of the defendant's
16 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 Kansas parole board
20 may postpone the inmate's parole eligibility date by assessing a penalty
21 not exceeding the period of time which 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
25 after 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,* and amendments thereto, the new sentence shall
30 not be aggregated with the old sentence, but shall begin when the person
31 is paroled or reaches the conditional release date on the old sentence. If
32 the offender was past the offender's conditional release date at the time
33 the new offense was committed, the new sentence shall not be aggregated
34 with the old sentence but shall begin when the person is ordered released
35 by the Kansas parole board or reaches the maximum sentence expiration
36 date on the old sentence, whichever is earlier. The new sentence shall
37 then be served as otherwise provided by law. The period of postrelease
38 supervision shall be based on the new sentence, except that those
39 offenders whose old sentence is a term of imprisonment for life, imposed
40 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an
41 indeterminate sentence with a maximum term of life imprisonment, for
42 which there is no conditional release or maximum sentence expiration
43 date, shall remain on postrelease supervision for life or until discharged

1 from supervision by the Kansas parole board.

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

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

1 determines appropriate, the Kansas parole board shall consider: (1)
2 Whether the inmate has satisfactorily completed the programs required by
3 any agreement entered under K.S.A. 75-5210a, and amendments thereto,
4 or any revision of such agreement; and (2) all pertinent information
5 regarding such inmate, including, but not limited to, the circumstances of
6 the offense of the inmate; the presentence report; the previous social
7 history and criminal record of the inmate; the conduct, employment, and
8 attitude of the inmate in prison; the reports of such physical and mental
9 examinations as have been made, including, but not limited to, risk
10 factors revealed by any risk assessment of the inmate; comments of the
11 victim and the victim's family including in person comments,
12 contemporaneous comments and prerecorded comments made by any
13 technological means; comments of the public; official comments; any
14 recommendation by the staff of the facility where the inmate is
15 incarcerated; proportionality of the time the inmate has served to the
16 sentence a person would receive under the Kansas sentencing guidelines
17 for the conduct that resulted in the inmate's incarceration; and capacity of
18 state correctional institutions.

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

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

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

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

36 (k) Parolees and persons on postrelease supervision shall be
37 assigned, upon release, to the appropriate level of supervision pursuant to
38 the criteria established by the secretary of corrections.

39 (l) The Kansas parole board shall adopt rules and regulations in
40 accordance with K.S.A. 77-415 et seq., and amendments thereto, not
41 inconsistent with the law and as it may deem proper or necessary, with
42 respect to the conduct of parole hearings, postrelease supervision reviews,
43 revocation hearings, orders of restitution, reimbursement of expenditures

1 by the state board of indigents' defense services and other conditions to
2 be imposed upon parolees or releasees. Whenever an order for parole or
3 postrelease supervision is issued it shall recite the conditions thereof.

4 (m) Whenever the Kansas parole board orders the parole of an
5 inmate or establishes conditions for an inmate placed on postrelease
6 supervision, the board:

7 (1) Unless it finds compelling circumstances which would render a
8 plan of payment unworkable, shall order as a condition of parole or
9 postrelease supervision that the parolee or the person on postrelease
10 supervision pay any transportation expenses resulting from returning the
11 parolee or the person on postrelease supervision to this state to answer
12 criminal charges or a warrant for a violation of a condition of probation,
13 assignment to a community correctional services program, parole,
14 conditional release or postrelease supervision;

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

20 (3) may order that the parolee or person on postrelease supervision
21 perform community or public service work for local governmental
22 agencies, private corporations organized not-for-profit or charitable or
23 social service organizations performing services for the community;

24 (4) may order the parolee or person on postrelease supervision to
25 pay the administrative fee imposed pursuant to K.S.A. 22-4529, and
26 amendments thereto, unless the board finds compelling circumstances
27 which would render payment unworkable; and

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

41 (n) If the court which sentenced an inmate specified at the time of
42 sentencing the amount and the recipient of any restitution ordered as a
43 condition of parole or postrelease supervision, the Kansas parole board

1 shall order as a condition of parole or postrelease supervision that the
2 inmate pay restitution in the amount and manner provided in the journal
3 entry unless the board finds compelling circumstances which would
4 render a plan of restitution unworkable.

5 (o) Whenever the Kansas parole board grants the parole of an
6 inmate, the board, within ~~40~~ 14 days of the date of the decision to grant
7 parole, shall give written notice of the decision to the county or district
8 attorney of the county where the inmate was sentenced.

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

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

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

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

26 (t) For offenders sentenced prior to the effective date of this act who
27 are eligible for modification of their postrelease supervision obligation,
28 the department of corrections shall modify the period of postrelease
29 supervision as provided for by this section for offenders convicted of
30 severity level 9 and 10 crimes on the sentencing guidelines grid for
31 nondrug crimes and severity level 4 crimes on the sentencing guidelines
32 grid for drug crimes on or before September 1, 2000; for offenders
33 convicted of severity level 7 and 8 crimes on the sentencing guidelines
34 grid for nondrug crimes on or before November 1, 2000; and for
35 offenders convicted of severity level 5 and 6 crimes on the sentencing
36 guidelines grid for nondrug crimes and severity level 3 crimes on the
37 sentencing guidelines grid for drug crimes on or before January 1, 2001.

38 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
39 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
40 *Session Laws of Kansas*, and amendments thereto, for crimes committed
41 on or after July 1, 2006, shall be placed on parole for life and shall not be
42 discharged from supervision by the Kansas parole board. When the board
43 orders the parole of an inmate pursuant to this subsection, the board shall

1 order as a condition of parole that the inmate be electronically monitored
2 for the duration of the inmate's natural life.

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

9 Sec. 3. K.S.A. 2010 Supp. 22-3717 and 22-3717c and section 302
10 of chapter 136 of the 2010 Session Laws of Kansas are hereby repealed.

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

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