

**SENATE BILL No. 231**

By Committee on Federal and State Affairs

3-9

1 AN ACT establishing the prisoner review board and transferring powers  
2 and duties from the Kansas parole board; relating to individuals in the  
3 custody of the secretary of corrections; amending K.S.A. 22-3706, 22-  
4 3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-  
5 4701, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 22-3717, 74-9101,  
6 75-4318, 75-5210a, 75-5217, 75-5266 and 77-603 and repealing the  
7 existing sections; also repealing K.S.A. 21-4602, 21-4603b, 21-4614,  
8 21-4703 and 46-3201 and K.S.A. 2010 Supp. 21-4608, 21-4619, 22-  
9 3707 and 22-3717c.

10

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

12 New Section 1. The Kansas parole board established by K.S.A. 22-  
13 3707 is hereby abolished. On July 1, 2011, the new Kansas parole board is  
14 hereby established. The new Kansas parole board shall be a continuation  
15 of the Kansas parole board. Except for revocation hearings and  
16 determinations made by the prisoner review board, as provided in section  
17 8, and amendments thereto, all of the powers, duties and functions of the  
18 existing Kansas parole board are hereby transferred to and imposed upon  
19 the new Kansas parole board.

20 New Sec. 2. (a) Except for revocation hearings and determinations  
21 made by the prisoner review board, as provided in section 8, and  
22 amendments thereto, the Kansas parole board shall be the successor in  
23 every way to the powers, duties and functions of the Kansas parole board  
24 in which the same were vested prior to July 1, 2011. Every act performed  
25 in the exercise of such powers, duties and functions by or under the  
26 authority of the new Kansas parole board shall be deemed to have the  
27 same force and effect as if performed by the Kansas parole board in which  
28 such powers, duties and functions were vested prior to July 1, 2011.

29 (b) Whenever the Kansas parole board, or words of like effect, are  
30 referred to or designated by a statute, contract, memorandum of  
31 understanding, plan, grant, waiver or other document, such reference or  
32 designation shall be deemed to apply to the new Kansas parole board  
33 established pursuant to section 1, et seq., and amendments thereto.

34 (c) All rules and regulations, orders and directives of the Kansas  
35 parole board that are in effect on the effective date of this act shall  
36 continue to be effective and shall be deemed to be rules and regulations,

1 orders and directives of the new Kansas parole board until revised,  
2 amended, revoked or nullified pursuant to law.

3 New Sec. 3. The new Kansas parole board shall succeed to all  
4 property, property rights and records of the Kansas parole board. Any  
5 conflict as to the proper disposition of property or records arising under  
6 this section, and resulting from any abolition or transfer of powers, duties  
7 and functions effected by or under authority of this act, shall be  
8 determined by the governor, whose decision shall be final.

9 New Sec. 4. On July 1, 2011, the balances of all funds or accounts  
10 thereof appropriated or reappropriated for the Kansas parole board are  
11 hereby transferred within the state treasury to the new Kansas parole board  
12 and shall be used only for the purpose for which the appropriation was  
13 originally made.

14 New Sec. 5. (a) Except as provided in subsection (c), the Kansas  
15 parole board shall consist of three members appointed by the governor,  
16 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and  
17 amendments thereto. Except as provided by K.S.A. 46-2601, and  
18 amendments thereto, no person shall exercise any power, duty or function  
19 as a member of the board until confirmed by the senate. The governor  
20 shall appoint one member of the board to serve as chairperson. No  
21 appointment to the board shall be made that would result in more than two  
22 members of the board being members of the same political party. The  
23 term of office of the members of the board shall be four years and until  
24 their successors are appointed and confirmed. If a vacancy occurs in the  
25 membership of the board before the expiration of the term of office, a  
26 successor shall be appointed for the remainder of the unexpired term in the  
27 same manner that original appointments are made. Each member of the  
28 board shall devote the member's full time to the duties of membership on  
29 the board.

30 (b) The governor may not remove any member of the Kansas parole  
31 board except for disability, neglect of duty or malfeasance in office.  
32 Before removal, the governor shall give the member a written copy of the  
33 charges against the member and shall fix the time when the member can be  
34 heard at a public hearing, which shall not be less than 14 days thereafter.  
35 Upon removal, the governor shall file in the office of the secretary of state  
36 a complete statement of all charges made against the member and the  
37 findings thereupon, with a complete record of the proceedings.

38 (c) Any member of the Kansas parole board abolished in section 1,  
39 and amendments thereto, whose term expires after June 30, 2011, may  
40 elect to serve the remainder of such member's term as a member of the  
41 new Kansas parole board established in section 1, et seq., and amendments  
42 thereto, and pursuant to the provisions of this act. Any member who  
43 chooses to serve the remainder of such member's term shall notify the

1 governor prior to June 15, 2011, of such member's intention to serve the  
2 remainder of such term. Such member shall not be subject to senate  
3 confirmation pursuant to K.S.A. 75-4315b, and amendments thereto. The  
4 governor shall appoint any vacancy in the new Kansas parole board  
5 occurring on July 1, 2011, pursuant to subsection (a).

6 New Sec. 6. No suit, action or other proceeding, judicial or  
7 administrative, lawfully commenced, or which could have been  
8 commenced, by or against the Kansas parole board or any officer of the  
9 state in such officer's official duties, shall abate by reason of the  
10 governmental reorganization effected under the provisions of this act. The  
11 court may allow any such suit, action or other proceeding to be maintained  
12 by or against the successors of the Kansas parole board or any officer  
13 affected.

14 New Sec. 7. On July 1, 2011, the prisoner review board is hereby  
15 established. The prisoner review board shall be administered under the  
16 supervision of the secretary of corrections. The prisoner review board  
17 shall consist of four members appointed by the secretary of corrections and  
18 all members shall serve at the pleasure of the secretary. The members of  
19 the prisoner review board shall be existing employees of the department  
20 of corrections.

21 New Sec. 8. (a) Except as provided in subsection (b), the prisoner  
22 review board shall have the duty and authority to review and determine all  
23 cases concerning the revocation of an inmate's parole, conditional release  
24 or postrelease supervision.

25 (b) The Kansas parole board shall have authority over any revocation  
26 of parole, conditional release or postrelease supervision. Hearings and  
27 determinations concerning such revocations shall only come before the  
28 parole board upon:

29 (1) Request by the parole board to the prisoner review board to hear  
30 and determine such revocation; or

31 (2) deferral of the revocation hearing and determination to the parole  
32 board by the prisoner review board.

33 Sec. 9. K.S.A. 22-3706 is hereby amended to read as follows: 22-  
34 3706. No person acting as agent or representative for an individual before  
35 the *Kansas parole board* for pardon, commutation of sentence, parole or  
36 revocation of parole, conditional release or postrelease supervision, *or*  
37 *before the prisoner review board for revocation of parole, conditional*  
38 *release or postrelease supervision*, shall contract for or receive a fee  
39 contingent upon a certain decision by ~~the~~ *either* board. Such agent or  
40 representative shall submit a statement on the applicant's behalf to the  
41 Kansas parole board *or prisoner review board, whichever is applicable*, in  
42 writing and shall submit therewith an affidavit stating such agent's  
43 representative's name; place of residence; the name of the applicant being

1 represented or has been represented; the fee, if any, paid to or to be paid to  
2 such agent or representative by any person for such services; that such fee  
3 is not or was not a contingent fee. If any person representing any applicant  
4 for pardon, commutation of sentence, or parole shall fail to file such  
5 affidavit the application shall not be considered. Any affidavit filed as  
6 provided in this section shall be a public record.

7 Sec. 10. K.S.A. 22-3708 is hereby amended to read as follows: 22-  
8 3708. (a) ~~(1)~~ The annual salary of ~~the chairperson~~ *each member* of the  
9 Kansas parole board shall be ~~an amount equal to the annual salary paid by~~  
10 ~~the state to a district judge designated as chief judge; and~~

11 ~~(2) the annual salary of each other member of the Kansas parole~~  
12 ~~board shall be an amount which is \$2,465 less than the annual salary of the~~  
13 ~~chairperson. \$75,000.~~

14 (b) Members of the Kansas parole board shall be allowed all actual  
15 travel and necessary expenses incurred while in the discharge of official  
16 duties.

17 Sec. 11. K.S.A. 22-3709 is hereby amended to read as follows: 22-  
18 3709. ~~The chairperson and vice chairperson of the Kansas parole board~~  
19 ~~shall be designated by the governor.~~ The chairperson of the *Kansas parole*  
20 board shall have the authority to organize and administer the activities of  
21 the board, *subject to the provisions of section 8, and amendments thereto.*  
22 The chairperson of the board may designate panels, consisting of two  
23 members of the board, which shall have the full authority and power of the  
24 board to order the denial, grant or revocation of an inmate's parole or  
25 conditional release, or for crimes committed on or after July 1, 1993, grant  
26 parole for off-grid crimes or revocation of postrelease supervision or to  
27 order the revocation of an inmate's conditional release, upon hearing by  
28 one or more members of the panel, and by a majority vote of the board.

29 Sec. 12. K.S.A. 22-3711 is hereby amended to read as follows: 22-  
30 3711. The presentence report, the preparole report, the pre-postrelease  
31 supervision report and the supervision history, obtained in the discharge of  
32 official duty by any member or employee of the Kansas parole board, *the*  
33 *prisoner review board* or any employee of the department of corrections,  
34 shall be privileged and shall not be disclosed directly or indirectly to  
35 anyone other than the parole board, *the prisoner review board*, the judge,  
36 the attorney general or others entitled to receive the information, except  
37 that the parole board, *the prisoner review board*, secretary of corrections or  
38 court may permit the inspection of the report or parts of it by the  
39 defendant, inmate, defendant's or inmate's attorney or other person having  
40 a proper interest in it, whenever the best interest or welfare of a particular  
41 defendant or inmate makes the action desirable or helpful.

42 Sec. 13. K.S.A. 22-3713 is hereby amended to read as follows: 22-  
43 3713. (a) The *Kansas* parole board may authorize one or more of its

1 members to conduct hearings on behalf of the parole board.

2 (b) The secretary of corrections shall provide the Kansas parole  
3 board with necessary personnel and accounting services.

4 (c) *The prisoner review board shall assist the Kansas parole board in*  
5 *the gathering and analysis of information regarding an inmate.*

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

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

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

39 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its  
40 repeal, an inmate sentenced for a class A felony committed before July 1,  
41 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior to*  
42 *its repeal, or section 276 of chapter 136 of the 2010 Session Laws of*  
43 *Kansas, and amendments thereto, shall be eligible for parole after serving*

1 15 years of confinement, without deduction of any good time credits.

2 (4) An inmate sentenced to imprisonment for a violation of  
3 subsection (a) of K.S.A. 21-3402, *prior to its repeal, or subsection (a) of*  
4 *section 38 of chapter 136 of the 2010 Session Laws of Kansas*, and  
5 amendments thereto, committed on or after July 1, 1996, but prior to July  
6 1, 1999, shall be eligible for parole after serving 10 years of confinement  
7 without deduction of any good time credits.

8 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
9 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010 Session*  
10 *Laws of Kansas*, and amendments thereto, committed on or after July 1,  
11 2006, shall be eligible for parole after serving the mandatory term of  
12 imprisonment without deduction of any good time credits.

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

17 (A) The aggregate minimum sentences, as determined pursuant to  
18 K.S.A. 21-4608, *prior to its repeal, or section 246 of chapter 136 of the*  
19 *2010 Session Laws of Kansas*, and amendments thereto, less good time  
20 credits for those crimes which are not class A felonies; and

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

23 (2) (A) If an inmate is sentenced to imprisonment pursuant to K.S.A.  
24 21-4643, ~~and amendments thereto~~ *prior to its repeal*, for crimes committed  
25 on or after July 1, 2006, *but prior to July 1, 2011*, the inmate shall be  
26 eligible for parole after serving the mandatory term of imprisonment.

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

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

36 (A) Except as provided in subparagraphs (D) and (E), persons  
37 sentenced for nondrug severity level 1 through 4 crimes and drug severity  
38 levels 1 and 2 crimes must serve 36 months, plus the amount of good time  
39 and program credit earned and retained pursuant to K.S.A. 21-4722, prior  
40 to its repeal, or section 302 of chapter 136 of the 2010 Session Laws of  
41 Kansas, and amendments thereto, on postrelease supervision.

42 (B) Except as provided in subparagraphs (D) and (E), persons  
43 sentenced for nondrug severity levels 5 and 6 crimes and drug severity

1 level 3 crimes must serve 24 months, plus the amount of good time and  
2 program credit earned and retained pursuant to K.S.A. 21-4722, prior to its  
3 repeal, or section 302 of chapter 136 of the 2010 Session Laws of Kansas,  
4 and amendments thereto, on postrelease supervision.

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

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

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

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

25 (a) Written briefs or oral arguments submitted by either the defendant  
26 or the state;

27 (b) any evidence received during the proceeding;

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

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

34 (iv) The sentencing judge may order that a psychological evaluation  
35 be prepared and the recommended programming be completed by the  
36 offender. The ~~department~~ *secretary* of corrections or the *Kansas* parole  
37 board shall ensure that court ordered sex offender treatment be carried out.

38 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court  
39 shall refer to K.S.A. 21-4718, *prior to its repeal, or section 298 of chapter*  
40 *136 of the 2010 Session Laws of Kansas*, and amendments thereto.

41 (vi) Upon petition, the parole board may provide for early discharge  
42 from the postrelease supervision period upon completion of court ordered  
43 programs and completion of the presumptive postrelease supervision

1 period, as determined by the crime of conviction, pursuant to subparagraph  
2 (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease  
3 supervision is at the discretion of the ~~parole~~ board.

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

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

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

18 (F) In cases where sentences for crimes from more than one severity  
19 level have been imposed, the offender shall serve the longest period of  
20 postrelease supervision as provided by this section available for any crime  
21 upon which sentence was imposed irrespective of the severity level of the  
22 crime. Supervision periods ~~will~~ *shall* not aggregate.

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

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

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

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

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

36 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,  
37 *prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of chapter*  
38 *136 of the 2010 Session Laws of Kansas,* and amendments thereto;

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

42 (F) indecent solicitation of a child, K.S.A. 21-3510, *prior to its*  
43 *repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session*



1 *Laws of Kansas*, and amendments thereto;

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

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

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

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

14 (K) an attempt, conspiracy or criminal solicitation, as defined in  
15 K.S.A. 21-3301, 21-3302 or 21-3303, *prior to their repeal, or sections 33,*  
16 *34 or 35 of chapter 136 of the 2010 Session Laws of Kansas*, and  
17 amendments thereto, of a sexually violent crime as defined in this section.

18 "Sexually motivated" means that one of the purposes for which the  
19 defendant committed the crime was for the purpose of the defendant's  
20 sexual gratification.

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

28 (f) If a person is sentenced to prison for a crime committed on or after  
29 July 1, 1993, while on probation, parole, conditional release or in a  
30 community corrections program, for a crime committed prior to July 1,  
31 1993, and the person is not eligible for retroactive application of the  
32 sentencing guidelines, and amendments thereto, pursuant to K.S.A. 21-  
33 4724, ~~and amendments thereto,~~ *prior to its repeal*, the new sentence shall  
34 not be aggregated with the old sentence, but shall begin when the person is  
35 paroled or reaches the conditional release date on the old sentence. If the  
36 offender was past the offender's conditional release date at the time the  
37 new offense was committed, the new sentence shall not be aggregated with  
38 the old sentence but shall begin when the person is ordered released by the  
39 Kansas parole board or reaches the maximum sentence expiration date on  
40 the old sentence, whichever is earlier. The new sentence shall then be  
41 served as otherwise provided by law. The period of postrelease supervision  
42 shall be based on the new sentence, except that those offenders whose old  
43 sentence is a term of imprisonment for life, imposed pursuant to K.S.A.

1 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with  
2 a maximum term of life imprisonment, for which there is no conditional  
3 release or maximum sentence expiration date, shall remain on postrelease  
4 supervision for life or until discharged from supervision by the Kansas  
5 parole board.

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

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

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

21 (2) *The prisoner review board shall assist the Kansas parole board in*  
22 *the gathering and analysis of information described in subsection (h)(1)*  
23 *and may make recommendations to the parole board concerning the*  
24 *parole of such inmate.*

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

35 (j) (1) Before ordering the parole of any inmate, the Kansas parole  
36 board shall have the inmate appear either in person or via a video  
37 conferencing format and shall interview the inmate unless impractical  
38 because of the inmate's physical or mental condition or absence from the  
39 institution. Every inmate while on parole shall remain in the legal custody  
40 of the secretary of corrections and is subject to the orders of the secretary.  
41 Whenever the ~~Kansas parole~~ board formally considers placing an inmate  
42 on parole and no agreement has been entered into with the inmate under  
43 K.S.A. 75-5210a, and amendments thereto, the board shall notify the

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

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

42 (k) Parolees and persons on postrelease supervision shall be assigned,  
43 upon release, to the appropriate level of supervision pursuant to the criteria

1 established by the secretary of corrections.

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

10 (m) Whenever the Kansas parole board orders the parole of an  
11 inmate or establishes conditions for an inmate placed on postrelease  
12 supervision, the board:

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

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

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

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

34 (5) unless it finds compelling circumstances which would render a  
35 plan of payment unworkable, shall order that the parolee or person on  
36 postrelease supervision reimburse the state for all or part of the  
37 expenditures by the state board of indigents' defense services to provide  
38 counsel and other defense services to the person. In determining the  
39 amount and method of payment of such sum, the parole board shall take  
40 account of the financial resources of the person and the nature of the  
41 burden that the payment of such sum will impose. Such amount shall not  
42 exceed the amount claimed by appointed counsel on the payment voucher  
43 for indigents' defense services or the amount prescribed by the board of

1 indigents' defense services reimbursement tables as provided in K.S.A. 22-  
2 4522, and amendments thereto, whichever is less, minus any previous  
3 payments for such services.

4 (n) If the court which 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 Kansas parole 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 which would render  
10 a plan of restitution unworkable.

11 (o) Whenever the Kansas parole board grants the parole of an  
12 inmate, the board, within ~~10~~ 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 (p) When an inmate is to be released on postrelease supervision, the  
16 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 (q) 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 (r) An inmate who is allocated regular good time credits as provided  
23 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
24 good time credits in increments of not more than 90 days per meritorious  
25 act. These credits may be awarded by the secretary of corrections when an  
26 inmate has acted in a heroic or outstanding manner in coming to the  
27 assistance of another person in a life threatening situation, preventing  
28 injury or death to a person, preventing the destruction of property or taking  
29 actions which result in a financial savings to the state.

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

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

1 (u) 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 Session*  
3 *Laws of Kansas*, and amendments thereto, for crimes committed on or  
4 after July 1, 2006, shall be placed on parole for life and shall not be  
5 discharged from supervision by the Kansas parole board. When the board  
6 orders the parole of an inmate pursuant to this subsection, the board shall  
7 order as a condition of parole that the inmate be electronically monitored  
8 for the duration of the inmate's natural life.

9 (v) Whenever the Kansas parole board or the court orders a person to  
10 be electronically monitored, the board or court shall order the person to  
11 reimburse the state for all or part of the cost of such monitoring. In  
12 determining the amount and method of payment of such sum, the board or  
13 court shall take account of the financial resources of the person and the  
14 nature of the burden that the payment of such sum will impose.

15 (w) *The prisoner review board shall assist the Kansas parole board*  
16 *in the gathering and analysis of information as described in this section*  
17 *and may make recommendations to the parole board concerning the*  
18 *release of an inmate.*

19 Sec. 15. K.S.A. 22-3718 is hereby amended to read as follows: 22-  
20 3718. (a) Upon release, an inmate who has served the inmate's maximum  
21 term or terms, less such work and good behavior credits as have been  
22 earned, shall be subject to such written rules and conditions as the Kansas  
23 parole board may impose, until the expiration of the maximum term or  
24 terms for which the inmate was sentenced or until the inmate is otherwise  
25 discharged. If the court which sentenced an inmate specified at the time of  
26 sentencing the amount and the recipient of any restitution ordered as a  
27 condition of release pursuant to this section, the ~~parole~~ board may set aside  
28 restitution as a condition of release payment of restitution, if the board  
29 finds compelling circumstances which would render a plan of restitution  
30 unworkable. If the court which sentenced an inmate specified  
31 reimbursement of all or part of the expenditures by the state board of  
32 indigents' defense services as a condition of release, the ~~parole~~ board may  
33 set aside such reimbursement, if the board finds compelling circumstances  
34 which would render a plan of reimbursement unworkable. Prior to the  
35 release of any inmate on parole, conditional release or expiration of  
36 sentence, if an inmate is released into the community under a program  
37 under the supervision of the secretary of corrections, the secretary shall  
38 give written notice of such release to any victim or victim's family as  
39 provided in K.S.A. 22-3727, and amendments thereto.

40 (b) *The prisoner review board shall assist the Kansas parole board in*  
41 *the gathering and analysis of information and may make recommendations*  
42 *to the parole board concerning the conditions of release of such inmates.*

43 Sec. 16. K.S.A. 22-3719 is hereby amended to read as follows: 22-

1 3719. It shall be the duty of all correctional institution officials to grant to  
 2 the members of the Kansas parole board, *and the prisoner review board*, or  
 3 ~~its~~ *their* properly accredited representatives, access at all reasonable times  
 4 to any inmate, to provide for ~~the parole board~~ *such boards*, or such  
 5 ~~representative~~ *representatives of such boards*, facilities for communicating  
 6 with and observing such inmate, and to furnish to ~~the parole board~~ *such*  
 7 *boards* such reports as ~~the parole board~~ *such boards* shall require  
 8 concerning the conduct and character of any inmate in their custody and  
 9 any other facts deemed by ~~the parole board~~ *such boards* to be pertinent in  
 10 determining any issue before ~~the parole board~~ *such boards*.

11 Sec. 17. K.S.A. 22-3720 is hereby amended to read as follows: 22-  
 12 3720. The Kansas parole board *and the prisoner review board* shall have  
 13 power to issue subpoenas requiring the attendance of any witnesses and  
 14 the production of any records, books, papers and documents that it  
 15 considers necessary for the investigation of the issues before *the respective*  
 16 *board* ~~it~~. Subpoenas may be signed and oaths administered by any member  
 17 of the *Kansas* parole board *or prisoner review board*. Subpoenas so issued  
 18 may be served by any law enforcement officer, in the same manner as  
 19 similar process in the district court. Any person who testifies falsely, fails  
 20 to appear when subpoenaed or fails or refuses to produce material pursuant  
 21 to the subpoena shall be subject to the same orders and penalties to which  
 22 a person before a court is subject. Any district court of this state, upon  
 23 application of the ~~parole board~~ *the respective board*, may in its discretion  
 24 compel the attendance of witnesses, the production of material and the  
 25 giving of testimony before the ~~parole board~~ *the respective board*, by an  
 26 attachment for contempt or otherwise in the same manner as production of  
 27 evidence may be compelled before the district court.

28 Sec. 18. K.S.A. 22-4701 is hereby amended to read as follows: 22-  
 29 4701. As used in this act, unless the context clearly requires otherwise:

30 (a) "Central repository" means the criminal justice information  
 31 system central repository created by this act and the juvenile offender  
 32 information system created pursuant to K.S.A. ~~2007~~ *2010* Supp. 38-2326,  
 33 and amendments thereto.

34 (b) "Criminal history record information" means data initiated or  
 35 collected by a criminal justice agency on a person pertaining to a  
 36 reportable event. The term does not include:

37 (1) Data contained in intelligence or investigatory files or police  
 38 work-product records used solely for police investigation purposes;

39 (2) wanted posters, police blotter entries, court records of public  
 40 judicial proceedings or published court opinions;

41 (3) data pertaining to violations of the traffic laws of the state or any  
 42 other traffic law or ordinance, other than vehicular homicide; or

43 (4) presentence investigation and other reports prepared for use by a



1 court in the exercise of criminal jurisdiction or by the governor in the  
2 exercise of the power of pardon, reprieve or commutation.

3 (c) "Criminal justice agency" means any government agency or  
4 subdivision of any such agency which is authorized by law to exercise the  
5 power of arrest, detention, prosecution, adjudication, correctional  
6 supervision, rehabilitation or release of persons suspected, charged or  
7 convicted of a crime and which allocates a substantial portion of its annual  
8 budget to any of these functions. The term includes, but is not limited to,  
9 the following agencies, when exercising jurisdiction over criminal matters  
10 or criminal history record information:

11 (1) State, county, municipal and railroad police departments, sheriffs'  
12 offices and countywide law enforcement agencies, correctional facilities,  
13 jails and detention centers;

14 (2) the offices of the attorney general, county or district attorneys and  
15 any other office in which are located persons authorized by law to  
16 prosecute persons accused of criminal offenses;

17 (3) the district courts, the court of appeals, the supreme court, the  
18 municipal courts and the offices of the clerks of these courts;

19 (4) the Kansas sentencing commission;

20 (5) the Kansas parole board; and

21 (6) the juvenile justice authority.

22 (d) "Criminal justice information system" means the equipment  
23 (including computer hardware and software), facilities, procedures,  
24 agreements and personnel used in the collection, processing, preservation  
25 and dissemination of criminal history record information.

26 (e) "Director" means the director of the Kansas bureau of  
27 investigation.

28 (f) "Disseminate" means to transmit criminal history record  
29 information in any oral or written form. The term does not include:

30 (1) The transmittal of such information within a criminal justice  
31 agency;

32 (2) the reporting of such information as required by this act; or

33 (3) the transmittal of such information between criminal justice  
34 agencies in order to permit the initiation of subsequent criminal justice  
35 proceedings against a person relating to the same offense.

36 (g) "Reportable event" means an event specified or provided for in  
37 K.S.A. 22-4705, and amendments thereto.

38 Sec. 19. K.S.A. 60-4305 is hereby amended to read as follows: 60-  
39 4305. Records or information in the custody of the Kansas parole board,  
40 *the prisoner review board*, any community correctional service program or  
41 any district court regarding the financial assets, income or employment of  
42 a criminal offender shall be subject to disclosure to any victim to whom  
43 such offender has been ordered to pay restitution, or to anyone acting on

1 behalf of such victim to collect the ordered restitution, until such time as  
2 all restitution is paid in full.

3 Sec. 20. K.S.A. 2010 Supp. 74-9101 is hereby amended to read as  
4 follows: 74-9101. (a) There is hereby established the Kansas sentencing  
5 commission.

6 (b) The commission shall:

7 (1) Develop a sentencing guideline model or grid based on fairness  
8 and equity and shall provide a mechanism for linking justice and  
9 corrections policies. The sentencing guideline model or grid shall establish  
10 rational and consistent sentencing standards which reduce sentence  
11 disparity, to include, but not be limited to, racial and regional biases which  
12 may exist under current sentencing practices. The guidelines shall specify  
13 the circumstances under which imprisonment of an offender is appropriate  
14 and a presumed sentence for offenders for whom imprisonment is  
15 appropriate, based on each appropriate combination of reasonable offense  
16 and offender characteristics. In developing its recommended sentencing  
17 guidelines, the commission shall take into substantial consideration current  
18 sentencing and release practices and correctional resources, including but  
19 not limited to the capacities of local and state correctional facilities. In its  
20 report, the commission shall make recommendations regarding whether  
21 there is a continued need for and what is the projected role of, if any, the  
22 Kansas parole board *and the prisoner review board* and whether the policy  
23 of allocating good time credits for the purpose of determining an inmate's  
24 eligibility for parole or conditional release should be continued;

25 (2) consult with and advise the legislature with reference to the  
26 implementation, management, monitoring, maintenance and operations of  
27 the sentencing guidelines system;

28 (3) direct implementation of the sentencing guidelines system;

29 (4) assist in the process of training judges, county and district  
30 attorneys, court services officers, state parole officers, correctional  
31 officers, law enforcement officials and other criminal justice groups. For  
32 these purposes, the sentencing commission shall develop an  
33 implementation policy and shall construct an implementation manual for  
34 use in its training activities;

35 (5) receive presentence reports and journal entries for all persons who  
36 are sentenced for crimes committed on or after July 1, 1993, to develop  
37 post-implementation monitoring procedures and reporting methods to  
38 evaluate guideline sentences. In developing the evaluative criteria, the  
39 commission shall take into consideration rational and consistent  
40 sentencing standards which reduce sentence disparity to include, but not be  
41 limited to, racial and regional biases;

42 (6) advise and consult with the secretary of corrections and members  
43 of the legislature in developing a mechanism to link guidelines sentence

1 practices with correctional resources and policies, including, but not  
2 limited to, the capacities of local and state correctional facilities. Such  
3 linkage shall include a review and determination of the impact of the  
4 sentencing guidelines on the state's prison population, review of  
5 corrections programs and a study of ways to more effectively utilize  
6 correction dollars and to reduce prison population;

7 (7) make recommendations relating to modification to the sentencing  
8 guidelines as provided in ~~K.S.A. 21-4725~~, *section 303 of chapter 136 of*  
9 *the 2010 Session Laws of Kansas*, and amendments thereto;

10 (8) prepare and submit fiscal impact and correctional resource  
11 statement as provided in K.S.A. 74-9106, and amendments thereto;

12 (9) make recommendations to those responsible for developing a  
13 working philosophy of sentencing guideline consistency and rationality;

14 (10) develop prosecuting standards and guidelines to govern the  
15 conduct of prosecutors when charging persons with crimes and when  
16 engaging in plea bargaining;

17 (11) analyze problems in criminal justice, identify alternative  
18 solutions and make recommendations for improvements in criminal law,  
19 prosecution, community and correctional placement, programs, release  
20 procedures and related matters including study and recommendations  
21 concerning the statutory definition of crimes and criminal penalties and  
22 review of proposed criminal law changes;

23 (12) perform such other criminal justice studies or tasks as may be  
24 assigned by the governor or specifically requested by the legislature,  
25 department of corrections, the chief justice or the attorney general;

26 (13) develop a program plan which includes involvement of business  
27 and industry in the public or other social or fraternal organizations for  
28 admitting back into the mainstream those offenders who demonstrate both  
29 the desire and ability to reconstruct their lives during their incarceration or  
30 during conditional release;

31 (14) appoint a task force to make recommendations concerning the  
32 consolidation of probation, parole and community corrections services;

33 (15) produce official inmate population projections annually on or  
34 before six weeks following the date of receipt of the data from the  
35 department of corrections. When the commission's projections indicate  
36 that the inmate population will exceed available prison capacity within two  
37 years of the date of the projection, the commission shall identify and  
38 analyze the impact of specific options for: (A) Reducing the number of  
39 prison admissions; or (B) adjusting sentence lengths for specific groups of  
40 offenders. Options for reducing the number of prison admissions shall  
41 include, but not be limited to, possible modification of both sentencing  
42 grids to include presumptive intermediate dispositions for certain  
43 categories of offenders. Intermediate sanction dispositions shall include,

1 but not be limited to: intensive supervision; short-term jail sentences;  
2 halfway houses; community-based work release; electronic monitoring and  
3 house arrest; substance abuse treatment; and pre-revocation incarceration.  
4 Intermediate sanction options shall include, but not be limited to,  
5 mechanisms to explicitly target offenders that would otherwise be placed  
6 in prison. Analysis of each option shall include an assessment of such  
7 options impact on the overall size of the prison population, the effect on  
8 public safety and costs. In preparing the assessment, the commission shall  
9 review the experience of other states and shall review available research  
10 regarding the effectiveness of such option. The commission's findings  
11 relative to each sentencing policy option shall be presented to the governor  
12 and the joint committee on corrections and juvenile justice oversight no  
13 later than November 1;

14 (16) at the request of the governor or the joint committee on  
15 corrections and juvenile justice oversight, initiate and complete an analysis  
16 of other sentencing policy adjustments not otherwise evaluated by the  
17 commission;

18 (17) develop information relating to the number of offenders on  
19 postrelease supervision and subject to electronic monitoring for the  
20 duration of the person's natural life;

21 (18) determine the effect the mandatory sentencing established in  
22 K.S.A. 21-4642 and 21-4643, *prior to their repeal, and sections 266 and*  
23 *267 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
24 thereto, would have on the number of offenders civilly committed to a  
25 treatment facility as a sexually violent predator as provided pursuant to  
26 K.S.A. 59-29a01 et seq., and amendments thereto;

27 (19) assume the designation and functions of the state statistical  
28 analysis center. All criminal justice agencies, as defined in subsection (c)  
29 of K.S.A. 22-4701, and amendments thereto, and the juvenile justice  
30 authority shall provide any data or information, including juvenile offender  
31 information, requested by the commission to facilitate the function of the  
32 state statistical analysis center; and

33 (20) subject to the provisions of appropriation acts and the  
34 availability of funds therefor, produce official juvenile correctional facility  
35 population projections annually on or before November 1, not more than  
36 six weeks following the receipt of the data from the juvenile justice  
37 authority and develop bed impacts regarding legislation that may affect  
38 juvenile correctional facility population.

39 Sec. 21. K.S.A. 2010 Supp. 75-4318 is hereby amended to read as  
40 follows: 75-4318. (a) Subject to the provisions of subsection (g), all  
41 meetings for the conduct of the affairs of, and the transaction of business  
42 by, all legislative and administrative bodies and agencies of the state and  
43 political and taxing subdivisions thereof, including boards, commissions,

1 authorities, councils, committees, subcommittees and other subordinate  
2 groups thereof, receiving or expending and supported in whole or in part  
3 by public funds shall be open to the public and no binding action by such  
4 bodies shall be by secret ballot. Meetings of task forces, advisory  
5 committees or subcommittees of advisory committees created pursuant to  
6 a governor's executive order shall be open to the public in accordance with  
7 this act.

8 (b) Notice of the date, time and place of any regular or special  
9 meeting of a public body designated hereinabove shall be furnished to any  
10 person requesting such notice, except that:

11 (1) If notice is requested by petition, the petition shall designate one  
12 person to receive notice on behalf of all persons named in the petition, and  
13 notice to such person shall constitute notice to all persons named in the  
14 petition;

15 (2) if notice is furnished to an executive officer of an employees'  
16 organization or trade association, such notice shall be deemed to have been  
17 furnished to the entire membership of such organization or association;  
18 and

19 (3) the public body may require that a request to receive notice must  
20 be submitted again to the body prior to the commencement of any  
21 subsequent fiscal year of the body during which the person wishes to  
22 continue receiving notice, but, prior to discontinuing notice to any person,  
23 the public body must notify the person that notice will be discontinued  
24 unless the person resubmits a request to receive notice.

25 (c) It shall be the duty of the presiding officer or other person calling  
26 the meeting, if the meeting is not called by the presiding officer, to furnish  
27 the notice required by subsection (b).

28 (d) Prior to any meeting hereinabove mentioned, any agenda relating  
29 to the business to be transacted at such meeting shall be made available to  
30 any person requesting the agenda.

31 (e) The use of cameras, photographic lights and recording devices  
32 shall not be prohibited at any meeting mentioned by subsection (a), but  
33 such use shall be subject to reasonable rules designed to insure the orderly  
34 conduct of the proceedings at such meeting.

35 (f) Except as provided by section 22 of article 2 of the constitution of  
36 the state of Kansas, interactive communications in a series shall be open if  
37 they collectively involve a majority of the membership of the body or  
38 agency, share a common topic of discussion concerning the business or  
39 affairs of the body or agency, and are intended by any or all of the  
40 participants to reach agreement on a matter that would require binding  
41 action to be taken by the body or agency.

42 (g) The provisions of the open meetings law shall not apply:

43 (1) To any administrative body that is authorized by law to exercise

1 quasi-judicial functions when such body is deliberating matters relating to  
2 a decision involving such quasi-judicial functions;

3 (2) to the *Kansas parole board or the prisoner review board* when  
4 conducting parole hearings or parole violation hearings held at a  
5 correctional institution;

6 (3) to any impeachment inquiry or other impeachment matter referred  
7 to any committee of the house of representatives prior to the report of such  
8 committee to the full house of representatives; and

9 (4) if otherwise provided by state or federal law or by rules of the  
10 Kansas senate or house of representatives.

11 Sec. 22. K.S.A. 75-5202 is hereby amended to read as follows: 75-  
12 5202. As used in K.S.A. 75-5201 et seq., and amendments thereto, unless  
13 the context clearly requires otherwise:

14 (a) "Secretary" means the secretary of corrections.

15 (b) "Parole board" means the Kansas parole board established by  
16 ~~K.S.A. 22-3707~~ *section 1 et seq.*, and amendments thereto.

17 (c) "*Prisoner review board*" means the *prisoner review board*  
18 *established by section 7, et seq., and amendments thereto.*

19 (d) "Inmate" means any person incarcerated in any correctional  
20 institution of the state of Kansas.

21 (e) "Correctional institution" means the Lansing correctional  
22 facility, Hutchinson correctional facility, Topeka correctional facility,  
23 Norton correctional facility, Ellsworth correctional facility, Winfield  
24 correctional facility, Osawatomie correctional facility, Larned correctional  
25 mental health facility, Toronto correctional work facility, Stockton  
26 correctional facility, Wichita work release facility, El Dorado correctional  
27 facility, and any other correctional institution established by the state for  
28 the confinement of offenders under control of the secretary of corrections.

29 (f) "Warden" means the person in charge of the operation and  
30 supervision of a correctional institution.

31 (g) "Corrections officer" means a full-time, salaried officer or  
32 employee under the jurisdiction of the secretary, whose duties include the  
33 receipt, custody, control, maintenance, discipline, security and  
34 apprehension of persons convicted of criminal offense in this state and  
35 sentenced to a term of imprisonment under the custody of the secretary.

36 (h) "Parole officer" means a full-time salaried officer or employee  
37 under the jurisdiction of the secretary whose duties include:

38 (1) Investigation, supervision, arrest and control of persons on parole  
39 or postrelease supervision and the enforcement of the conditions of parole  
40 or postrelease supervision; and

41 (2) services which relate to probationers, parolees or persons on  
42 postrelease supervision and are required by the uniform act for out-of-state  
43 parolee supervision.

1       Sec. 23. K.S.A. 2010 Supp. 75-5210a is hereby amended to read as  
2 follows: 75-5210a. (a) Within a reasonable time after a defendant is  
3 committed to the custody of the secretary of corrections, for service of a  
4 sentence for an indeterminate or off grid crime, the secretary shall enter  
5 into a written agreement with the inmate specifying those educational,  
6 vocational, mental health or other programs which the secretary  
7 determines the inmate must satisfactorily complete in order to be prepared  
8 for release on parole supervision. To the extent practicable, the agreement  
9 shall require the inmate to have made progress towards or to have  
10 successfully completed the equivalent of a secondary education before  
11 release on parole if the inmate has not previously completed such  
12 educational equivalent and is capable of doing so. The agreement shall be  
13 conditioned on the inmate's satisfactory conduct, employment and attitude  
14 while incarcerated. If the secretary determines that the inmate's conduct,  
15 employment, attitude or needs require modifications or additions to those  
16 programs which are set forth in the agreement, the secretary shall revise  
17 the requirements. The secretary shall agree that, when the inmate  
18 satisfactorily completes the programs required by the agreement, or any  
19 revision thereof, the secretary shall report that fact in writing to the Kansas  
20 parole board. If the inmate becomes eligible for parole before satisfactorily  
21 completing such programs, the secretary shall report in writing to the  
22 ~~Kansas~~ parole board the programs which are not completed.

23       (b) A copy of any agreement and any revisions thereof shall be  
24 entered into the inmate's record.

25       (c) *The prisoner review board shall assist the Kansas parole board in*  
26 *the gathering and analysis of information regarding the inmate's conduct,*  
27 *employment and attitude and may make recommendations to the parole*  
28 *board concerning the release of such inmate.*

29       Sec. 24. K.S.A. 2010 Supp. 75-5217 is hereby amended to read as  
30 follows: 75-5217. (a) At any time during release on parole, conditional  
31 release or postrelease supervision, the secretary of corrections may issue a  
32 warrant for the arrest of a released inmate for violation of any of the  
33 conditions of release, or a notice to appear to answer to a charge of  
34 violation. Such notice shall be served personally upon the released inmate.  
35 The warrant shall authorize any law enforcement officer to arrest and  
36 deliver the released inmate to a place as provided by subsection (g). Any  
37 parole officer may arrest such released inmate without a warrant, or may  
38 deputize any other officer with power of arrest to do so by giving such  
39 officer a written or verbal arrest and detain order setting forth that the  
40 released inmate, in the judgment of the parole officer, has violated the  
41 conditions of the inmate's release. A written arrest and detain order  
42 delivered to the official in charge of the institution or place to which the  
43 released inmate is brought for detention shall be sufficient warrant for

1 detaining the inmate. After making an arrest the parole officer shall present  
2 to the detaining authorities a similar arrest and detain order and statement  
3 of the circumstances of violation. Pending a hearing, as provided in this  
4 section, upon any charge of violation the released inmate shall remain  
5 incarcerated in the institution or place to which the inmate is taken for  
6 detention.

7 (b) Upon such arrest and detention, the parole officer shall notify the  
8 secretary of corrections, or the secretary's designee, within five days and  
9 shall submit in writing a report showing in what manner the released  
10 inmate had violated the conditions of release. After such notification is  
11 given to the secretary of corrections, or upon an arrest by warrant as herein  
12 provided, and the finding of probable cause pursuant to procedures  
13 established by the secretary of a violation of the released inmate's  
14 conditions of release, the secretary or the secretary's designee may cause  
15 the released inmate to be brought before the Kansas parole board, *prisoner*  
16 *review board or if requested by the Kansas parole board or deferred by the*  
17 *prisoner review board to the Kansas parole board, as provided in section*  
18 *8, and amendments thereto, its designee or designees, for a hearing on the*  
19 *violation charged; The prisoner review board or, if applicable, the Kansas*  
20 *parole board shall hold a hearing under such rules and regulations as the*  
21 *secretary or, if applicable, the Kansas parole board may adopt, or may*  
22 *dismiss the charges that the released inmate has violated the conditions of*  
23 *release and order the released inmate to remain on parole, conditional*  
24 *release or post-release postrelease supervision. It is within the discretion of*  
25 *the Kansas parole board prisoner review board or, if applicable, the*  
26 *Kansas parole board, whether such hearing requires the released inmate to*  
27 *appear personally before the respective board when such inmate's violation*  
28 *results from a conviction for a new felony or misdemeanor. An offender*  
29 *under determinative sentencing whose violation does not result from a*  
30 *conviction of a new felony or misdemeanor may waive the right to a final*  
31 *revocation hearing before the Kansas parole board prisoner review board*  
32 *or, if applicable, the Kansas parole board, under such conditions and terms*  
33 *as may be prescribed by rules and regulations promulgated by the Kansas*  
34 *parole board secretary or, if applicable, the Kansas parole board.*  
35 *Relevant written statements made under oath shall be admitted and*  
36 *considered by the Kansas parole board prisoner review board or, if*  
37 *applicable, the Kansas parole board, its designee or designees, along with*  
38 *other evidence presented at the hearing. If the violation is established to*  
39 *the satisfaction of the Kansas parole board prisoner review board or, if*  
40 *applicable, the Kansas parole board, the respective board may continue or*  
41 *revoke the parole or conditional release, or enter such other order as the*  
42 *prisoner review board or, if applicable, the Kansas parole board may see*  
43 *fit. The revocation of release of inmates who are on a specified period of*



1 postrelease supervision shall be for a six-month period of confinement  
2 from the date of: (1) The revocation hearing before the *prisoner review*  
3 *board or, if applicable, the Kansas parole board*; or (2) the effective date  
4 of waiver of such hearing by the offender, pursuant to rules and regulations  
5 promulgated by the ~~Kansas parole board~~ *secretary or, if applicable, the*  
6 *Kansas parole board*, if the violation does not result from a conviction for  
7 a new felony or misdemeanor. Such period of confinement may be reduced  
8 by not more than three months based on the inmate's conduct, work and  
9 program participation during the incarceration period. The reduction in the  
10 incarceration period shall be on an earned basis pursuant to rules and  
11 regulations adopted by the secretary of corrections.

12 (c) If the violation results from a conviction for a new felony, upon  
13 revocation, the inmate shall serve the entire remaining balance of the  
14 period of postrelease supervision even if the new conviction did not result  
15 in the imposition of a new term of imprisonment.

16 (d) If the violation results from a conviction for a new misdemeanor,  
17 upon revocation, the inmate shall serve a period of confinement, to be  
18 determined by the ~~Kansas parole board~~ *prisoner review board or, if*  
19 *applicable, the Kansas parole board*, which shall not exceed the remaining  
20 balance of the period of postrelease supervision.

21 (e) In the event the released inmate reaches conditional release date  
22 as provided by K.S.A. 22-3718, and amendments thereto, after a finding of  
23 probable cause, pursuant to procedures established by the secretary of  
24 ~~corrections~~, of a violation of the released inmate's conditions of release,  
25 but prior to a hearing before the ~~Kansas parole board~~ *prisoner review*  
26 *board or, if applicable, the Kansas parole board*, the secretary of  
27 ~~corrections~~ shall be authorized to detain the inmate until the *time of such*  
28 *hearing by the Kansas parole board*. The secretary shall then enforce the  
29 order issued by the ~~Kansas parole board~~ *prisoner review board or, if*  
30 *applicable, the Kansas parole board*.

31 (f) If the secretary of corrections issues a warrant for the arrest of a  
32 released inmate for violation of any of the conditions of release and the  
33 released inmate is subsequently arrested in the state of Kansas, either  
34 pursuant to the warrant issued by the secretary of corrections or for any  
35 other reason, the released inmate's sentence shall not be credited with the  
36 period of time from the date of the issuance of the secretary's warrant to  
37 the date of the released inmate's arrest.

38 If a released inmate for whom a warrant has been issued by the  
39 secretary of corrections for violation of the conditions of release is  
40 subsequently arrested in another state, and the released inmate has been  
41 authorized as a condition of such inmate's release to reside in or travel to  
42 the state in which the released inmate was arrested, and the released  
43 inmate has not absconded from supervision, the released inmate's sentence

1 shall not be credited with the period of time from the date of the issuance  
2 of the warrant to the date of the released inmate's arrest. If the released  
3 inmate for whom a warrant has been issued by the secretary of corrections  
4 for violation of the conditions of release is subsequently arrested in  
5 another state for reasons other than the secretary's warrant and the released  
6 inmate does not have authorization to be in the other state or if authorized  
7 to be in the other state has been charged by the secretary with having  
8 absconded from supervision, the released inmate's sentence shall not be  
9 credited with the period of time from the date of the issuance of the  
10 warrant by the secretary to the date the released inmate is first available to  
11 be returned to the state of Kansas. If the released inmate for whom a  
12 warrant has been issued by the secretary of corrections for violation of a  
13 condition of release is subsequently arrested in another state pursuant only  
14 to the secretary's warrant, the released inmate's sentence shall not be  
15 credited with the period of time from the date of the issuance of the  
16 secretary's warrant to the date of the released inmate's arrest, regardless of  
17 whether the released inmate's presence in the other state was authorized or  
18 the released inmate had absconded from supervision.

19 The secretary may issue a warrant for the arrest of a released inmate for  
20 violation of any of the conditions of release and may direct that all  
21 reasonable means to serve the warrant and detain such released inmate be  
22 employed including, but not limited to, notifying the federal bureau of  
23 investigation of such violation and issuance of warrant and requesting  
24 from the federal bureau of investigation any pertinent information it may  
25 possess concerning the whereabouts of the released inmate.

26 (g) Law enforcement officers shall execute warrants issued by the  
27 secretary of corrections, and shall deliver the inmate named in the warrant  
28 to the jail used by the county where the inmate is arrested unless some  
29 other place is designated by the secretary, in the same manner as for the  
30 execution of any arrest warrant.

31 (h) For the purposes of this section, an inmate or released inmate is  
32 an individual under the supervision of the secretary of corrections,  
33 including, but not limited to, an individual on parole, conditional release,  
34 postrelease supervision, probation granted by another state or an individual  
35 supervised under any interstate compact in accordance with the provisions  
36 of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et  
37 seq., and amendments thereto.

38 Sec. 25. K.S.A. 2010 Supp. 75-5266 is hereby amended to read as  
39 follows: 75-5266. Psychiatric evaluation reports of correctional facilities  
40 shall be privileged and shall not be disclosed directly or indirectly to  
41 anyone except as provided herein. The court, the district or county  
42 attorney, the attorney for the defendant or inmate, the Kansas parole board  
43 and its staff, *the prisoner review board*, the wardens and classification

1 committees of the state correctional institutions and those persons  
2 authorized by the secretary shall have access to such reports. Such reports  
3 may be disclosed to: (1) The defendant or inmate or members of the  
4 defendant's or inmate's family; (2) the defendant's or inmate's friends when  
5 authorized by the defendant or inmate or the defendant's or inmate's  
6 family; or (3) the superintendent or director of any other state institution  
7 when authorized by the warden, or secretary of corrections. Employees of  
8 the correctional institutions under the supervision of the secretary are  
9 expressly forbidden from disclosing the contents of such reports to anyone  
10 except as provided herein. Nothing in this section shall be construed as  
11 preventing the attorney for the defendant or inmate from discussing such  
12 reports with the defendant or inmate.

13 Sec. 26. K.S.A. 2010 Supp. 77-603 is hereby amended to read as  
14 follows: 77-603. (a) This act applies to all agencies and all proceedings for  
15 judicial review and civil enforcement of agency actions not specifically  
16 exempted by statute from the provisions of this act.

17 (b) This act creates only procedural rights and imposes only  
18 procedural duties. They are in addition to those created and imposed by  
19 other statutes.

20 (c) This act does not apply to agency actions:

21 (1) Of the Kansas parole board *or the prisoner review board*  
22 concerning inmates or persons under parole or conditional release  
23 supervision;

24 (2) concerning the management, discipline or release of persons in  
25 the custody of the secretary of corrections;

26 (3) concerning the management, discipline or release of persons in  
27 the custody of the commissioner of juvenile justice;

28 (4) under the election laws contained in chapter 25 of the Kansas  
29 Statutes Annotated, and amendments thereto, except as provided by K.S.A.  
30 25-4185, and amendments thereto;

31 (5) concerning pardon, commutation of sentence, clemency or  
32 extradition;

33 (6) concerning military or naval affairs other than actions relating to  
34 armories;

35 (7) governed by the provisions of the open records act and subject to  
36 an action for enforcement pursuant to K.S.A. 45-222, and amendments  
37 thereto;

38 (8) governed by the provisions of K.S.A. 75-4317 et seq., and  
39 amendments thereto, relating to open public meetings, and subject to an  
40 action for civil penalties or enforcement pursuant to K.S.A. 75-4320 or 75-  
41 4320a, and amendments thereto; or

42 (9) concerning the civil commitment of sexually violent predators  
43 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

1       Sec. 27. K.S.A. 21-4602, 21-4603b, 21-4614, 21-4703, 22-3706, 22-  
2 3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-4701,  
3 46-3201, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 21-4608, 21-4619,  
4 22-3707, 22-3717, 22-3717c, 74-9101, 75-4318, 75-5210a, 75-5217, 75-  
5 5266 and 77-603 are hereby repealed.

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