

**As Amended by House Committee**

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*Session of 2013*

**HOUSE BILL No. 2170**

By Committee on Corrections and Juvenile Justice

1-30

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1 AN ACT concerning crimes, criminal procedure and punishment; relating  
2 to probation and postrelease supervision; relating to sentencing;  
3 amending K.S.A. 2012 Supp. 21-6604, 21-6606, 21-6608, 21-6821, 22-  
4 3716, 22-3717, 74-9101 and 75-5217 and repealing the existing  
5 sections; also repealing K.S.A. 2012 Supp. 21-6604a and 21-6604b.  
6

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

8 Section 1. K.S.A. 2012 Supp. 21-6604 is hereby amended to read as  
9 follows: 21-6604. (a) Whenever any person has been found guilty of a  
10 crime, the court may adjudge any of the following:

11 (1) Commit the defendant to the custody of the secretary of  
12 corrections if the current crime of conviction is a felony and the sentence  
13 presumes imprisonment, or the sentence imposed is a dispositional  
14 departure to imprisonment; or, if confinement is for a misdemeanor, to jail  
15 for the term provided by law;

16 (2) impose the fine applicable to the offense and may impose the  
17 provisions of subsection (q);

18 (3) release the defendant on probation if the current crime of  
19 conviction and criminal history fall within a presumptive nonprison  
20 category or through a departure for substantial and compelling reasons  
21 subject to such conditions as the court may deem appropriate. In felony  
22 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2012  
23 Supp. 8-1025, and amendments thereto, the court may include confinement  
24 in a county jail not to exceed 60 days, which need not be served  
25 consecutively, as a condition of an original probation sentence and up to  
26 60 days in a county jail upon each revocation of the probation sentence, or  
27 community corrections placement;

28 (4) assign the defendant to a community correctional services  
29 program as provided in K.S.A. 75-5291, and amendments thereto, or  
30 through a departure for substantial and compelling reasons subject to such  
31 conditions as the court may deem appropriate, including orders requiring  
32 full or partial restitution;

33 (5) assign the defendant to a conservation camp for a period not to  
34 exceed six months as a condition of probation followed by a six-month  
35 period of follow-up through adult intensive supervision by a community  
36 correctional services program, if the offender successfully completes the

1 conservation camp program;

2 (6) assign the defendant to a house arrest program pursuant to K.S.A.  
3 2012 Supp. 21-6609, and amendments thereto;

4 (7) order the defendant to attend and satisfactorily complete an  
5 alcohol or drug education or training program as provided by subsection  
6 (c) of K.S.A. 2012 Supp. 21-6602, and amendments thereto;

7 (8) order the defendant to repay the amount of any reward paid by  
8 any crime stoppers chapter, individual, corporation or public entity which  
9 materially aided in the apprehension or conviction of the defendant; repay  
10 the amount of any costs and expenses incurred by any law enforcement  
11 agency in the apprehension of the defendant, if one of the current crimes  
12 of conviction of the defendant includes escape from custody or aggravated  
13 escape from custody, as defined in K.S.A. 2012 Supp. 21-5911, and  
14 amendments thereto; repay expenses incurred by a fire district, fire  
15 department or fire company responding to a fire which has been  
16 determined to be arson or aggravated arson as defined in K.S.A. 2012  
17 Supp. 21-5812, and amendments thereto, if the defendant is convicted of  
18 such crime; repay the amount of any public funds utilized by a law  
19 enforcement agency to purchase controlled substances from the defendant  
20 during the investigation which leads to the defendant's conviction; or repay  
21 the amount of any medical costs and expenses incurred by any law  
22 enforcement agency or county. Such repayment of the amount of any such  
23 costs and expenses incurred by a county, law enforcement agency, fire  
24 district, fire department or fire company or any public funds utilized by a  
25 law enforcement agency shall be deposited and credited to the same fund  
26 from which the public funds were credited to prior to use by the county,  
27 law enforcement agency, fire district, fire department or fire company;

28 (9) order the defendant to pay the administrative fee authorized by  
29 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

30 (10) order the defendant to pay a domestic violence special program  
31 fee authorized by K.S.A. 20-369, and amendments thereto;

32 (11) if the defendant is convicted of a misdemeanor or convicted of a  
33 felony specified in subsection (i) of K.S.A. 2012 Supp. 21-6804, and  
34 amendments thereto, assign the defendant to work release program, other  
35 than a program at a correctional institution under the control of the  
36 secretary of corrections as defined in K.S.A. 75-5202, and amendments  
37 thereto, provided such work release program requires such defendant to  
38 return to confinement at the end of each day in the work release program.  
39 On a second *or subsequent* conviction of K.S.A. 8-1567, and amendments  
40 thereto, an offender placed into a work release program ~~must serve a total~~  
41 ~~of 120 hours of confinement. Such 120 hours of confinement shall be a~~  
42 ~~period of at least 48 consecutive hours of imprisonment followed by~~  
43 ~~confinement hours at the end of and continuing to the beginning of the~~

1 ~~offender's work day. On a third or subsequent conviction of K.S.A. 8-~~  
2 ~~1567, and amendments thereto, an offender placed into a work release~~  
3 ~~program must serve a total of 240 hours of confinement. Such 240 hours~~  
4 ~~of confinement shall be a period of at least 48 consecutive hours of~~  
5 ~~imprisonment followed by confinement hours at the end of and continuing~~  
6 ~~to the beginning of the offender's work day shall serve the total number of~~  
7 ~~hours of confinement mandated by that section;~~

8 (12) order the defendant to pay the full amount of unpaid costs  
9 associated with the conditions of release of the appearance bond under  
10 K.S.A. 22-2802, and amendments thereto;

11 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),  
12 (7), (8), (9), (10), (11) and (12); or

13 (14) suspend imposition of sentence in misdemeanor cases.

14 (b) (1) In addition to or in lieu of any of the above, the court shall  
15 order the defendant to pay restitution, which shall include, but not be  
16 limited to, damage or loss caused by the defendant's crime, unless the  
17 court finds compelling circumstances which would render a plan of  
18 restitution unworkable. In regard to a violation of K.S.A. 2012 Supp. 21-  
19 6107, and amendments thereto, such damage or loss shall include, but not  
20 be limited to, attorney fees and costs incurred to repair the credit history or  
21 rating of the person whose personal identification documents were  
22 obtained and used in violation of such section, and to satisfy a debt, lien or  
23 other obligation incurred by the person whose personal identification  
24 documents were obtained and used in violation of such section. If the court  
25 finds a plan of restitution unworkable, the court shall state on the record in  
26 detail the reasons therefor.

27 (2) If the court orders restitution, the restitution shall be a judgment  
28 against the defendant which may be collected by the court by garnishment  
29 or other execution as on judgments in civil cases. If, after 60 days from the  
30 date restitution is ordered by the court, a defendant is found to be in  
31 noncompliance with the plan established by the court for payment of  
32 restitution, and the victim to whom restitution is ordered paid has not  
33 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and  
34 amendments thereto, the court shall assign an agent procured by the  
35 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to  
36 collect the restitution on behalf of the victim. The chief judge of each  
37 judicial district may assign such cases to an appropriate division of the  
38 court for the conduct of civil collection proceedings.

39 (c) In addition to or in lieu of any of the above, the court shall order  
40 the defendant to submit to and complete an alcohol and drug evaluation,  
41 and pay a fee therefor, when required by subsection (d) of K.S.A. 2012  
42 Supp. 21-6602, and amendments thereto.

43 (d) In addition to any of the above, the court shall order the defendant

1 to reimburse the county general fund for all or a part of the expenditures  
2 by the county to provide counsel and other defense services to the  
3 defendant. Any such reimbursement to the county shall be paid only after  
4 any order for restitution has been paid in full. In determining the amount  
5 and method of payment of such sum, the court shall take account of the  
6 financial resources of the defendant and the nature of the burden that  
7 payment of such sum will impose. A defendant who has been required to  
8 pay such sum and who is not willfully in default in the payment thereof  
9 may at any time petition the court which sentenced the defendant to waive  
10 payment of such sum or any unpaid portion thereof. If it appears to the  
11 satisfaction of the court that payment of the amount due will impose  
12 manifest hardship on the defendant or the defendant's immediate family,  
13 the court may waive payment of all or part of the amount due or modify  
14 the method of payment.

15 (e) In releasing a defendant on probation, the court shall direct that  
16 the defendant be under the supervision of a court services officer. If the  
17 court commits the defendant to the custody of the secretary of corrections  
18 or to jail, the court may specify in its order the amount of restitution to be  
19 paid and the person to whom it shall be paid if restitution is later ordered  
20 as a condition of parole, conditional release or postrelease supervision.

21 (f) (1) When a new felony is committed while the offender is  
22 incarcerated and serving a sentence for a felony, ~~or while the offender is on~~  
23 ~~probation, assignment to a community correctional services program,~~  
24 ~~parole, conditional release or postrelease supervision for a felony,~~ a new  
25 sentence shall be imposed ~~pursuant to the consecutive sentencing~~  
26 ~~requirements consecutively pursuant to the provisions~~ of K.S.A. 2012  
27 Supp. 21-6606, and amendments thereto, and the court may sentence the  
28 offender to imprisonment for the new conviction, even when the new  
29 crime of conviction otherwise presumes a nonprison sentence. In this  
30 event, imposition of a prison sentence for the new crime does not  
31 constitute a departure.

32 (2) *When a new felony is committed while the offender is on*  
33 *probation, assignment to a community correctional services program,*  
34 *parole, conditional release or postrelease supervision for a felony, a new*  
35 *sentence shall be imposed either concurrently or consecutively pursuant to*  
36 *the provisions of K.S.A. 21-6606, and amendments thereto, and the court*  
37 *may sentence the offender to imprisonment for the new conviction, even*  
38 *when the new crime of conviction otherwise presumes a nonprison*  
39 *sentence. In this event, imposition of a prison sentence for the new crime*  
40 *does not constitute a departure.*

41 (3) *When a new felony is committed during a period of time during*  
42 *which the defendant would have been on probation, assignment to a*  
43 *community correctional services program, parole, conditional release or*

1 *postrelease supervision for a felony had the defendant not been granted*  
2 *release by the court pursuant to subsection (d) of K.S.A. 2012 Supp. 21-*  
3 *6608, and amendments thereto, or the prisoner review board pursuant to*  
4 *K.S.A. 22-3717, and amendments thereto, the court may sentence the*  
5 *offender to imprisonment for the new conviction, even when the new crime*  
6 *of conviction otherwise presumes a nonprison sentence. In this event,*  
7 *imposition of a prison sentence for the new crime does not constitute a*  
8 *departure.*

9 (4) When a new felony is committed while the offender is  
10 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,  
11 prior to its repeal, or K.S.A. 2012 Supp. 38-2373, and amendments  
12 thereto, for an offense, which if committed by an adult would constitute  
13 the commission of a felony, upon conviction, the court shall sentence the  
14 offender to imprisonment for the new conviction, even when the new  
15 crime of conviction otherwise presumes a nonprison sentence. In this  
16 event, imposition of a prison sentence for the new crime does not  
17 constitute a departure. The conviction shall operate as a full and complete  
18 discharge from any obligations, except for an order of restitution, imposed  
19 on the offender arising from the offense for which the offender was  
20 committed to a juvenile correctional facility.

21 ~~(3)(5)~~ When a new felony is committed while the offender is on  
22 release for a felony pursuant to the provisions of article 28 of chapter 22 of  
23 the Kansas Statutes Annotated, and amendments thereto, or similar  
24 provisions of the laws of another jurisdiction, a new sentence ~~may~~ *shall* be  
25 imposed ~~pursuant to the consecutive sentencing requirements of K.S.A.~~  
26 ~~2012 Supp. 21-6606, and amendments thereto, either concurrently or~~  
27 ~~consecutively pursuant to the provisions of K.S.A. 2012 Supp. 21-6606,~~  
28 *and amendments thereto, and the court may sentence the offender to*  
29 *imprisonment for the new conviction, even when the new crime of*  
30 *conviction otherwise presumes a nonprison sentence. In this event,*  
31 *imposition of a prison sentence for the new crime does not constitute a*  
32 *departure.*

33 (g) Prior to imposing a dispositional departure for a defendant whose  
34 offense is classified in the presumptive nonprison grid block of either  
35 sentencing guideline grid, prior to sentencing a defendant to incarceration  
36 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing  
37 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I  
38 of the sentencing guidelines grid for drug crimes committed prior to July  
39 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
40 guidelines grid for drug crimes committed on or after July 1, 2012, prior to  
41 sentencing a defendant to incarceration whose offense is classified in grid  
42 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
43 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of

1 the sentencing guidelines grid for drug crimes committed on or after July  
2 1, 2012, and whose offense does not meet the requirements of K.S.A. 2012  
3 Supp. 21-6824, and amendments thereto, prior to revocation of a  
4 nonprison sanction of a defendant whose offense is classified in grid  
5 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
6 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of  
7 the sentencing guidelines grid for drug crimes committed on or after July  
8 1, 2012, and whose offense does not meet the requirements of K.S.A. 2012  
9 Supp. 21-6824, and amendments thereto, or prior to revocation of a  
10 nonprison sanction of a defendant whose offense is classified in the  
11 presumptive nonprison grid block of either sentencing guideline grid or  
12 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug  
13 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing  
14 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid  
15 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug  
16 crimes committed on or after July 1, 2012, the court shall consider  
17 placement of the defendant in the Labette correctional conservation camp,  
18 conservation camps established by the secretary of corrections pursuant to  
19 K.S.A. 75-52,127, and ~~amendment~~ *amendments* thereto, or a community  
20 intermediate sanction center. Pursuant to this subsection the defendant  
21 shall not be sentenced to imprisonment if space is available in a  
22 conservation camp or community intermediate sanction center and the  
23 defendant meets all of the conservation camp's or community intermediate  
24 sanction center's placement criteria unless the court states on the record the  
25 reasons for not placing the defendant in a conservation camp or  
26 community intermediate sanction center.

27 (h) In committing a defendant to the custody of the secretary of  
28 corrections, the court shall fix a term of confinement within the limits  
29 provided by law. In those cases where the law does not fix a term of  
30 confinement for the crime for which the defendant was convicted, the  
31 court shall fix the term of such confinement.

32 (i) In addition to any of the above, the court shall order the defendant  
33 to reimburse the state general fund for all or part of the expenditures by the  
34 state board of indigents' defense services to provide counsel and other  
35 defense services to the defendant. In determining the amount and method  
36 of payment of such sum, the court shall take account of the financial  
37 resources of the defendant and the nature of the burden that payment of  
38 such sum will impose. A defendant who has been required to pay such sum  
39 and who is not willfully in default in the payment thereof may at any time  
40 petition the court which sentenced the defendant to waive payment of such  
41 sum or any unpaid portion thereof. If it appears to the satisfaction of the  
42 court that payment of the amount due will impose manifest hardship on the  
43 defendant or the defendant's immediate family, the court may waive

1 payment of all or part of the amount due or modify the method of  
2 payment. The amount of attorney fees to be included in the court order for  
3 reimbursement shall be the amount claimed by appointed counsel on the  
4 payment voucher for indigents' defense services or the amount prescribed  
5 by the board of indigents' defense services reimbursement tables as  
6 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

7 (j) This section shall not deprive the court of any authority conferred  
8 by any other Kansas statute to decree a forfeiture of property, suspend or  
9 cancel a license, remove a person from office or impose any other civil  
10 penalty as a result of conviction of crime.

11 (k) An application for or acceptance of probation or assignment to a  
12 community correctional services program shall not constitute an  
13 acquiescence in the judgment for purpose of appeal, and any convicted  
14 person may appeal from such conviction, as provided by law, without  
15 regard to whether such person has applied for probation, suspended  
16 sentence or assignment to a community correctional services program.

17 (l) The secretary of corrections is authorized to make direct  
18 placement to the Labette correctional conservation camp or a conservation  
19 camp established by the secretary pursuant to K.S.A. 75-52,127, and  
20 amendments thereto, of an inmate sentenced to the secretary's custody if  
21 the inmate:

22 (1) Has been sentenced to the secretary for a probation revocation, as  
23 a departure from the presumptive nonimprisonment grid block of either  
24 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I  
25 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks  
26 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes  
27 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of  
28 the sentencing guidelines grid for drug crimes committed on or after July  
29 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of  
30 the sentencing guidelines grid for drug crimes committed prior to July 1,  
31 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines  
32 grid for drug crimes committed on or after July 1, 2012, and such offense  
33 does not meet the requirements of K.S.A. 2012 Supp. 21-6824, and  
34 amendments thereto; and

35 (2) otherwise meets admission criteria of the camp.

36 If the inmate successfully completes a conservation camp program, the  
37 secretary of corrections shall report such completion to the sentencing  
38 court and the county or district attorney. The inmate shall then be assigned  
39 by the court to six months of follow-up supervision conducted by the  
40 appropriate community corrections services program. The court may also  
41 order that supervision continue thereafter for the length of time authorized  
42 by K.S.A. 2012 Supp. 21-6608, and amendments thereto.

43 (m) When it is provided by law that a person shall be sentenced

1 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions  
2 of this section shall not apply.

3 (n) (1) Except as provided by subsection (f) of K.S.A. 2012 Supp. 21-  
4 6805, and amendments thereto, in addition to any of the above, for felony  
5 violations of K.S.A. 2012 Supp. 21-5706, and amendments thereto, the  
6 court shall require the defendant who meets the requirements established  
7 in K.S.A. 2012 Supp. 21-6824, and amendments thereto, to participate in a  
8 certified drug abuse treatment program, as provided in K.S.A. 2012 Supp.  
9 75-52,144, and amendments thereto, including, but not limited to, an  
10 approved after-care plan. *The amount of time spent participating in such*  
11 *program shall not be credited as service on the underlying prison*  
12 *sentence.*

13 (2) If the defendant fails to participate in or has a pattern of  
14 intentional conduct that demonstrates the defendant's refusal to comply  
15 with or participate in the treatment program, as established by judicial  
16 finding, the defendant shall be subject to ~~revocation of probation and~~  
17 *sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and*  
18 *amendments thereto. If the defendant's probation is revoked, the defendant*  
19 *shall serve the underlying prison sentence as established in K.S.A. 2012*  
20 *Supp. 21-6805, and amendments thereto.*

21 (A) *Except as provided in subsection (n)(2)(B), for those offenders*  
22 *who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon*  
23 *completion of the underlying prison sentence, the offender shall not be*  
24 *subject to a period of postrelease supervision. ~~The amount of time spent~~*  
25 *participating in such program shall not be credited as service on the*  
26 *underlying prison sentence.*

27 (B) *Offenders whose crime of conviction was committed on or after*  
28 *July 1, 2013, and whose probation is revoked pursuant to subsection (c) of*  
29 *K.S.A. 22-3716, and amendments thereto, or whose underlying prison*  
30 *term expires while serving a sanction pursuant to subsection (c)(1)(C) or*  
31 *(c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period*  
32 *of postrelease supervision upon the completion of the underlying prison*  
33 *term.*

34 (o) (1) Except as provided in paragraph (3), in addition to any other  
35 penalty or disposition imposed by law, upon a conviction for unlawful  
36 possession of a controlled substance or controlled substance analog in  
37 violation of K.S.A. 2012 Supp. 21-5706, and amendments thereto, in  
38 which the trier of fact makes a finding that the unlawful possession  
39 occurred while transporting the controlled substance or controlled  
40 substance analog in any vehicle upon a highway or street, the offender's  
41 driver's license or privilege to operate a motor vehicle on the streets and  
42 highways of this state shall be suspended for one year.

43 (2) Upon suspension of a license pursuant to this subsection, the court



1 shall require the person to surrender the license to the court, which shall  
2 transmit the license to the division of motor vehicles of the department of  
3 revenue, to be retained until the period of suspension expires. At that time,  
4 the licensee may apply to the division for return of the license. If the  
5 license has expired, the person may apply for a new license, which shall be  
6 issued promptly upon payment of the proper fee and satisfaction of other  
7 conditions established by law for obtaining a license unless another  
8 suspension or revocation of the person's privilege to operate a motor  
9 vehicle is in effect.

10 (3) (A) In lieu of suspending the driver's license or privilege to  
11 operate a motor vehicle on the highways of this state of any person as  
12 provided in paragraph (1), the judge of the court in which such person was  
13 convicted may enter an order which places conditions on such person's  
14 privilege of operating a motor vehicle on the highways of this state, a  
15 certified copy of which such person shall be required to carry any time  
16 such person is operating a motor vehicle on the highways of this state. Any  
17 such order shall prescribe the duration of the conditions imposed, which in  
18 no event shall be for a period of more than one year.

19 (B) Upon entering an order restricting a person's license hereunder,  
20 the judge shall require such person to surrender such person's driver's  
21 license to the judge who shall cause it to be transmitted to the division of  
22 vehicles, together with a copy of the order. Upon receipt thereof, the  
23 division of vehicles shall issue without charge a driver's license which  
24 shall indicate on its face that conditions have been imposed on such  
25 person's privilege of operating a motor vehicle and that a certified copy of  
26 the order imposing such conditions is required to be carried by the person  
27 for whom the license was issued any time such person is operating a motor  
28 vehicle on the highways of this state. If the person convicted is a  
29 nonresident, the judge shall cause a copy of the order to be transmitted to  
30 the division and the division shall forward a copy of it to the motor vehicle  
31 administrator of such person's state of residence. Such judge shall furnish  
32 to any person whose driver's license has had conditions imposed on it  
33 under this paragraph a copy of the order, which shall be recognized as a  
34 valid Kansas driver's license until such time as the division shall issue the  
35 restricted license provided for in this paragraph.

36 (C) Upon expiration of the period of time for which conditions are  
37 imposed pursuant to this subsection, the licensee may apply to the division  
38 for the return of the license previously surrendered by such licensee. In the  
39 event such license has expired, such person may apply to the division for a  
40 new license, which shall be issued immediately by the division upon  
41 payment of the proper fee and satisfaction of the other conditions  
42 established by law, unless such person's privilege to operate a motor  
43 vehicle on the highways of this state has been suspended or revoked prior

1 thereto. If any person shall violate any of the conditions imposed under  
2 this paragraph, such person's driver's license or privilege to operate a  
3 motor vehicle on the highways of this state shall be revoked for a period of  
4 not less than 60 days nor more than one year by the judge of the court in  
5 which such person is convicted of violating such conditions.

6 (4) As used in this subsection, "highway" and "street" mean the same  
7 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

8 (p) In addition to any of the above, for any criminal offense that  
9 includes the domestic violence designation pursuant to K.S.A. 2012 Supp.  
10 22-4616, and amendments thereto, the court shall require the defendant to:

11 (1) Undergo a domestic violence offender assessment *conducted by a*  
12 *certified batterer intervention program*; and (2) follow all  
13 recommendations *made by such program*, unless otherwise ordered by the  
14 court or the department of corrections. The court may order a domestic  
15 violence offender assessment and any other evaluation prior to sentencing  
16 if the assessment or evaluation would assist the court in determining an  
17 appropriate sentence. The entity completing the assessment or evaluation  
18 shall provide the assessment or evaluation and recommendations to the  
19 court and the court shall provide the domestic violence offender  
20 assessment ~~and any other evaluation~~ to any entity responsible for  
21 supervising such defendant. A defendant ordered to undergo a domestic  
22 violence offender assessment shall be required to pay for the assessment  
23 and, unless otherwise ordered by the court or the department of  
24 corrections, for completion of all recommendations.

25 (q) In imposing a fine, the court may authorize the payment thereof in  
26 installments. In lieu of payment of any fine imposed, the court may order  
27 that the person perform community service specified by the court. The  
28 person shall receive a credit on the fine imposed in an amount equal to \$5  
29 for each full hour spent by the person in the specified community service.  
30 The community service ordered by the court shall be required to be  
31 performed by the later of one year after the fine is imposed or one year  
32 after release from imprisonment or jail, or by an earlier date specified by  
33 the court. If by the required date the person performs an insufficient  
34 amount of community service to reduce to zero the portion of the fine  
35 required to be paid by the person, the remaining balance shall become due  
36 on that date. If conditional reduction of any fine is rescinded by the court  
37 for any reason, then pursuant to the court's order the person may be  
38 ordered to perform community service by one year after the date of such  
39 rescission or by an earlier date specified by the court. If by the required  
40 date the person performs an insufficient amount of community service to  
41 reduce to zero the portion of the fine required to be paid by the person, the  
42 remaining balance of the fine shall become due on that date. All credits for  
43 community service shall be subject to review and approval by the court.

1 (r) In addition to any other penalty or disposition imposed by law, for  
2 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,  
3 prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments  
4 thereto, for crimes committed on or after July 1, 2006, the court shall order  
5 that the defendant be electronically monitored upon release from  
6 imprisonment for the duration of the defendant's natural life and that the  
7 defendant shall reimburse the state for all or part of the cost of such  
8 monitoring as determined by the prisoner review board.

9 (s) *Whenever the court has released the defendant on probation*  
10 *pursuant to subsection (a)(3), the defendant's supervising court services*  
11 *officer, with the concurrence of the chief court services officer, may impose*  
12 *the violation sanctions as provided in subsection (c)(1)(B) of K.S.A. 22-*  
13 *3716, and amendments thereto, without further order of the court, unless:*

14 (1) *The court has specifically withheld this authority in its sentencing*  
15 *order; or*

16 (2) *the defendant, after being apprised of the right to a revocation*  
17 *hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and*  
18 *amendments thereto, refuses to waive such right.*

19 (t) *Whenever the court has assigned the defendant to a community*  
20 *correctional services program pursuant to subsection (a)(4), the*  
21 *defendant's community corrections officer, with the concurrence of the*  
22 *community corrections director, may impose the violation sanctions as*  
23 *provided in subsection (c)(1)(B) of K.S.A. 22-3716, and amendments*  
24 *thereto, without further order of the court unless:*

25 (1) *The court has specifically withheld this authority in its sentencing*  
26 *order; or*

27 (2) *the defendant, after being apprised of the right to a revocation*  
28 *hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and*  
29 *amendments thereto, refuses to waive such right.*

30 Sec. 2. K.S.A. 2012 Supp. 21-6606 is hereby amended to read as  
31 follows: 21-6606. (a) When separate sentences of imprisonment for  
32 different crimes are imposed on a defendant on the same date, including  
33 sentences for crimes for which suspended sentences, probation or  
34 assignment to a community correctional services program have been  
35 revoked, such sentences shall run concurrently or consecutively as the  
36 court directs. Whenever the record is silent as to the manner in which two  
37 or more sentences imposed at the same time shall be served, they shall be  
38 served concurrently, except as *otherwise* provided in ~~subsections~~  
39 ~~subsection (c), (d) and (e).~~

40 (b) Any person who is convicted and sentenced for a crime  
41 committed while on probation, assignment to a community correctional  
42 services program, parole or conditional release for a misdemeanor shall  
43 serve the sentence concurrently with or consecutively to the term or terms

1 under which the person was on probation, assigned to a community  
2 correctional services program or on parole or conditional release, as the  
3 court directs.

4 ~~(c) Any person who is convicted and sentenced for a crime~~  
5 ~~committed while on probation, assigned to a community correctional~~  
6 ~~services program, on parole, on conditional release or on postrelease~~  
7 ~~supervision for a felony shall serve the sentence consecutively to the term~~  
8 ~~or terms under which the person was on probation, assigned to a~~  
9 ~~community correctional services program or on parole or conditional~~  
10 ~~release.~~

11 ~~(d) Any person who is convicted and sentenced for a crime~~  
12 ~~committed while on release for a felony pursuant to article 28 of chapter~~  
13 ~~22 of the Kansas Statutes Annotated, and amendments thereto, shall serve~~  
14 ~~the sentence consecutively to the term or terms under which the person~~  
15 ~~was released.~~

16 ~~(e)~~ (1) Any person who is convicted and sentenced for a crime  
17 committed while such person is incarcerated and serving a sentence for a  
18 felony in any place of incarceration shall serve the sentence consecutively  
19 to the term or terms under which the person was incarcerated.

20 (2) If a person is sentenced to prison for a crime committed on or  
21 after July 1, 1993, while the person was imprisoned for an offense  
22 committed prior to July 1, 1993, and the person is not eligible for the  
23 retroactive application of the sentencing guidelines act, the new sentence  
24 shall not be aggregated with the old sentence but shall begin when the  
25 person is paroled or reaches the conditional release date on the old  
26 sentence, whichever is earlier. If the offender was past the offender's  
27 conditional release date at the time the new offense was committed, the  
28 new sentence shall not be aggregated with the old sentence but shall begin  
29 when the person is ordered released by *the* prisoner review board or  
30 reaches the maximum sentence date on the old sentence, whichever is  
31 earlier. The new sentence shall then be served as otherwise provided by  
32 law. The period of post incarceration supervision shall be based on the  
33 longest term of post incarceration supervision imposed for all crimes upon  
34 which sentence was imposed or until discharged from supervision by the  
35 prisoner review board. The term of post incarceration supervision imposed  
36 by this paragraph shall apply retroactively to crimes committed prior to  
37 July 1, 2008.

38 (3) As used in this subsection, "post incarceration supervision"  
39 includes parole and postrelease supervision.

40 (f) The provisions of this subsection relating to parole eligibility shall  
41 be applicable to persons convicted of crimes committed prior to January 1,  
42 1979, but shall be applicable to persons convicted of crimes committed on  
43 or after that date only to the extent that the terms of this subsection are not

1 in conflict with the provisions of K.S.A. 22-3717, and amendments  
2 thereto. In calculating the time to be served on concurrent and consecutive  
3 sentences, the following rules shall apply:

4 (1) When indeterminate terms run concurrently, the shorter minimum  
5 terms merge in and are satisfied by serving the longest minimum term and  
6 the shorter maximum terms merge in and are satisfied by conditional  
7 release or discharge on the longest maximum term if the terms are imposed  
8 on the same date.

9 (2) When concurrent terms are imposed on different dates,  
10 computation will be made to determine which term or terms require the  
11 longest period of imprisonment to reach parole eligibility, conditional  
12 release and maximum dates, and that sentence will be considered the  
13 controlling sentence. The parole eligibility date may be computed and  
14 projected on one sentence and the conditional release date and maximum  
15 may be computed and projected from another to determine the controlling  
16 sentence.

17 (3) When indeterminate terms imposed on the same date are to be  
18 served consecutively, the minimum terms are added to arrive at an  
19 aggregate minimum to be served equal to the sum of all minimum terms  
20 and the maximum terms are added to arrive at an aggregate maximum  
21 equal to the sum of all maximum terms.

22 (4) When indeterminate sentences are imposed to be served  
23 consecutively to sentences previously imposed in any other court or the  
24 sentencing court, the aggregated minimums and maximums shall be  
25 computed from the effective date of the subsequent sentences which have  
26 been imposed as consecutive. For the purpose of determining the sentence  
27 begins date and the parole eligibility and conditional release dates, the  
28 inmate shall be given credit on the aggregate sentence for time spent  
29 imprisoned on the previous sentences, but not exceeding an amount equal  
30 to the previous minimum sentence less the maximum amount of good time  
31 credit that could have been earned on the minimum sentence. For the  
32 purpose of computing the maximum date, the inmate shall be given credit  
33 for all time spent imprisoned on the previous sentence. This method for  
34 computation of the maximum sentence shall be utilized for all sentences  
35 computed pursuant to this subsection after July 1, 1983.

36 Nothing in this subsection (f)(4) shall affect the authority of the  
37 prisoner review board to determine the parole eligibility of inmates  
38 pursuant to subsection (d) of K.S.A. 22-3717, and amendments thereto.

39 (5) When consecutive sentences are imposed which are to be served  
40 consecutive to sentences for which a prisoner has been on probation,  
41 assigned to a community correctional services program, on parole or on  
42 conditional release, the amount of time served on probation, on assignment  
43 to a community correctional services program, on parole or on conditional

1 release shall not be credited as service on the aggregate sentence in  
2 determining the parole eligibility, conditional release and maximum dates,  
3 except that credit shall be given for any amount of time spent in a  
4 residential facility while on probation or assignment to a community  
5 correctional residential services program.

6 (g) When a definite and an indefinite term run consecutively, the  
7 period of the definite term is added to both the minimum and maximum of  
8 the indeterminate term and both sentences are satisfied by serving the  
9 indeterminate term. The provisions of this subsection shall not apply to  
10 crimes committed on or after July 1, 1993.

11 (h) When a defendant is sentenced in a state court and is also under  
12 sentence from a federal court or other state court or is subject to sentence  
13 in a federal court or other state court for an offense committed prior to the  
14 defendant's sentence in a Kansas state court, the court may direct that  
15 custody of the defendant may be relinquished to federal or other state  
16 authorities and that such state sentences as are imposed may run  
17 concurrently with any federal or other state sentence imposed.

18 Sec. 3. K.S.A. 2012 Supp. 21-6608 is hereby amended to read as  
19 follows: 21-6608. (a) The period of suspension of sentence, probation or  
20 assignment to community corrections fixed by the court shall not exceed  
21 two years in misdemeanor cases, subject to renewal and extension for  
22 additional fixed periods of two years. Probation, suspension of sentence or  
23 assignment to community corrections may be terminated by the court at  
24 any time and upon such termination or upon termination by expiration of  
25 the term of probation, suspension of sentence or assignment to community  
26 corrections, an order to this effect shall be entered by the court.

27 (b) The district court having jurisdiction of the offender may parole  
28 any misdemeanant sentenced to confinement in the county jail. The period  
29 of such parole shall be fixed by the court and shall not exceed two years  
30 and shall be terminated in the manner provided for termination of  
31 suspended sentence and probation.

32 (c) For all crimes committed on or after July 1, 1993, the duration of  
33 probation in felony cases sentenced for the following severity levels on the  
34 sentencing guidelines grid for nondrug crimes and the sentencing  
35 guidelines grid for drug crimes is as follows:

36 (1) For nondrug crimes the recommended duration of probation is:

37 (A) 36 months for crimes in crime severity levels 1 through 5; and

38 (B) 24 months for crimes in crime severity levels 6 and 7;

39 (2) for drug crimes the recommended duration of probation is 36  
40 months for crimes in crime severity levels 1 and 2 committed prior to July  
41 1, 2012, and crimes in crime severity levels 1, 2 and 3 committed on or  
42 after July 1, 2012;

43 (3) except as provided further, in felony cases sentenced at severity

1 levels 9 and 10 on the sentencing guidelines grid for nondrug crimes,  
2 severity level 4 on the sentencing guidelines grid for drug crimes  
3 committed prior to July 1, 2012, and severity level 5 of the sentencing  
4 guidelines grid for drug crimes committed on or after July 1, 2012, if a  
5 nonprison sanction is imposed, the court shall order the defendant to serve  
6 a period of probation of up to 12 months in length;

7 (4) in felony cases sentenced at severity level 8 on the sentencing  
8 guidelines grid for nondrug crimes, severity level 3 on the sentencing  
9 guidelines grid for drug crimes committed prior to July 1, 2012, and  
10 severity level 4 of the sentencing guidelines grid for drug crimes  
11 committed on or after July 1, 2012, and felony cases sentenced pursuant to  
12 K.S.A. 2012 Supp. 21-6824, and amendments thereto, if a nonprison  
13 sanction is imposed, the court shall order the defendant to serve a period of  
14 probation, or assignment to a community correctional services program, as  
15 provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to  
16 18 months in length;

17 (5) if the court finds and sets forth with particularity the reasons for  
18 finding that the safety of the members of the public will be jeopardized or  
19 that the welfare of the inmate will not be served by the length of the  
20 probation terms provided in subsections (c)(3) and (c)(4), the court may  
21 impose a longer period of probation. Such an increase shall not be  
22 considered a departure and shall not be subject to appeal;

23 (6) except as provided in subsections (c)(7) and (c)(8), the total  
24 period in all cases shall not exceed 60 months, or the maximum period of  
25 the prison sentence that could be imposed whichever is longer. Nonprison  
26 sentences may be terminated by the court at any time;

27 (7) if the defendant is convicted of nonsupport of a child, the period  
28 may be continued as long as the responsibility for support continues. If the  
29 defendant is ordered to pay full or partial restitution, the period may be  
30 continued as long as the amount of restitution ordered has not been paid;  
31 and

32 (8) the court may modify or extend the offender's period of  
33 supervision, pursuant to a modification hearing and a judicial finding of  
34 necessity. Such extensions may be made for a maximum period of five  
35 years or the maximum period of the prison sentence that could be imposed,  
36 whichever is longer, inclusive of the original supervision term.

37 (d) *In addition to the provisions of subsection (a), a defendant who*  
38 *has a risk assessment of low risk, has paid all restitution and has been*  
39 *compliant with the terms of probation, assignment to a community*  
40 *correctional services program, suspension of sentence or nonprison*  
41 *sanction for a period of 12 months shall be eligible for discharge from*  
42 *such period of supervision by the court. The court shall grant such*  
43 *discharge unless the court finds substantial and compelling reasons for*

1 *denial of such discharge.*

2 Sec. 4. K.S.A. 2012 Supp. 21-6821 is hereby amended to read as  
3 follows: 21-6821. (a) The secretary of corrections is hereby authorized to  
4 adopt rules and regulations providing for a system of good time  
5 calculations. Such rules and regulations shall provide circumstances upon  
6 which an inmate may earn good time credits and for the forfeiture of  
7 earned credits. Such circumstances may include factors related to program  
8 and work participation and conduct and the inmate's willingness to  
9 examine and confront past behavioral patterns that resulted in the  
10 commission of the inmate's crimes.

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

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

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

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

19 (B) for a nondrug severity level 7 through 10 crime committed on or  
20 after January 1, 2008, an amount equal to 20% of the prison part of the  
21 sentence; or

22 (C) for a drug severity level 3 or 4 crime committed on or after  
23 January 1, 2008, but prior to July 1, 2012, or a drug severity level 4 or 5  
24 crime committed on or after July 1, 2012, an amount equal to 20% of the  
25 prison part of the sentence.

26 (c) *The postrelease supervision term of a person sentenced to a term*  
27 *of imprisonment that includes a sentence for a sexually violent crime as*  
28 *defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated*  
29 *crime in which the offender has been ordered to register pursuant to*  
30 *subsection (d)(1)(D)(vii) of K.S.A. 22-3717, and amendments thereto,*  
31 *electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2012*  
32 *Supp. 21-5509, and amendments thereto, or unlawful sexual relations,*  
33 *K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-5512, and*  
34 *amendments thereto, shall have any time which is earned and subtracted*  
35 *from the prison part of the such sentence of any inmate and any other*  
36 *consecutive or concurrent sentence pursuant to good time calculation shall*  
37 *be added to such inmate's postrelease supervision term.*

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

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

43 (2) brought an action or claim with the court solely or primarily for



1 delay or harassment;

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

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

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

7 (e) (1) For purposes of determining release of an inmate who is  
8 serving only a sentence for a nondrug severity level 4 through 10 crime or  
9 a drug severity level 3 or 4 crime committed on or after January 1, 2008,  
10 but prior to July 1, 2012, or an inmate who is serving only a sentence for a  
11 nondrug severity level 4 through 10 crime or a drug severity level 4 or 5  
12 crime committed on or after July 1, 2012, the secretary of corrections is  
13 hereby authorized to adopt rules and regulations regarding program credit  
14 calculations. Such rules and regulations shall provide circumstances upon  
15 which an inmate may earn program credits and for the forfeiture of earned  
16 credits and such circumstances may include factors substantially related to  
17 program participation and conduct. In addition to any good time credits  
18 earned and retained, the following shall apply with regard to program  
19 credit calculations:

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

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

28 (2) Any time which is earned and subtracted from the prison part of  
29 the sentence of any inmate pursuant to program credit calculation shall *not*  
30 be added to such inmate's postrelease supervision term, if applicable,  
31 *except that the postrelease supervision term of a person sentenced to a*  
32 *term of imprisonment that includes a sentence for a sexually violent crime*  
33 *as defined in K.S.A. 22-3717, and amendments thereto, a sexually*  
34 *motivated crime in which the offender has been ordered to register*  
35 *pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-3717, and amendments*  
36 *thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or*  
37 *K.S.A. 2012 Supp. 21-5509, and amendments thereto, or unlawful sexual*  
38 *relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-*  
39 *5512, and amendments thereto, shall have any time which is earned and*  
40 *subtracted from the prison part of such sentence and any other*  
41 *consecutive or concurrent sentence pursuant to program credit calculation*  
42 *added to such inmate's postrelease supervision term.*

43 (3) When separate sentences of imprisonment for different crimes are

1 imposed on a defendant on the same date, a defendant shall only be  
2 eligible for program credits if such crimes are a nondrug severity level 4  
3 through 10, a drug severity level 3 or 4 committed prior to July 1, 2012, or  
4 a drug severity level 4 or 5 committed on or after July 1, 2012.

5 (4) Program credits shall not be earned by any offender successfully  
6 completing a sex offender treatment program.

7 (5) The secretary of corrections shall report to the Kansas sentencing  
8 commission and the Kansas reentry policy council the data on the program  
9 credit calculations.

10 Sec. 5. K.S.A. 2012 Supp. 22-3716 is hereby amended to read as  
11 follows: 22-3716. (a) At any time during probation, assignment to a  
12 community correctional services program, suspension of sentence or  
13 pursuant to subsection ~~(d)~~(e) for defendants who committed a crime prior  
14 to July 1, 1993, and at any time during which a defendant is serving a  
15 nonprison sanction for a crime committed on or after July 1, 1993, or  
16 pursuant to subsection ~~(d)~~(e), the court may issue a warrant for the arrest  
17 of a defendant for violation of any of the conditions of release or  
18 assignment, a notice to appear to answer to a charge of violation or a  
19 violation of the defendant's nonprison sanction. The notice shall be  
20 personally served upon the defendant. The warrant shall authorize all  
21 officers named in the warrant to return the defendant to the custody of the  
22 court or to any certified detention facility designated by the court. Any  
23 court services officer or community correctional services officer may  
24 arrest the defendant without a warrant or may deputize any other officer  
25 with power of arrest to do so by giving the officer a written or verbal  
26 statement setting forth that the defendant has, in the judgment of the court  
27 services officer or community correctional services officer, violated the  
28 conditions of the defendant's release or a nonprison sanction. A written  
29 statement delivered to the official in charge of a county jail or other place  
30 of detention shall be sufficient warrant for the detention of the defendant.  
31 After making an arrest, the court services officer or community  
32 correctional services officer shall present to the detaining authorities a  
33 similar statement of the circumstances of violation. Provisions regarding  
34 release on bail of persons charged with a crime shall be applicable to  
35 defendants arrested under these provisions.

36 (b) (1) Upon arrest and detention pursuant to subsection (a), the court  
37 services officer or community correctional services officer shall  
38 immediately notify the court and shall submit in writing a report showing  
39 in what manner the defendant has violated the conditions of release or  
40 assignment or a nonprison sanction.

41 ~~(2) Thereupon, or upon an arrest by warrant as provided in this~~  
42 ~~section, Unless the defendant, after being apprised of the right to a~~  
43 ~~hearing by the supervising court services or community correctional~~

1 *services officer, waives such hearing, the court shall cause the defendant to*  
2 *be brought before it without unnecessary delay for a hearing on the*  
3 *violation charged. The hearing shall be in open court and the state shall*  
4 *have the burden of establishing the violation. The defendant shall have the*  
5 *right to be represented by counsel and shall be informed by the judge that,*  
6 *if the defendant is financially unable to obtain counsel, an attorney will be*  
7 *appointed to represent the defendant. The defendant shall have the right to*  
8 *present the testimony of witnesses and other evidence on the defendant's*  
9 *behalf. Relevant written statements made under oath may be admitted and*  
10 *considered by the court along with other evidence presented at the hearing.*

11 *(3)(A) Except as otherwise provided, if the original crime of*  
12 *conviction was a felony and a violation is established, the court may*  
13 *impose the violation sanctions as provided in subsection (c)(1).*

14 *(B) Except as otherwise provided, if the original crime of conviction*  
15 *was a misdemeanor and a violation is established, the court may continue*  
16 *or revoke the probation, assignment to a community correctional services*  
17 *program, suspension of sentence or nonprison sanction and may require*  
18 *the defendant to serve the sentence imposed, or any lesser sentence, and, if*  
19 *imposition of sentence was suspended, may impose any sentence which*  
20 *might originally have been imposed.*

21 *(4) Except as otherwise provided, if the defendant waives the right to*  
22 *a hearing and the sentencing court has not specifically withheld the*  
23 *authority from court services or community correctional services to*  
24 *impose sanctions, the following sanctions may be imposed without further*  
25 *order of the court:*

26 *(A) If the defendant was on probation at the time of the violation, the*  
27 *defendant's supervising court services officer, with the concurrence of the*  
28 *chief court services officer, may impose the violation sanctions as provided*  
29 *in subsection (c)(1)(B); and*

30 *(B) if the defendant was assigned to a community correctional*  
31 *services program at the time of the violation, the defendant's community*  
32 *corrections officer, with the concurrence of the community corrections*  
33 *director, may impose the violation sanctions as provided in subsection (c)*  
34 *(1)(B).*

35 *(c) (1) Except as otherwise provided, if the violation is established,*  
36 *the court may the following violation sanctions may be imposed:*

37 *(A) Continue or revoke—Continuation or modification of the release*  
38 *conditions of the probation, assignment to a community correctional*  
39 *services program, suspension of sentence or nonprison sanction and may*  
40 *require the defendant to serve the sentence imposed, or any lesser*  
41 *sentence, and, if imposition of sentence was suspended, may impose any*  
42 *sentence which might originally have been imposed.;*

43 *(B) an intermediate sanction of confinement in jail for a total of not*

1 more than six days per month in any three separate months during the  
2 period of release supervision. The six days per month confinement may  
3 only be imposed as two-day or three-day consecutive periods, not to  
4 exceed 18 days of total confinement;

5 (C) if the violator already has at least one intermediate sanction  
6 imposed pursuant to subsection (c)(1)(B) related to the felony crime for  
7 which the original supervision was imposed, remanding the defendant to  
8 the custody of the secretary of corrections for a period of 120 days, subject  
9 to a reduction of up to 60 days in the discretion of the secretary;

10 (D) if the violator already has at least one sanction imposed pursuant  
11 to subsection (c)(1)(C) related to the felony crime for which the original  
12 supervision was imposed, remanding the defendant to the custody of the  
13 secretary of corrections for a period of 180 days, subject to a reduction of  
14 up to 90 days in the discretion of the secretary; or

15 (E) if the violator already has at least one sanction imposed pursuant  
16 to subsection (c)(1)(D) related to the felony crime for which the original  
17 supervision was imposed, revocation of the probation, assignment to a  
18 community corrections services program, suspension of sentence or  
19 nonprison sanction and requiring such violator to serve the sentence  
20 imposed, or any lesser sentence and, if imposition of sentence was  
21 suspended, imposition of any sentence which might originally have been  
22 imposed.

23 (2) Except as otherwise provided, no offender for whom a violation  
24 of conditions of release or assignment or a nonprison sanction has been  
25 established as provided in this section shall be required to serve any time  
26 for the sentence imposed or which might originally have been imposed in  
27 a state facility in the custody of the secretary of corrections for such  
28 violation, unless such person has already at least one prior assignment to a  
29 community correctional services program related to the crime for which  
30 the original sentence was imposed, ~~except these provisions shall not apply~~  
31 ~~to offenders who violate a condition of release or assignment or a~~  
32 ~~nonprison sanction by committing a new misdemeanor or felony offense.~~

33 (3) The provisions of this subsection (c)(2) shall not apply to adult  
34 felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and  
35 amendments thereto.

36 (4) The court may require an offender for whom a violation of  
37 conditions of release or assignment or a nonprison sanction has been  
38 established as provided in this section to serve any time for the sentence  
39 imposed or which might originally have been imposed in a state facility in  
40 the custody of the secretary of corrections without a prior assignment to a  
41 community correctional services program if the court finds and sets forth  
42 with particularity the reasons for finding that the safety of the members of  
43 the public will be jeopardized or that the welfare of the inmate will not be

1 served by such assignment to a community correctional services program.

2 (5) When a new felony is committed while the offender is on  
3 probation or assignment to a community correctional services program, the  
4 new sentence shall be imposed pursuant to the ~~consecutive~~ sentencing  
5 requirements of K.S.A. 2012 Supp. 21-6606, and amendments thereto, and  
6 the court may sentence the offender to imprisonment for the new  
7 conviction, even when the new crime of conviction otherwise presumes a  
8 nonprison sentence. In this event, imposition of a prison sentence for the  
9 new crime does not constitute a departure.

10 (6) *Except as provided in subsection (f), upon completion of a*  
11 *violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D)*  
12 *such offender shall be returned to community correctional services*  
13 *supervision.*

14 (7) *A violation sanction imposed pursuant to subsection (c)(1)(B), (c)*  
15 *(1)(C) or (c)(1)(D) shall not be longer than the amount of time remaining*  
16 *on the defendant's underlying prison sentence.*

17 (8) *If the offender commits a new felony or misdemeanor or absconds*  
18 *from supervision while the offender is on probation, assignment to a*  
19 *community correctional services program, suspension of sentence or*  
20 *nonprison sanction, the court may impose any of the sanctions provided in*  
21 *subsection (c)(1).*

22 (9) *The court may revoke the probation, assignment to a community*  
23 *correctional services program, suspension of sentence or nonprison*  
24 *sanction of an offender pursuant to (c)(1)(E) without having previously*  
25 *imposed a sanction pursuant to (c)(1)(B), (c)(1)(C) or (c)(1)(D) if the*  
26 *court finds and sets forth with particularity the reasons for finding that the*  
27 *safety of members of the public will be jeopardized or that the welfare of*  
28 *the offender will not be served by such sanction.*

29 ~~(e)(d)~~ A defendant who is on probation, assigned to a community  
30 correctional services program, under suspension of sentence or serving a  
31 nonprison sanction and for whose return a warrant has been issued by the  
32 court shall be considered a fugitive from justice if it is found that the  
33 warrant cannot be served. If it appears that the defendant has violated the  
34 provisions of the defendant's release or assignment or a nonprison  
35 sanction, the court shall determine whether the time from the issuing of the  
36 warrant to the date of the defendant's arrest, or any part of it, shall be  
37 counted as time served on probation, assignment to a community  
38 correctional services program, suspended sentence or pursuant to a  
39 nonprison sanction.

40 ~~(d)(e)~~ The court shall have 30 days following the date probation,  
41 assignment to a community correctional service program, suspension of  
42 sentence or a nonprison sanction was to end to issue a warrant for the  
43 arrest or notice to appear for the defendant to answer a charge of a

1 violation of the conditions of probation, assignment to a community  
2 correctional service program, suspension of sentence or a nonprison  
3 sanction.

4 ~~(e) (f) Notwithstanding the provisions of any other law to the~~  
5 ~~contrary, For crimes committed on and after July 1, 2013, an offender~~  
6 ~~whose nonprison sanction is revoked pursuant to subsection (c) and a term~~  
7 ~~of imprisonment imposed pursuant to either the sentencing guidelines grid~~  
8 ~~for nondrug or drug crimes or whose underlying prison term expires while~~  
9 ~~-serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall not~~  
10 ~~serve a period of postrelease supervision upon the completion of the prison~~  
11 ~~portion of that the underlying sentence. The provisions of this subsection~~  
12 ~~shall not apply to offenders sentenced to a nonprison sanction pursuant to a~~  
13 ~~dispositional departure, whose offense falls within a border box of either~~  
14 ~~the sentencing guidelines grid for nondrug or drug crimes, offenders~~  
15 ~~sentenced for a "sexually violent crime" or a "sexually motivated crime" as~~  
16 ~~defined by K.S.A. 22-3717, and amendments thereto, offenders sentenced~~  
17 ~~pursuant to K.S.A. 2012 Supp. 21-6804, and amendments thereto, wherein~~  
18 ~~the sentence is presumptive imprisonment but a nonprison sanction may be~~  
19 ~~imposed without a departure or offenders whose nonprison sanction was~~  
20 ~~revoked as a result of a conviction for a new misdemeanor or felony~~  
21 ~~offense. The provisions of this subsection shall not apply to offenders who~~  
22 ~~are serving or are to begin serving a sentence for any other felony offense~~  
23 ~~that is not excluded from postrelease supervision by this subsection on the~~  
24 ~~effective date of this subsection. The provisions of this subsection shall be~~  
25 ~~applied retroactively. The department of corrections shall conduct a review~~  
26 ~~of all persons who are in the custody of the department as a result of only a~~  
27 ~~revocation of a nonprison sanction. On or before September 1, 2000, the~~  
28 ~~department shall have discharged from postrelease supervision those~~  
29 ~~offenders as required by this subsection.~~

30 ~~(f)(g)~~ Offenders who have been sentenced pursuant to K.S.A. 2012  
31 Supp. 21-6824, and amendments thereto, and who subsequently violate a  
32 condition of the drug and alcohol abuse treatment program shall be subject  
33 to an additional nonprison sanction for any such subsequent violation.  
34 Such nonprison sanctions shall include, but not be limited to, up to 60 days  
35 in a county jail, fines, community service, intensified treatment, house  
36 arrest and electronic monitoring.

37 Sec. 6. K.S.A. 2012 Supp. 22-3717 is hereby amended to read as  
38 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
39 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638,  
40 prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642,  
41 prior to its repeal; K.S.A. 2012 Supp. 21-6617, 21-6620, 21-6623, 21-  
42 6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567,  
43 and amendments thereto; an inmate, including an inmate sentenced

1 pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2012 Supp. 21-  
2 6707, and amendments thereto, shall be eligible for parole after serving the  
3 entire minimum sentence imposed by the court, less good time credits.

4 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, prior  
5 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-  
6 6625, and amendments thereto, an inmate sentenced to imprisonment for  
7 the crime of capital murder, or an inmate sentenced for the crime of  
8 murder in the first degree based upon a finding of premeditated murder,  
9 committed on or after July 1, 1994, shall be eligible for parole after  
10 serving 25 years of confinement, without deduction of any good time  
11 credits.

12 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993  
13 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior  
14 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-  
15 6625, and amendments thereto, an inmate sentenced to imprisonment for  
16 an off-grid offense committed on or after July 1, 1993, but prior to July 1,  
17 1999, shall be eligible for parole after serving 15 years of confinement,  
18 without deduction of any good time credits and an inmate sentenced to  
19 imprisonment for an off-grid offense committed on or after July 1, 1999,  
20 shall be eligible for parole after serving 20 years of confinement without  
21 deduction of any good time credits.

22 (3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
23 repeal, an inmate sentenced for a class A felony committed before July 1,  
24 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
25 its repeal, or K.S.A. 2012 Supp. 21-6707, and amendments thereto, shall  
26 be eligible for parole after serving 15 years of confinement, without  
27 deduction of any good time credits.

28 (4) An inmate sentenced to imprisonment for a violation of  
29 subsection (a) of K.S.A. 21-3402, prior to its repeal, committed on or after  
30 July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after  
31 serving 10 years of confinement without deduction of any good time  
32 credits.

33 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
34 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments  
35 thereto, committed on or after July 1, 2006, shall be eligible for parole  
36 after serving the mandatory term of imprisonment without deduction of  
37 any good time credits.

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

42 (A) The aggregate minimum sentences, as determined pursuant to  
43 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2012 Supp. 21-6606, and

1 amendments thereto, less good time credits for those crimes which are not  
2 class A felonies; and

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

5 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
6 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments  
7 thereto, for crimes committed on or after July 1, 2006, the inmate shall be  
8 eligible for parole after serving the mandatory term of imprisonment.

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

14 (A) Except as provided in subparagraphs (D) and (E), persons  
15 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
16 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
17 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
18 July 1, 2012, must serve 36 months, ~~plus the amount of good time and  
19 program credit earned and retained pursuant to K.S.A. 21-4722, prior to its  
20 repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto,~~ on  
21 postrelease supervision.

22 (B) Except as provided in subparagraphs (D) and (E), persons  
23 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
24 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
25 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
26 24 months, ~~plus the amount of good time and program credit earned and  
27 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012  
28 Supp. 21-6821, and amendments thereto,~~ on postrelease supervision.

29 (C) Except as provided in subparagraphs (D) and (E), persons  
30 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
31 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
32 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
33 must serve 12 months, ~~plus the amount of good time and program credit  
34 earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or  
35 K.S.A. 2012 Supp. 21-6821, and amendments thereto,~~ on postrelease  
36 supervision.

37 (D) *Persons sentenced to a term of imprisonment that includes a*  
38 *sentence for a sexually violent crime as defined in K.S.A. 22-3717, and*  
39 *amendments thereto, a sexually motivated crime in which the offender has*  
40 *been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-*  
41 *3717, and amendments thereto, electronic solicitation, K.S.A. 21-3523,*  
42 *prior to its repeal, or K.S.A. 2012 Supp. 21-5509, and amendments*  
43 *thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal,*



1 *or K.S.A. 2012 Supp. 21-5512, and amendments thereto, shall serve the*  
2 *period of postrelease supervision as provided in subsections (d)(1)(A), (d)*  
3 *(1)(B) or (d)(1)(C) plus the amount of good time and program credit*  
4 *earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or*  
5 *K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease*  
6 *supervision.*

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

13 (ii) If the sentencing judge departs from the presumptive postrelease  
14 supervision period, the judge shall state on the record at the time of  
15 sentencing the substantial and compelling reasons for the departure.  
16 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
17 4721, prior to its repeal, or K.S.A. 2012 Supp. 21-6820, and amendments  
18 thereto.

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

21 (a) Written briefs or oral arguments submitted by either the defendant  
22 or the state;

23 (b) any evidence received during the proceeding;

24 (c) the presentence report, the victim's impact statement and any  
25 psychological evaluation as ordered by the court pursuant to subsection (e)  
26 of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2012  
27 Supp. 21-6813, and amendments thereto; and

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

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

33 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court  
34 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2012 Supp. 21-  
35 6817, and amendments thereto.

36 (vi) Upon petition *and payment of any restitution ordered pursuant to*  
37 *K.S.A. 2012 Supp. 21-6604, and amendments thereto*, the prisoner review  
38 board may provide for early discharge from the postrelease supervision  
39 period *imposed pursuant to subsection (d)(1)(D)(i)* upon completion of  
40 court ordered programs and completion of the presumptive postrelease  
41 supervision period, as determined by the crime of conviction, pursuant to  
42 subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
43 postrelease supervision is at the discretion of the board.

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

4 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
5 repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto, shall be  
6 required to participate in a treatment program for sex offenders during the  
7 postrelease supervision period.

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

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

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

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

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

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

39 ~~(2)(5)~~ As used in this subsection, "sexually violent crime" means:

40 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp.  
41 21-5503, and amendments thereto;

42 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
43 or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

1 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
2 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and  
3 amendments thereto;

4 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,  
5 prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2012 Supp. 21-  
6 5504, and amendments thereto;

7 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
8 or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

9 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
10 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

11 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
12 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and  
13 amendments thereto;

14 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
15 or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

16 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
17 subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

18 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or  
19 subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto; or

20 (K) an attempt, conspiracy or criminal solicitation, as defined in  
21 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012  
22 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
23 sexually violent crime as defined in this section.

24 (3) As used in this subsection, "sexually motivated" means that one of  
25 the purposes for which the defendant committed the crime was for the  
26 purpose of the defendant's sexual gratification.

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

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

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

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

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

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

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

37 (j) (1) Before ordering the parole of any inmate, the prisoner review  
38 board shall have the inmate appear either in person or via a video  
39 conferencing format and shall interview the inmate unless impractical  
40 because of the inmate's physical or mental condition or absence from the  
41 institution. Every inmate while on parole shall remain in the legal custody  
42 of the secretary of corrections and is subject to the orders of the secretary.  
43 Whenever the board formally considers placing an inmate on parole and

1 no agreement has been entered into with the inmate under K.S.A. 75-  
2 5210a, and amendments thereto, the board shall notify the inmate in  
3 writing of the reasons for not granting parole. If an agreement has been  
4 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
5 has not satisfactorily completed the programs specified in the agreement,  
6 or any revision of such agreement, the board shall notify the inmate in  
7 writing of the specific programs the inmate must satisfactorily complete  
8 before parole will be granted. If parole is not granted only because of a  
9 failure to satisfactorily complete such programs, the board shall grant  
10 parole upon the secretary's certification that the inmate has successfully  
11 completed such programs. If an agreement has been entered under K.S.A.  
12 75-5210a, and amendments thereto, and the secretary of corrections has  
13 reported to the board in writing that the inmate has satisfactorily  
14 completed the programs required by such agreement, or any revision  
15 thereof, the board shall not require further program participation.  
16 However, if the board determines that other pertinent information  
17 regarding the inmate warrants the inmate's not being released on parole,  
18 the board shall state in writing the reasons for not granting the parole. If  
19 parole is denied for an inmate sentenced for a crime other than a class A or  
20 class B felony or an off-grid felony, the board shall hold another parole  
21 hearing for the inmate not later than one year after the denial unless the  
22 board finds that it is not reasonable to expect that parole would be granted  
23 at a hearing if held in the next three years or during the interim period of a  
24 deferral. In such case, the board may defer subsequent parole hearings for  
25 up to three years but any such deferral by the board shall require the board  
26 to state the basis for its findings. If parole is denied for an inmate  
27 sentenced for a class A or class B felony or an off-grid felony, the board  
28 shall hold another parole hearing for the inmate not later than three years  
29 after the denial unless the board finds that it is not reasonable to expect  
30 that parole would be granted at a hearing if held in the next 10 years or  
31 during the interim period of a deferral. In such case, the board may defer  
32 subsequent parole hearings for up to 10 years, but any such deferral shall  
33 require the board to state the basis for its findings.

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

42 (k) (1) Parolees and persons on postrelease supervision shall be  
43 assigned, upon release, to the appropriate level of supervision pursuant to

1 the criteria established by the secretary of corrections.

2 (2) Parolees and persons on postrelease supervision are, and shall  
3 agree in writing to be, subject to search or seizure by a parole officer or a  
4 department of corrections enforcement, apprehension and investigation  
5 officer, at any time of the day or night, with or without a search warrant  
6 and with or without cause. Nothing in this subsection shall be construed to  
7 authorize such officers to conduct arbitrary or capricious searches or  
8 searches for the sole purpose of harassment.

9 (3) Parolees and persons on postrelease supervision are, and shall  
10 agree in writing to be, subject to search or seizure by any law enforcement  
11 officer based on reasonable suspicion of the person violating conditions of  
12 parole or postrelease supervision or reasonable suspicion of criminal  
13 activity. Any law enforcement officer who conducts such a search shall  
14 submit a written report to the appropriate parole officer no later than the  
15 close of the next business day after such search. The written report shall  
16 include the facts leading to such search, the scope of such search and any  
17 findings resulting from such search.

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

26 (m) Whenever the prisoner review board orders the parole of an  
27 inmate or establishes conditions for an inmate placed on postrelease  
28 supervision, the board:

29 (1) Unless it finds compelling circumstances which would render a  
30 plan of payment unworkable, shall order as a condition of parole or  
31 postrelease supervision that the parolee or the person on postrelease  
32 supervision pay any transportation expenses resulting from returning the  
33 parolee or the person on postrelease supervision to this state to answer  
34 criminal charges or a warrant for a violation of a condition of probation,  
35 assignment to a community correctional services program, parole,  
36 conditional release or postrelease supervision;

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

42 (3) may order that the parolee or person on postrelease supervision  
43 perform community or public service work for local governmental

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

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

7 (5) unless it finds compelling circumstances which would render a  
8 plan of payment unworkable, shall order that the parolee or person on  
9 postrelease supervision reimburse the state for all or part of the  
10 expenditures by the state board of indigents' defense services to provide  
11 counsel and other defense services to the person. In determining the  
12 amount and method of payment of such sum, the prisoner review board  
13 shall take account of the financial resources of the person and the nature of  
14 the burden that the payment of such sum will impose. Such amount shall  
15 not exceed the amount claimed by appointed counsel on the payment  
16 voucher for indigents' defense services or the amount prescribed by the  
17 board of indigents' defense services reimbursement tables as provided in  
18 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
19 previous payments for such services;

20 (6) shall order that the parolee or person on postrelease supervision  
21 agree in writing to be subject to search or seizure by a parole officer or a  
22 department of corrections enforcement, apprehension and investigation  
23 officer, at any time of the day or night, with or without a search warrant  
24 and with or without cause. Nothing in this subsection shall be construed to  
25 authorize such officers to conduct arbitrary or capricious searches or  
26 searches for the sole purpose of harassment; and

27 (7) shall order that the parolee or person on postrelease supervision  
28 agree in writing to be subject to search or seizure by any law enforcement  
29 officer based on reasonable suspicion of the person violating conditions of  
30 parole or postrelease supervision or reasonable suspicion of criminal  
31 activity.

32 (n) If the court which sentenced an inmate specified at the time of  
33 sentencing the amount and the recipient of any restitution ordered as a  
34 condition of parole or postrelease supervision, the prisoner review board  
35 shall order as a condition of parole or postrelease supervision that the  
36 inmate pay restitution in the amount and manner provided in the journal  
37 entry unless the board finds compelling circumstances which would render  
38 a plan of restitution unworkable.

39 (o) Whenever the prisoner review board grants the parole of an  
40 inmate, the board, within 14 days of the date of the decision to grant  
41 parole, shall give written notice of the decision to the county or district  
42 attorney of the county where the inmate was sentenced.

43 (p) When an inmate is to be released on postrelease supervision, the



1 secretary, within 30 days prior to release, shall provide the county or  
 2 district attorney of the county where the inmate was sentenced written  
 3 notice of the release date.

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

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

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

17 (t) For offenders sentenced prior to ~~May 25, 2000~~ July 1, 2013, who  
 18 are eligible for modification of their postrelease supervision obligation, the  
 19 department of corrections shall modify the period of postrelease  
 20 supervision as provided for by this section:

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

22 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
 23 for nondrug crimes ~~and;~~

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

26 (C) *severity level 5 crimes on the sentencing guidelines grid for drug*  
 27 *crimes ~~on or before September 1, 2000~~ committed on and after July 1,*  
 28 *2012;*

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

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

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

34 (C) *level 4 crimes on the sentencing guidelines grid for drug crimes*  
 35 *committed on or after July 1, 2012 ~~on or before November 1, 2000;~~ and*

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

37 (A) Severity levels 1, 2, 3, 4 and 5 ~~and 6~~ crimes on the sentencing  
 38 guidelines grid for nondrug crimes ~~and;~~

39 (B) *severity level 3 levels 1 and 2 crimes on the sentencing guidelines*  
 40 *grid for drug crimes committed at any time; and*

41 (C) *severity level 3 crimes on the sentencing guidelines grid for drug*  
 42 *crimes ~~on or before January 1, 2001~~ committed on or after July 1, 2012.*

43 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-

1 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments  
2 thereto, for crimes committed on or after July 1, 2006, shall be placed on  
3 parole for life and shall not be discharged from supervision by the prisoner  
4 review board. When the board orders the parole of an inmate pursuant to  
5 this subsection, the board shall order as a condition of parole that the  
6 inmate be electronically monitored for the duration of the inmate's natural  
7 life.

8 (v) Whenever the prisoner review board orders a person to be  
9 electronically monitored pursuant to this section, or the court orders a  
10 person to be electronically monitored pursuant to subsection (r) of K.S.A.  
11 2012 Supp. 21-6604, and amendments thereto, the board shall order the  
12 person to reimburse the state for all or part of the cost of such monitoring.  
13 In determining the amount and method of payment of such sum, the board  
14 shall take account of the financial resources of the person and the nature of  
15 the burden that the payment of such sum will impose.

16 (w) (1) On and after July 1, 2012, for any inmate who is a sex  
17 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
18 whenever the prisoner review board orders the parole of such inmate or  
19 establishes conditions for such inmate placed on postrelease supervision,  
20 such inmate shall agree in writing to not possess pornographic materials.

21 (A) As used in this subsection, "pornographic materials" means: Any  
22 obscene material or performance depicting sexual conduct, sexual contact  
23 or a sexual performance; and any visual depiction of sexually explicit  
24 conduct.

25 (B) As used in this subsection, all other terms have the meanings  
26 provided by K.S.A. 2012 Supp. 21-5510, and amendments thereto.

27 (2) The provisions of this subsection shall be applied retroactively to  
28 every sex offender, as defined in K.S.A. 22-4902, and amendments  
29 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
30 prisoner review board shall obtain the written agreement required by this  
31 subsection from such offenders as soon as practicable.

32 Sec. 7. K.S.A. 2012 Supp. 75-5217 is hereby amended to read as  
33 follows: 75-5217. (a) At any time during release on parole, conditional  
34 release or postrelease supervision, the secretary of corrections may issue a  
35 warrant for the arrest of a released inmate for violation of any of the  
36 conditions of release, or a notice to appear to answer to a charge of  
37 violation. Such notice shall be served personally upon the released inmate.  
38 The warrant shall authorize any law enforcement officer to arrest and  
39 deliver the released inmate to a place as provided by subsection (g). Any  
40 parole officer may arrest such released inmate without a warrant, or may  
41 deputize any other officer with power of arrest to do so by giving such  
42 officer a written or verbal arrest and detain order setting forth that the  
43 released inmate, in the judgment of the parole officer, has violated the

1 conditions of the inmate's release. A written arrest and detain order  
2 delivered to the official in charge of the institution or place to which the  
3 released inmate is brought for detention shall be sufficient warrant for  
4 detaining the inmate. After making an arrest the parole officer shall present  
5 to the detaining authorities a similar arrest and detain order and statement  
6 of the circumstances of violation. Pending a hearing, as provided in this  
7 section, upon any charge of violation the released inmate shall remain  
8 incarcerated in the institution or place to which the inmate is taken for  
9 detention.

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

1 incarceration period shall be on an earned basis pursuant to rules and  
2 regulations adopted by the secretary of corrections.

3 (c) If the violation results from a conviction for a new felony, upon  
4 revocation, the inmate shall serve ~~the entire~~ *a period of confinement, to be*  
5 *determined by the prisoner review board, which shall not exceed the*  
6 remaining balance of the period of postrelease supervision, even if the new  
7 conviction did not result in the imposition of a new term of imprisonment.

8 (d) If the violation results from a conviction for a new misdemeanor,  
9 upon revocation, the inmate shall serve a period of confinement, to be  
10 determined by the prisoner review board, which shall not exceed the  
11 remaining balance of the period of postrelease supervision.

12 (e) In the event the released inmate reaches conditional release date  
13 as provided by K.S.A. 22-3718, and amendments thereto, after a finding of  
14 probable cause, pursuant to procedures established by the secretary of  
15 corrections of a violation of the released inmate's conditions of release, but  
16 prior to a hearing before the prisoner review board, the secretary of  
17 corrections shall be authorized to detain the inmate until the hearing by the  
18 board. The secretary shall then enforce the order issued by the board.

19 (f) If the secretary of corrections issues a warrant for the arrest of a  
20 released inmate for violation of any of the conditions of release and the  
21 released inmate is subsequently arrested in the state of Kansas, either  
22 pursuant to the warrant issued by the secretary of corrections or for any  
23 other reason, the released inmate's sentence shall not be credited with the  
24 period of time from the date of the issuance of the secretary's warrant to  
25 the date of the released inmate's arrest.

26 If a released inmate for whom a warrant has been issued by the  
27 secretary of corrections for violation of the conditions of release is  
28 subsequently arrested in another state, and the released inmate has been  
29 authorized as a condition of such inmate's release to reside in or travel to  
30 the state in which the released inmate was arrested, and the released  
31 inmate has not absconded from supervision, the released inmate's sentence  
32 shall not be credited with the period of time from the date of the issuance  
33 of the warrant to the date of the released inmate's arrest. If the released  
34 inmate for whom a warrant has been issued by the secretary of corrections  
35 for violation of the conditions of release is subsequently arrested in  
36 another state for reasons other than the secretary's warrant and the released  
37 inmate does not have authorization to be in the other state or if authorized  
38 to be in the other state has been charged by the secretary with having  
39 absconded from supervision, the released inmate's sentence shall not be  
40 credited with the period of time from the date of the issuance of the  
41 warrant by the secretary to the date the released inmate is first available to  
42 be returned to the state of Kansas. If the released inmate for whom a  
43 warrant has been issued by the secretary of corrections for violation of a

1 condition of release is subsequently arrested in another state pursuant only  
2 to the secretary's warrant, the released inmate's sentence shall not be  
3 credited with the period of time from the date of the issuance of the  
4 secretary's warrant to the date of the released inmate's arrest, regardless of  
5 whether the released inmate's presence in the other state was authorized or  
6 the released inmate had absconded from supervision.

7 The secretary may issue a warrant for the arrest of a released inmate for  
8 violation of any of the conditions of release and may direct that all  
9 reasonable means to serve the warrant and detain such released inmate be  
10 employed including, but not limited to, notifying the federal bureau of  
11 investigation of such violation and issuance of warrant and requesting  
12 from the federal bureau of investigation any pertinent information it may  
13 possess concerning the whereabouts of the released inmate.

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

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

26 Sec. 8. K.S.A. 2012 Supp. 74-9101 is hereby amended to read as  
27 follows: 74-9101. (a) There is hereby established the Kansas sentencing  
28 commission.

29 (b) The commission shall:

30 (1) Develop a sentencing guideline model or grid based on fairness  
31 and equity and shall provide a mechanism for linking justice and  
32 corrections policies. The sentencing guideline model or grid shall establish  
33 rational and consistent sentencing standards which reduce sentence  
34 disparity, to include, but not be limited to, racial and regional biases which  
35 may exist under current sentencing practices. The guidelines shall specify  
36 the circumstances under which imprisonment of an offender is appropriate  
37 and a presumed sentence for offenders for whom imprisonment is  
38 appropriate, based on each appropriate combination of reasonable offense  
39 and offender characteristics. In developing its recommended sentencing  
40 guidelines, the commission shall take into substantial consideration current  
41 sentencing and release practices and correctional resources, including, but  
42 not limited to, the capacities of local and state correctional facilities. In its  
43 report, the commission shall make recommendations regarding whether

1 there is a continued need for and what is the projected role of, if any, the  
2 prisoner review board and whether the policy of allocating good time  
3 credits for the purpose of determining an inmate's eligibility for parole or  
4 conditional release should be continued;

5 (2) consult with and advise the legislature with reference to the  
6 implementation, management, monitoring, maintenance and operations of  
7 the sentencing guidelines system;

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

9 (4) assist in the process of training judges, county and district  
10 attorneys, court services officers, state parole officers, correctional  
11 officers, law enforcement officials and other criminal justice groups. For  
12 these purposes, the sentencing commission shall develop an  
13 implementation policy and shall construct an implementation manual for  
14 use in its training activities;

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

22 (6) advise and consult with the secretary of corrections and members  
23 of the legislature in developing a mechanism to link guidelines sentence  
24 practices with correctional resources and policies, including but not  
25 limited to the capacities of local and state correctional facilities. Such  
26 linkage shall include a review and determination of the impact of the  
27 sentencing guidelines on the state's prison population, review of  
28 corrections programs and a study of ways to more effectively utilize  
29 correction dollars and to reduce prison population;

30 (7) make recommendations relating to modification to the sentencing  
31 guidelines as provided in K.S.A. 2012 Supp. 21-6822, and amendments  
32 thereto;

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

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

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

40 (11) analyze problems in criminal justice, identify alternative  
41 solutions and make recommendations for improvements in criminal law,  
42 prosecution, community and correctional placement, programs, release  
43 procedures and related matters including study and recommendations

1 concerning the statutory definition of crimes and criminal penalties and  
2 review of proposed criminal law changes;

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

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

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

13 (15) produce official inmate population projections annually on or  
14 before six weeks following the date of receipt of the data from the  
15 department of corrections. When the commission's projections indicate  
16 that the inmate population will exceed available prison capacity within two  
17 years of the date of the projection, the commission shall identify and  
18 analyze the impact of specific options for: (A) Reducing the number of  
19 prison admissions; or (B) adjusting sentence lengths for specific groups of  
20 offenders. Options for reducing the number of prison admissions shall  
21 include, but not be limited to, possible modification of both sentencing  
22 grids to include presumptive intermediate dispositions for certain  
23 categories of offenders. Intermediate sanction dispositions shall include,  
24 but not be limited to: Intensive supervision; short-term jail sentences;  
25 halfway houses; community-based work release; electronic monitoring and  
26 house arrest; substance abuse treatment; and pre-revocation incarceration.  
27 Intermediate sanction options shall include, but not be limited to,  
28 mechanisms to explicitly target offenders that would otherwise be placed  
29 in prison. Analysis of each option shall include an assessment of such  
30 options impact on the overall size of the prison population, the effect on  
31 public safety and costs. In preparing the assessment, the commission shall  
32 review the experience of other states and shall review available research  
33 regarding the effectiveness of such option. The commission's findings  
34 relative to each sentencing policy option shall be presented to the governor  
35 and the joint committee on corrections and juvenile justice oversight no  
36 later than November 1;

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

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

1 (18) determine the effect the mandatory sentencing established in  
2 K.S.A. 21-4642 and 21-4643, prior to their repeal, or K.S.A. 2012 Supp.  
3 21-6626 and 21-6627, and amendments thereto, would have on the number  
4 of offenders civilly committed to a treatment facility as a sexually violent  
5 predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments  
6 thereto;

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

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

19 *(21) be authorized to make statewide supervision and placement*  
20 *cutoff decisions based upon the risk levels and needs of the offender. The*  
21 *commission shall periodically review data and make recommended*  
22 *changes.*

23 **(22) determine the impact and effectiveness of supervision and**  
24 **sanctions for felony offenders regarding recidivism and prison and**  
25 **community-based supervision populations.**

26 Sec. 9. K.S.A. 2012 Supp. 21-6604, 21-6604a, 21-6604b, 21-6606,  
27 21-6608, 21-6821, 22-3716, 22-3717, 74-9101 and 75-5217 are hereby  
28 repealed.

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