

Substitute for SENATE BILL No. 159

By Committee on Judiciary

3-21

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to conditions of release; searches of parolees and persons on
3 postrelease supervision; conditions for sex offenders; conditions for
4 persons on probation; amending K.S.A. 2010 Supp. 22-3717 and
5 section 247 of chapter 136 of the 2010 Session Laws of Kansas and
6 repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-
7 4610a and 22-3717c.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2010 Supp. 22-3717 is hereby amended to read as
11 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
12 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638,
13 *prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642,*
14 *prior to its repeal; sections 257, 260, 263, 264, 265 and 266 of chapter*
15 *136 of the 2010 Session Laws of Kansas, and amendments thereto; and*
16 *K.S.A. 8-1567, and amendments thereto; ~~K.S.A. 21-4642, and~~*
17 *~~amendments thereto; and K.S.A. 21-4624, and amendments thereto,~~* an
18 inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior*
19 *to its repeal, or section 276 of chapter 136 of the 2010 Session Laws of*
20 *Kansas, and amendments thereto, shall be eligible for parole after serving*
21 the entire minimum sentence imposed by the court, less good time credits.

22 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, *prior*
23 *to their repeal, and sections 260, 263, 264 and 265 of chapter 136 of the*
24 *2010 Session Laws of Kansas, and amendments thereto, an inmate*
25 *sentenced to imprisonment for the crime of capital murder, or an inmate*
26 *sentenced for the crime of murder in the first degree based upon a finding*
27 *of premeditated murder, committed on or after July 1, 1994, shall be*
28 *eligible for parole after serving 25 years of confinement, without*
29 *deduction of any good time credits.*

30 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
31 Supp. 21-4628, prior to its repeal, ~~and~~ K.S.A. 21-4635 through 21-4638,
32 *prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136 of*
33 *the 2010 Session Laws of Kansas, and amendments thereto, an inmate*
34 *sentenced to imprisonment for an off-grid offense committed on or after*
35 *July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after*
36 *servng 15 years of confinement, without deduction of any good time*

1 credits and an inmate sentenced to imprisonment for an off-grid offense
2 committed on or after July 1, 1999, shall be eligible for parole after
3 serving 20 years of confinement without deduction of any good time
4 credits.

5 (3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
6 repeal, an inmate sentenced for a class A felony committed before July 1,
7 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior to*
8 *its repeal, or section 276 of chapter 136 of the 2010 Session Laws of*
9 *Kansas*, and amendments thereto, shall be eligible for parole after serving
10 15 years of confinement, without deduction of any good time credits.

11 (4) An inmate sentenced to imprisonment for a violation of
12 subsection (a) of K.S.A. 21-3402, *prior to its repeal, and amendments*
13 ~~thereto~~, committed on or after July 1, 1996, but prior to July 1, 1999, shall
14 be eligible for parole after serving 10 years of confinement without
15 deduction of any good time credits.

16 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
17 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010 Session*
18 *Laws of Kansas*, and amendments thereto, committed on or after July 1,
19 2006, shall be eligible for parole after serving the mandatory term of
20 imprisonment without deduction of any good time credits.

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

25 (A) The aggregate minimum sentences, as determined pursuant to
26 K.S.A. 21-4608, *prior to its repeal, or section 246 of chapter 136 of the*
27 *2010 Session Laws of Kansas*, and amendments thereto, less good time
28 credits for those crimes which are not class A felonies; and

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

31 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
32 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010 Session*
33 *Laws of Kansas*, and amendments thereto, for crimes committed on or
34 after July 1, 2006, the inmate shall be eligible for parole after serving the
35 mandatory term of imprisonment.

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

41 (A) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity level 1 through 4 crimes and drug severity
43 levels 1 and 2 crimes must serve 36 months, plus the amount of good time

1 and program credit earned and retained pursuant to K.S.A. 21-4722, *prior*
2 *to its repeal, or section 302 of chapter 136 of the 2010 Session Laws of*
3 *Kansas*, and amendments thereto, on postrelease supervision.

4 (B) Except as provided in subparagraphs (D) and (E), persons
5 sentenced for nondrug severity levels 5 and 6 crimes and drug severity
6 level 3 crimes must serve 24 months, plus the amount of good time and
7 program credit earned and retained pursuant to K.S.A. 21-4722, *prior to*
8 *its repeal, or section 302 of chapter 136 of the 2010 Session Laws of*
9 *Kansas*, and amendments thereto, on postrelease supervision.

10 (C) Except as provided in subparagraphs (D) and (E), persons
11 sentenced for nondrug severity level 7 through 10 crimes and drug severity
12 level 4 crimes must serve 12 months, plus the amount of good time and
13 program credit earned and retained pursuant to K.S.A. 21-4722, *prior to*
14 *its repeal, or section 302 of chapter 136 of the 2010 Session Laws of*
15 *Kansas*, and amendments thereto, on postrelease supervision.

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

22 (ii) If the sentencing judge departs from the presumptive postrelease
23 supervision period, the judge shall state on the record at the time of
24 sentencing the substantial and compelling reasons for the departure.
25 Departures in this section are subject to appeal pursuant to K.S.A. 21-
26 4721, *prior to its repeal, or section 301 of chapter 136 of the 2010 Session*
27 *Laws of Kansas*, and amendments thereto.

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

30 (a) Written briefs or oral arguments submitted by either the defendant
31 or the state;

32 (b) any evidence received during the proceeding;

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

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

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

43 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court

1 shall refer to K.S.A. 21-4718, *prior to its repeal, or section 298 of chapter*
2 *136 of the 2010 Session Laws of Kansas*, and amendments thereto.

3 (vi) Upon petition, the parole board may provide for early discharge
4 from the postrelease supervision period upon completion of court ordered
5 programs and completion of the presumptive postrelease supervision
6 period, as determined by the crime of conviction, pursuant to subparagraph
7 (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease
8 supervision is at the discretion of the parole board.

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

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

16 (E) The period of postrelease supervision provided in subparagraphs
17 (A) and (B) may be reduced by up to 12 months and the period of
18 postrelease supervision provided in subparagraph (C) may be reduced by
19 up to six months based on the offender's compliance with conditions of
20 supervision and overall performance while on postrelease supervision. The
21 reduction in the supervision period shall be on an earned basis pursuant to
22 rules and regulations adopted by the secretary of corrections.

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

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

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

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

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

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

41 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,
42 *prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of chapter*
43 *136 of the 2010 Session Laws of Kansas*, and amendments thereto;

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

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

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

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

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

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

19 (K) an attempt, conspiracy or criminal solicitation, as defined in
20 K.S.A. 21-3301, 21-3302 or 21-3303, *prior to their repeal, or sections 33,*
21 *34 or 35 of chapter 136 of the 2010 Session Laws of Kansas,*
22 and amendments thereto, of a sexually violent crime as defined in this section.

23 "Sexually motivated" means that one of the purposes for which the
24 defendant committed the crime was for the purpose of the defendant's
25 sexual gratification.

26 (e) If an inmate is sentenced to imprisonment for a crime committed
27 while on parole or conditional release, the inmate shall be eligible for
28 parole as provided by subsection (c), except that the Kansas parole board
29 may postpone the inmate's parole eligibility date by assessing a penalty not
30 exceeding the period of time which could have been assessed if the
31 inmate's parole or conditional release had been violated for reasons other
32 than conviction of a crime.

33 (f) If a person is sentenced to prison for a crime committed on or after
34 July 1, 1993, while on probation, parole, conditional release or in a
35 community corrections program, for a crime committed prior to July 1,
36 1993, and the person is not eligible for retroactive application of the
37 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
38 4724, *prior to its repeal, and amendments thereto,* the new sentence shall
39 not be aggregated with the old sentence, but shall begin when the person is
40 paroled or reaches the conditional release date on the old sentence. If the
41 offender was past the offender's conditional release date at the time the
42 new offense was committed, the new sentence shall not be aggregated with
43 the old sentence but shall begin when the person is ordered released by the

1 Kansas parole board or reaches the maximum sentence expiration date on
2 the old sentence, whichever is earlier. The new sentence shall then be
3 served as otherwise provided by law. The period of postrelease supervision
4 shall be based on the new sentence, except that those offenders whose old
5 sentence is a term of imprisonment for life, imposed pursuant to K.S.A.
6 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with
7 a maximum term of life imprisonment, for which there is no conditional
8 release or maximum sentence expiration date, shall remain on postrelease
9 supervision for life or until discharged from supervision by the Kansas
10 parole board.

11 (g) Subject to the provisions of this section, the Kansas parole board
12 may release on parole those persons confined in institutions who are
13 eligible for parole when: (1) The board believes that the inmate should be
14 released for hospitalization, for deportation or to answer the warrant or
15 other process of a court and is of the opinion that there is reasonable
16 probability that the inmate can be released without detriment to the
17 community or to the inmate; or (2) the secretary of corrections has
18 reported to the board in writing that the inmate has satisfactorily
19 completed the programs required by any agreement entered under K.S.A.
20 75-5210a, and amendments thereto, or any revision of such agreement, and
21 the board believes that the inmate is able and willing to fulfill the
22 obligations of a law abiding citizen and is of the opinion that there is
23 reasonable probability that the inmate can be released without detriment to
24 the community or to the inmate. Parole shall not be granted as an award of
25 clemency and shall not be considered a reduction of sentence or a pardon.

26 (h) The Kansas parole board shall hold a parole hearing at least the
27 month prior to the month an inmate will be eligible for parole under
28 subsections (a), (b) and (c). At least the month preceding the parole
29 hearing, the county or district attorney of the county where the inmate was
30 convicted shall give written notice of the time and place of the public
31 comment sessions for the inmate to any victim of the inmate's crime who
32 is alive and whose address is known to the county or district attorney or, if
33 the victim is deceased, to the victim's family if the family's address is
34 known to the county or district attorney. Except as otherwise provided,
35 failure to notify pursuant to this section shall not be a reason to postpone a
36 parole hearing. In the case of any inmate convicted of an off-grid felony or
37 a class A felony the secretary of corrections shall give written notice of the
38 time and place of the public comment session for such inmate at least one
39 month preceding the public comment session to any victim of such
40 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
41 amendments thereto. If notification is not given to such victim or such
42 victim's family in the case of any inmate convicted of an off-grid felony or
43 a class A felony, the board shall postpone a decision on parole of the

1 inmate to a time at least 30 days after notification is given as provided in
2 this section. Nothing in this section shall create a cause of action against
3 the state or an employee of the state acting within the scope of the
4 employee's employment as a result of the failure to notify pursuant to this
5 section. If granted parole, the inmate may be released on parole on the date
6 specified by the board, but not earlier than the date the inmate is eligible
7 for parole under subsections (a), (b) and (c). At each parole hearing and, if
8 parole is not granted, at such intervals thereafter as it determines
9 appropriate, the Kansas parole board shall consider: (1) Whether the
10 inmate has satisfactorily completed the programs required by any
11 agreement entered under K.S.A. 75-5210a, and amendments thereto, or
12 any revision of such agreement; and (2) all pertinent information regarding
13 such inmate, including, but not limited to, the circumstances of the offense
14 of the inmate; the presentence report; the previous social history and
15 criminal record of the inmate; the conduct, employment, and attitude of the
16 inmate in prison; the reports of such physical and mental examinations as
17 have been made, including, but not limited to, risk factors revealed by any
18 risk assessment of the inmate; comments of the victim and the victim's
19 family including in person comments, contemporaneous comments and
20 prerecorded comments made by any technological means; comments of
21 the public; official comments; any recommendation by the staff of the
22 facility where the inmate is incarcerated; proportionality of the time the
23 inmate has served to the sentence a person would receive under the Kansas
24 sentencing guidelines for the conduct that resulted in the inmate's
25 incarceration; and capacity of state correctional institutions.

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

36 (j) (1) Before ordering the parole of any inmate, the Kansas parole
37 board shall have the inmate appear either in person or via a video
38 conferencing format and shall interview the inmate unless impractical
39 because of the inmate's physical or mental condition or absence from the
40 institution. Every inmate while on parole shall remain in the legal custody
41 of the secretary of corrections and is subject to the orders of the secretary.
42 Whenever the Kansas parole board formally considers placing an inmate
43 on parole and no agreement has been entered into with the inmate under

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

34 (2) Inmates sentenced for a class A or class B felony who have not
35 had a parole board hearing in the five years prior to July 1, 2010, shall
36 have such inmates' cases reviewed by the parole board on or before July 1,
37 2012. Such review shall begin with the inmates with the oldest deferral
38 date and progress to the most recent. Such review shall be done utilizing
39 existing resources unless the parole board determines that such resources
40 are insufficient. If the parole board determines that such resources are
41 insufficient, then the provisions of this paragraph are subject to
42 appropriations therefor.

43 (k) Parolees and persons on postrelease supervision shall be assigned,

1 upon release, to the appropriate level of supervision pursuant to the criteria
2 established by the secretary of corrections. *Parolees and persons on*
3 *postrelease supervision are, and shall agree in writing to be, subject to*
4 *search or seizure by a parole officer, special enforcement officer or other*
5 *law enforcement officer at any time of the day or night, with or without a*
6 *search warrant and with or without cause.*

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

15 (m) Whenever the Kansas parole board orders the parole of an inmate
16 or establishes conditions for an inmate placed on postrelease supervision,
17 the board:

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

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

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

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

39 (5) unless it finds compelling circumstances which would render a
40 plan of payment unworkable, shall order that the parolee or person on
41 postrelease supervision reimburse the state for all or part of the
42 expenditures by the state board of indigents' defense services to provide
43 counsel and other defense services to the person. In determining the

1 amount and method of payment of such sum, the parole board shall take
2 account of the financial resources of the person and the nature of the
3 burden that the payment of such sum will impose. Such amount shall not
4 exceed the amount claimed by appointed counsel on the payment voucher
5 for indigents' defense services or the amount prescribed by the board of
6 indigents' defense services reimbursement tables as provided in K.S.A. 22-
7 4522, and amendments thereto, whichever is less, minus any previous
8 payments for such services; *and*

9 (b) *shall order that the parolee or person on postrelease supervision*
10 *agree in writing to be subject to search or seizure by a parole officer,*
11 *special enforcement officer or other law enforcement officer at any time of*
12 *the day or night, with or without a search warrant and with or without*
13 *cause.*

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

21 (o) Whenever the Kansas parole board grants the parole of an inmate,
22 the board, within ~~10~~ 14 days of the date of the decision to grant parole,
23 shall give written notice of the decision to the county or district attorney of
24 the county where the inmate was sentenced.

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

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

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

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

42 (t) For offenders sentenced prior to the effective date of this act who
43 are eligible for modification of their postrelease supervision obligation, the

1 department of corrections shall modify the period of postrelease
2 supervision as provided for by this section for offenders convicted of
3 severity level 9 and 10 crimes on the sentencing guidelines grid for
4 nondrug crimes and severity level 4 crimes on the sentencing guidelines
5 grid for drug crimes on or before September 1, 2000; for offenders
6 convicted of severity level 7 and 8 crimes on the sentencing guidelines
7 grid for nondrug crimes on or before November 1, 2000; and for offenders
8 convicted of severity level 5 and 6 crimes on the sentencing guidelines
9 grid for nondrug crimes and severity level 3 crimes on the sentencing
10 guidelines grid for drug crimes on or before January 1, 2001.

11 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
12 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010 Session*
13 *Laws of Kansas*, and amendments thereto, for crimes committed on or
14 after July 1, 2006, shall be placed on parole for life and shall not be
15 discharged from supervision by the Kansas parole board. When the board
16 orders the parole of an inmate pursuant to this subsection, the board shall
17 order as a condition of parole that the inmate be electronically monitored
18 for the duration of the inmate's natural life.

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

25 (w) (1) *On and after July 1, 2011, for any inmate who is a sex*
26 *offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever*
27 *the Kansas parole board orders the parole of such inmate or establishes*
28 *conditions for such inmate placed on postrelease supervision, such inmate*
29 *shall agree in writing to not possess pornographic materials. As used in*
30 *this subsection, "pornographic materials" means:*

31 (A) *Any obscene material or performance depicting sexual conduct,*
32 *sexual contact or a sexual performance; and*

33 (B) *any visual depiction, including any photograph, film, video,*
34 *picture or computer or computer-generated image or picture, whether*
35 *made or produced by electronic, mechanical or other means, of sexually*
36 *explicit conduct.*

37 (2) *The provisions of this subsection shall be applied retroactively to*
38 *every sex offender, as defined in K.S.A. 22-4902, and amendments thereto,*
39 *who is on parole or postrelease supervision on July 1, 2011. The parole*
40 *board shall obtain the written agreement required by this subsection from*
41 *such offenders as soon as practicable.*

42 Sec. 2. Section 247 of chapter 136 of the 2010 Session Laws of
43 Kansas is hereby amended to read as follows: Sec. 247. (a) Except as

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

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

25 (1) Avoid such injurious or vicious habits, as directed by the court,
26 court services officer or community correctional services officer;

27 (2) avoid such persons or places of disreputable or harmful character,
28 as directed by the court, court services officer or community correctional
29 services officer;

30 (3) report to the court services officer or community correctional
31 services officer as directed;

32 (4) permit the court services officer or community correctional
33 services officer to visit the defendant at home or elsewhere;

34 (5) work faithfully at suitable employment insofar as possible;

35 (6) remain within the state unless the court grants permission to
36 leave;

37 (7) pay a fine or costs, applicable to the offense, in one or several
38 sums and in the manner as directed by the court;

39 (8) support the defendant's dependents;

40 (9) reside in a residential facility located in the community and
41 participate in educational, counseling, work and other correctional or
42 rehabilitative programs;

43 (10) perform community or public service work for local

1 governmental agencies, private corporations organized not for profit, or
2 charitable or social service organizations performing services for the
3 community;

4 (11) perform services under a system of day fines whereby the
5 defendant is required to satisfy fines, costs or reparation or restitution
6 obligations by performing services for a period of days, determined by the
7 court on the basis of ability to pay, standard of living, support obligations
8 and other factors;

9 (12) participate in a house arrest program pursuant to section 249 of
10 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto;

11 (13) order the defendant to pay the administrative fee authorized by
12 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

13 (14) in felony cases, except for violations of K.S.A. 8-1567, and
14 amendments thereto, be confined in a county jail not to exceed 60 days,
15 which need not be served consecutively.

16 (c) In addition to any other conditions of probation, suspension of
17 sentence or assignment to a community correctional services program, the
18 court shall order the defendant to comply with each of the following
19 conditions:

20 (1) The defendant shall obey all laws of the United States, the state of
21 Kansas and any other jurisdiction to the laws of which the defendant may
22 be subject;

23 (2) make reparation or restitution to the aggrieved party for the
24 damage or loss caused by the defendant's crime, in an amount and manner
25 determined by the court and to the person specified by the court, unless the
26 court finds compelling circumstances which would render a plan of
27 restitution unworkable. If the court finds a plan of restitution unworkable,
28 the court shall state on the record in detail the reasons therefore;

29 (3) (A) pay a ~~probation or community correctional~~
30 ~~services~~ *correctional supervision* fee of ~~\$25~~*\$60* if the person was convicted
31 of a misdemeanor or a fee of ~~\$50~~*\$120* if the person was convicted of a
32 felony. In any case the amount of the ~~probation or community correctional~~
33 ~~services~~ *correctional supervision* fee specified by this paragraph may be
34 reduced or waived by the judge if the person is unable to pay that amount;

35 (B) the ~~probation or community correctional services~~ *correctional*
36 *supervision* fee imposed by this paragraph shall be charged and collected
37 by the district court. The clerk of the district court shall remit all revenues
38 received under this paragraph from ~~probation or community correctional~~
39 ~~services~~ *correctional supervision* fees to the state treasurer in accordance
40 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
41 receipt of each such remittance, the state treasurer shall deposit the entire
42 amount in the state treasury to the credit of the state general fund, *a sum*
43 *equal to 41.67% of such remittance, and to the correctional supervision*

1 *fund, a sum equal to 58.33% of such remittance;*

2 *(C) this paragraph shall apply to persons placed on felony or*
3 *misdemeanor probation or released on misdemeanor parole to reside in*
4 *Kansas and supervised by Kansas court services officers under the*
5 *interstate compact for offender supervision; and*

6 ~~*(C)(D)*~~ *this paragraph shall not apply to persons placed on probation*
7 *or released on parole to reside in Kansas under the uniform act for out-of-*
8 *state parolee supervision; and*

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

27 *(5) be subject to searches of the defendant's person, effects, vehicle,*
28 *residence and property by court service officers, community correctional*
29 *services officers and other law enforcement officers based on reasonable*
30 *suspicion of the defendant violating conditions of probation or criminal*
31 *activity; and*

32 *(6) be subject to random, but reasonable, tests for drug and alcohol*
33 *consumption as ordered by a court services officer or community*
34 *correctional services officer.*

35 *(d) There is hereby established in the state treasury the correctional*
36 *supervision fund. All moneys credited to the correctional supervision fund*
37 *shall be used for the implementation of and training for use of a statewide,*
38 *mandatory, standardized risk assessment tool or instrument as specified by*
39 *the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and*
40 *amendments thereto, and for evidence-based offender supervision*
41 *programs by judicial branch personnel. If all expenditures for the program*
42 *have been paid and moneys remain in the correctional supervision fund*
43 *for a fiscal year, remaining moneys may be expended from the correctional*

1 *supervision fund to support offender supervision by court services officers.*
2 *All expenditures from the correctional supervision fund shall be made in*
3 *accordance with appropriation acts upon warrants of the director of*
4 *accounts and reports issued pursuant to vouchers approved by the chief*
5 *justice of the Kansas supreme court or by a person or persons designated*
6 *by the chief justice.*

7 Sec. 3. K.S.A. 2010 Supp. 21-4610a, 22-3717 and 22-3717c and
8 section 247 of chapter 136 of the 2010 Session Laws of Kansas are hereby
9 repealed.

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

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