

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2170

By Committee on Corrections and Juvenile Justice

1-30

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;

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

6 (6) assign the defendant to a house arrest program pursuant to K.S.A.
7 2012 Supp. 21-6609, and amendments thereto;

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

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

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

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

36 (11) if the defendant is convicted of a misdemeanor or convicted of a
37 felony specified in subsection (i) of K.S.A. 2012 Supp. 21-6804, and
38 amendments thereto, assign the defendant to work release program, other
39 than a program at a correctional institution under the control of the
40 secretary of corrections as defined in K.S.A. 75-5202, and amendments
41 thereto, provided such work release program requires such defendant to
42 return to confinement at the end of each day in the work release program.
43 On a second *or subsequent* conviction of K.S.A. 8-1567, and amendments

1 thereto, an offender placed into a work release program ~~must serve a total~~
2 ~~of 120 hours of confinement. Such 120 hours of confinement shall be a~~
3 ~~period of at least 48 consecutive hours of imprisonment followed by~~
4 ~~confinement hours at the end of and continuing to the beginning of the~~
5 ~~offender's work day. On a third or subsequent conviction of K.S.A. 8-~~
6 ~~1567, and amendments thereto, an offender placed into a work release~~
7 ~~program must serve a total of 240 hours of confinement. Such 240 hours~~
8 ~~of confinement shall be a period of at least 48 consecutive hours of~~
9 ~~imprisonment followed by confinement hours at the end of and continuing~~
10 ~~to the beginning of the offender's work day shall serve the total number of~~
11 ~~hours of confinement mandated by that section;~~

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

15 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
16 (7), (8), (9), (10), (11) and (12); or

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

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

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

43 (c) In addition to or in lieu of any of the above, the court shall order

1 the defendant to submit to and complete an alcohol and drug evaluation,
2 and pay a fee therefor, when required by subsection (d) of K.S.A. 2012
3 Supp. 21-6602, and amendments thereto.

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

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

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

38 ~~(2) (A) When a new {nonperson} felony is committed while the~~
39 ~~offender is on probation, assignment to a community correctional services~~
40 ~~program, parole, conditional release or postrelease supervision for a~~
41 ~~felony, a new sentence shall be imposed either concurrently or~~
42 ~~consecutively pursuant to the provisions of K.S.A. 21-6606, and~~
43 ~~amendments thereto, and the court may sentence the offender to~~

1 ~~imprisonment for the new conviction, even when the new crime of~~
2 ~~conviction otherwise presumes a nonprison sentence. In this event,~~
3 ~~imposition of a prison sentence for the new crime does not constitute a~~
4 ~~departure.~~

5 ~~{(B) When a new person felony is committed while the offender is~~
6 ~~on probation, assignment to a community correctional services~~
7 ~~program,} {parole, conditional release or postrelease supervision for a~~
8 ~~felony, a new sentence shall be imposed consecutively pursuant to the~~
9 ~~provisions of K.S.A. 21-6606, and amendments thereto, and the court~~
10 ~~may sentence the offender to imprisonment for the new conviction,~~
11 ~~even when the new crime of conviction otherwise presumes a~~
12 ~~nonprison sentence. In this event, imposition of a prison sentence for~~
13 ~~the new crime does not constitute a departure.}~~

14 ~~(3)(2)~~ *When a new felony is committed during a period of time*
15 *during which the defendant would have been on probation, assignment to*
16 *a community correctional services program, parole, conditional release or*
17 *postrelease supervision for a felony had the defendant not been granted*
18 *release by the court pursuant to subsection (d) of K.S.A. 2012 Supp. 21-*
19 *6608, and amendments thereto, or the prisoner review board pursuant to*
20 *K.S.A. 22-3717, and amendments thereto, the court may sentence the*
21 *offender to imprisonment for the new conviction, even when the new crime*
22 *of conviction otherwise presumes a nonprison sentence. In this event,*
23 *imposition of a prison sentence for the new crime does not constitute a*
24 *departure.*

25 ~~(4)(3)~~ When a new felony is committed while the offender is
26 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
27 prior to its repeal, or K.S.A. 2012 Supp. 38-2373, and amendments
28 thereto, for an offense, which if committed by an adult would constitute
29 the commission of a felony, upon conviction, the court shall sentence the
30 offender to imprisonment for the new conviction, even when the new
31 crime of conviction otherwise presumes a nonprison sentence. In this
32 event, imposition of a prison sentence for the new crime does not
33 constitute a departure. The conviction shall operate as a full and complete
34 discharge from any obligations, except for an order of restitution, imposed
35 on the offender arising from the offense for which the offender was
36 committed to a juvenile correctional facility.

37 ~~(3)(5)(4) {(A)}~~ When a new ~~{nonperson}~~ felony is committed while
38 the offender is on release for a felony pursuant to the provisions of article
39 28 of chapter 22 of the Kansas Statutes Annotated, and amendments
40 thereto, or similar provisions of the laws of another jurisdiction, a new
41 sentence ~~may~~ *shall* ~~may~~ be imposed pursuant to the consecutive
42 sentencing requirements of K.S.A. 2012 Supp. 21-6606, and amendments
43 thereto, ~~either concurrently or consecutively pursuant to the provisions of~~

1 *K.S.A. 2012 Supp. 21-6606, and amendments thereto*, and the court may
2 sentence the offender to imprisonment for the new conviction, even when
3 the new crime of conviction otherwise presumes a nonprison sentence. In
4 this event, imposition of a prison sentence for the new crime does not
5 constitute a departure.

6 ~~**{(B) When a new person felony is committed while the offender is**~~
7 ~~**on release for a felony pursuant to the provisions of article 28 of**~~
8 ~~**chapter 22 of the Kansas Statutes Annotated, and amendments**~~
9 ~~**thereto, or similar provisions of the laws of another jurisdiction, a new**~~
10 ~~**sentence shall be imposed consecutively pursuant to the provisions of**~~
11 ~~**K.S.A. 2012 Supp. 21-6606, and amendments thereto, and the court**~~
12 ~~**may sentence the offender to imprisonment for the new conviction,**~~
13 ~~**even when the new crime of conviction otherwise presumes a**~~
14 ~~**nonprison sentence. In this event, imposition of a prison sentence for**~~
15 ~~**the new crime does not constitute a departure.**~~

16 (g) Prior to imposing a dispositional departure for a defendant whose
17 offense is classified in the presumptive nonprison grid block of either
18 sentencing guideline grid, prior to sentencing a defendant to incarceration
19 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
20 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
21 of the sentencing guidelines grid for drug crimes committed prior to July
22 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
23 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
24 sentencing a defendant to incarceration whose offense is classified in grid
25 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
26 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F
27 of the sentencing guidelines grid for drug crimes committed on or after July
28 1, 2012, and whose offense does not meet the requirements of K.S.A. 2012
29 Supp. 21-6824, and amendments thereto, prior to revocation of a
30 nonprison sanction of a defendant whose offense is classified in grid
31 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
32 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F
33 of the sentencing guidelines grid for drug crimes committed on or after July
34 1, 2012, and whose offense does not meet the requirements of K.S.A. 2012
35 Supp. 21-6824, and amendments thereto, or prior to revocation of a
36 nonprison sanction of a defendant whose offense is classified in the
37 presumptive nonprison grid block of either sentencing guideline grid or
38 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
39 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
40 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
41 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
42 crimes committed on or after July 1, 2012, the court shall consider
43 placement of the defendant in the Labette correctional conservation camp,

1 conservation camps established by the secretary of corrections pursuant to
2 K.S.A. 75-52,127, and ~~amendment~~ *amendments* thereto, or a community
3 intermediate sanction center. Pursuant to this subsection the defendant
4 shall not be sentenced to imprisonment if space is available in a
5 conservation camp or community intermediate sanction center and the
6 defendant meets all of the conservation camp's or community intermediate
7 sanction center's placement criteria unless the court states on the record the
8 reasons for not placing the defendant in a conservation camp or
9 community intermediate sanction center.

10 (h) In committing a defendant to the custody of the secretary of
11 corrections, the court shall fix a term of confinement within the limits
12 provided by law. In those cases where the law does not fix a term of
13 confinement for the crime for which the defendant was convicted, the
14 court shall fix the term of such confinement.

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

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

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

43 (l) The secretary of corrections is authorized to make direct

1 placement to the Labette correctional conservation camp or a conservation
2 camp established by the secretary pursuant to K.S.A. 75-52,127, and
3 amendments thereto, of an inmate sentenced to the secretary's custody if
4 the inmate:

5 (1) Has been sentenced to the secretary for a probation revocation, as
6 a departure from the presumptive nonimprisonment grid block of either
7 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I
8 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks
9 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
10 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
11 the sentencing guidelines grid for drug crimes committed on or after July
12 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of
13 the sentencing guidelines grid for drug crimes committed prior to July 1,
14 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines
15 grid for drug crimes committed on or after July 1, 2012, and such offense
16 does not meet the requirements of K.S.A. 2012 Supp. 21-6824, and
17 amendments thereto; and

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

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

26 (m) When it is provided by law that a person shall be sentenced
27 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions
28 of this section shall not apply.

29 (n) (1) Except as provided by subsection (f) of K.S.A. 2012 Supp. 21-
30 6805, and amendments thereto, in addition to any of the above, for felony
31 violations of K.S.A. 2012 Supp. 21-5706, and amendments thereto, the
32 court shall require the defendant who meets the requirements established
33 in K.S.A. 2012 Supp. 21-6824, and amendments thereto, to participate in a
34 certified drug abuse treatment program, as provided in K.S.A. 2012 Supp.
35 75-52,144, and amendments thereto, including, but not limited to, an
36 approved after-care plan. *The amount of time spent participating in such*
37 *program shall not be credited as service on the underlying prison*
38 *sentence.*

39 (2) If the defendant fails to participate in or has a pattern of
40 intentional conduct that demonstrates the defendant's refusal to comply
41 with or participate in the treatment program, as established by judicial
42 finding, the defendant shall be subject to ~~revocation of probation and~~
43 *sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and*

1 *amendments thereto. If the defendant's probation is revoked, the defendant*
2 *shall serve the underlying prison sentence as established in K.S.A. 2012*
3 *Supp. 21-6805, and amendments thereto.*

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

10 *(B) Offenders whose crime of conviction was committed on or after*
11 *July 1, 2013, and whose probation is revoked pursuant to subsection (c) of*
12 *K.S.A. 22-3716, and amendments thereto, or whose underlying prison*
13 *term expires while serving a sanction pursuant to subsection (c)(1)(C) or*
14 *(c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period*
15 *of postrelease supervision upon the completion of the underlying prison*
16 *term.*

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

26 *(2) Upon suspension of a license pursuant to this subsection, the court*
27 *shall require the person to surrender the license to the court, which shall*
28 *transmit the license to the division of motor vehicles of the department of*
29 *revenue, to be retained until the period of suspension expires. At that time,*
30 *the licensee may apply to the division for return of the license. If the*
31 *license has expired, the person may apply for a new license, which shall be*
32 *issued promptly upon payment of the proper fee and satisfaction of other*
33 *conditions established by law for obtaining a license unless another*
34 *suspension or revocation of the person's privilege to operate a motor*
35 *vehicle is in effect.*

36 *(3) (A) In lieu of suspending the driver's license or privilege to*
37 *operate a motor vehicle on the highways of this state of any person as*
38 *provided in paragraph (1), the judge of the court in which such person was*
39 *convicted may enter an order which places conditions on such person's*
40 *privilege of operating a motor vehicle on the highways of this state, a*
41 *certified copy of which such person shall be required to carry any time*
42 *such person is operating a motor vehicle on the highways of this state. Any*
43 *such order shall prescribe the duration of the conditions imposed, which in*

1 no event shall be for a period of more than one year.

2 (B) Upon entering an order restricting a person's license hereunder,
3 the judge shall require such person to surrender such person's driver's
4 license to the judge who shall cause it to be transmitted to the division of
5 vehicles, together with a copy of the order. Upon receipt thereof, the
6 division of vehicles shall issue without charge a driver's license which
7 shall indicate on its face that conditions have been imposed on such
8 person's privilege of operating a motor vehicle and that a certified copy of
9 the order imposing such conditions is required to be carried by the person
10 for whom the license was issued any time such person is operating a motor
11 vehicle on the highways of this state. If the person convicted is a
12 nonresident, the judge shall cause a copy of the order to be transmitted to
13 the division and the division shall forward a copy of it to the motor vehicle
14 administrator of such person's state of residence. Such judge shall furnish
15 to any person whose driver's license has had conditions imposed on it
16 under this paragraph a copy of the order, which shall be recognized as a
17 valid Kansas driver's license until such time as the division shall issue the
18 restricted license provided for in this paragraph.

19 (C) Upon expiration of the period of time for which conditions are
20 imposed pursuant to this subsection, the licensee may apply to the division
21 for the return of the license previously surrendered by such licensee. In the
22 event such license has expired, such person may apply to the division for a
23 new license, which shall be issued immediately by the division upon
24 payment of the proper fee and satisfaction of the other conditions
25 established by law, unless such person's privilege to operate a motor
26 vehicle on the highways of this state has been suspended or revoked prior
27 thereto. If any person shall violate any of the conditions imposed under
28 this paragraph, such person's driver's license or privilege to operate a
29 motor vehicle on the highways of this state shall be revoked for a period of
30 not less than 60 days nor more than one year by the judge of the court in
31 which such person is convicted of violating such conditions.

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

34 (p) In addition to any of the above, for any criminal offense that
35 includes the domestic violence designation pursuant to K.S.A. 2012 Supp.
36 22-4616, and amendments thereto, the court shall require the defendant to:

37 (1) Undergo a domestic violence offender assessment *conducted by a*
38 *certified batterer intervention program*; and (2) follow all
39 recommendations *made by such program*, unless otherwise ordered by the
40 court or the department of corrections. The court may order a domestic
41 violence offender assessment and any other evaluation prior to sentencing
42 if the assessment or evaluation would assist the court in determining an
43 appropriate sentence. The entity completing the assessment or evaluation

1 shall provide the assessment or evaluation and recommendations to the
2 court and the court shall provide the domestic violence offender
3 assessment ~~and any other evaluation~~ to any entity responsible for
4 supervising such defendant. A defendant ordered to undergo a domestic
5 violence offender assessment shall be required to pay for the assessment
6 and, unless otherwise ordered by the court or the department of
7 corrections, for completion of all recommendations.

8 (q) In imposing a fine, the court may authorize the payment thereof in
9 installments. In lieu of payment of any fine imposed, the court may order
10 that the person perform community service specified by the court. The
11 person shall receive a credit on the fine imposed in an amount equal to \$5
12 for each full hour spent by the person in the specified community service.
13 The community service ordered by the court shall be required to be
14 performed by the later of one year after the fine is imposed or one year
15 after release from imprisonment or jail, or by an earlier date specified by
16 the court. If by the required date the person performs an insufficient
17 amount of community service to reduce to zero the portion of the fine
18 required to be paid by the person, the remaining balance shall become due
19 on that date. If conditional reduction of any fine is rescinded by the court
20 for any reason, then pursuant to the court's order the person may be
21 ordered to perform community service by one year after the date of such
22 rescission or by an earlier date specified by the court. If by the required
23 date the person performs an insufficient amount of community service to
24 reduce to zero the portion of the fine required to be paid by the person, the
25 remaining balance of the fine shall become due on that date. All credits for
26 community service shall be subject to review and approval by the court.

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

35 (s) *Whenever the court has released the defendant on probation*
36 *pursuant to subsection (a)(3), the defendant's supervising court services*
37 *officer, with the concurrence of the chief court services officer, may impose*
38 *the violation sanctions as provided in subsection (c)(1)(B) of K.S.A. 22-*
39 *3716, and amendments thereto, without further order of the court, unless:*

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

42 (2) *the defendant, after being apprised of the right to a revocation*
43 *hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and*

1 *amendments thereto, refuses to waive such right.*

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

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

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

13 Sec. 2. K.S.A. 2012 Supp. 21-6606 is hereby amended to read as
14 follows: 21-6606. (a) When separate sentences of imprisonment for
15 different crimes are imposed on a defendant on the same date, including
16 sentences for crimes for which suspended sentences, probation or
17 assignment to a community correctional services program have been
18 revoked, such sentences shall run concurrently or consecutively as the
19 court directs. Whenever the record is silent as to the manner in which two
20 or more sentences imposed at the same time shall be served, they shall be
21 served concurrently, except as *otherwise* provided in ~~subsections~~
22 ~~subsection (e), (d) and (e)~~**{subsections (c), (d) and (e)}**.

23 (b) Any person who is convicted and sentenced for a crime
24 committed while on probation, assignment to a community correctional
25 services program, parole or conditional release for a misdemeanor shall
26 serve the sentence concurrently with or consecutively to the term or terms
27 under which the person was on probation, assigned to a community
28 correctional services program or on parole or conditional release, as the
29 court directs.

30 ~~(c) Any person who is convicted and sentenced for a crime~~
31 ~~committed while on probation, assigned to a community correctional~~
32 ~~services program, on parole, on conditional release or on postrelease~~
33 ~~supervision for a felony shall serve the sentence consecutively to the term~~
34 ~~or terms under which the person was on probation, assigned to a~~
35 ~~community correctional services program or on parole or conditional~~
36 ~~release.~~

37 ~~(d) Any person who is convicted and sentenced for a crime~~
38 ~~committed while on release for a felony pursuant to article 28 of chapter~~
39 ~~22 of the Kansas Statutes Annotated, and amendments thereto, shall serve~~
40 ~~the sentence consecutively to the term or terms under which the person~~
41 ~~was released. **Any person who is convicted and sentenced for a person**~~
42 ~~**felony committed while on probation, assigned to a community**~~
43 ~~**correctional services program, on parole, on conditional release or on**~~

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

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

16 (e) {(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~~ had 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. **This**
10 **sanction shall not be imposed more than once during the term of**
11 **supervision;**

12 (D) if the violator already ~~has at least one~~ had a sanction imposed
13 pursuant to subsection **(c)(1)(B) or** (c)(1)(C) related to the felony crime
14 for which the original supervision was imposed, remanding the defendant
15 to the custody of the secretary of corrections for a period of 180 days,
16 subject to a reduction of up to 90 days in the discretion of the secretary.
17 **This sanction shall not be imposed more than once during the term of**
18 **supervision; or**

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

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

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

40 (4) The court may require an offender for whom a violation of
41 conditions of release or assignment or a nonprison sanction has been
42 established as provided in this section to serve any time for the sentence
43 imposed or which might originally have been imposed in a state facility in

1 the custody of the secretary of corrections without a prior assignment to a
2 community correctional services program if the court finds and sets forth
3 with particularity the reasons for finding that the safety of the members of
4 the public will be jeopardized or that the welfare of the inmate will not be
5 served by such assignment to a community correctional services program.

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

15 ~~[(B) When a new person felony is committed while the offender is~~
16 ~~on probation, assignment to a community correctional services~~
17 ~~program,] (parole, conditional release or postrelease supervision for a~~
18 ~~felony, a new sentence shall be imposed consecutively pursuant to the~~
19 ~~provisions of K.S.A. 2012 Supp. 21-6606, and amendments thereto,~~
20 ~~and the court may sentence the offender to imprisonment for the new~~
21 ~~conviction, even when the new crime of conviction otherwise presumes~~
22 ~~a nonprison sentence. In this event, imposition of a prison sentence for~~
23 ~~the new crime does not constitute a departure.]~~

24 (6) Except as provided in subsection (f), upon completion of a
25 violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D)
26 such offender shall ~~be returned~~ return to community correctional services
27 supervision. **The sheriff shall not be responsible for the return of the**
28 **offender to the county where the community correctional services**
29 **supervision is assigned.**

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

33 (8) If the offender commits a new felony or misdemeanor or absconds
34 from supervision while the offender is on probation, assignment to a
35 community correctional services program, suspension of sentence or
36 nonprison sanction, the court may ~~impose any of the sanctions provided in~~
37 ~~subsection (c)(1)~~ revoke the probation, assignment to a community
38 correctional services program, suspension of sentence or nonprison
39 sanction of an offender pursuant to subsection (c)(1)(E) without having
40 previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C)
41 or (c)(1)(D).

42 (9) The court may revoke the probation, assignment to a community
43 correctional services program, suspension of sentence or nonprison

1 *sanction of an offender pursuant to **subsection (c)(1)(E)** without having*
2 *previously imposed a sanction pursuant to **subsection (c)(1)(B), (c)(1)(C)***
3 *or (c)(1)(D) if the court finds and sets forth with particularity the reasons*
4 *for finding that the safety of members of the public will be jeopardized or*
5 *that the welfare of the offender will not be served by such sanction.*

6 (e)(d) A defendant who is on probation, assigned to a community
7 correctional services program, under suspension of sentence or serving a
8 nonprison sanction and for whose return a warrant has been issued by the
9 court shall be considered a fugitive from justice if it is found that the
10 warrant cannot be served. If it appears that the defendant has violated the
11 provisions of the defendant's release or assignment or a nonprison
12 sanction, the court shall determine whether the time from the issuing of the
13 warrant to the date of the defendant's arrest, or any part of it, shall be
14 counted as time served on probation, assignment to a community
15 correctional services program, suspended sentence or pursuant to a
16 nonprison sanction.

17 (d)(e) The court shall have 30 days following the date probation,
18 assignment to a community correctional service program, suspension of
19 sentence or a nonprison sanction was to end to issue a warrant for the
20 arrest or notice to appear for the defendant to answer a charge of a
21 violation of the conditions of probation, assignment to a community
22 correctional service program, suspension of sentence or a nonprison
23 sanction.

24 (e) (f) ~~Notwithstanding the provisions of any other law to the~~
25 ~~contrary, For crimes committed on and after July 1, 2013, an offender~~
26 ~~whose nonprison sanction is revoked pursuant to subsection (c) and a term~~
27 ~~of imprisonment imposed pursuant to either the sentencing guidelines grid~~
28 ~~for nondrug or drug crimes or whose underlying prison term expires while~~
29 ~~-serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall not~~
30 ~~serve a period of postrelease supervision upon the completion of the prison~~
31 ~~portion of that the underlying sentence. The provisions of this subsection~~
32 ~~shall not apply to offenders sentenced to a nonprison sanction pursuant to a~~
33 ~~dispositional departure, whose offense falls within a border box of either~~
34 ~~the sentencing guidelines grid for nondrug or drug crimes, offenders~~
35 ~~sentenced for a "sexually violent crime" or a "sexually motivated crime" as~~
36 ~~defined by K.S.A. 22-3717, and amendments thereto, offenders sentenced~~
37 ~~pursuant to K.S.A. 2012 Supp. 21-6804, and amendments thereto, wherein~~
38 ~~the sentence is presumptive imprisonment but a nonprison sanction may be~~
39 ~~imposed without a departure or offenders whose nonprison sanction was~~
40 ~~revoked as a result of a conviction for a new misdemeanor or felony~~
41 ~~offense. The provisions of this subsection shall not apply to offenders who~~
42 ~~are serving or are to begin serving a sentence for any other felony offense~~
43 ~~that is not excluded from postrelease supervision by this subsection on the~~

1 ~~effective date of this subsection. The provisions of this subsection shall be~~
2 ~~applied retroactively. The department of corrections shall conduct a review~~
3 ~~of all persons who are in the custody of the department as a result of only a~~
4 ~~revocation of a nonprison sanction. On or before September 1, 2000, the~~
5 ~~department shall have discharged from postrelease supervision those~~
6 ~~offenders as required by this subsection.~~

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

14 Sec. 6. K.S.A. 2012 Supp. 22-3717 is hereby amended to read as
15 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
16 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638,
17 prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642,
18 prior to its repeal; K.S.A. 2012 Supp. 21-6617, 21-6620, 21-6623, 21-
19 6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567,
20 and amendments thereto; an inmate, including an inmate sentenced
21 pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2012 Supp. 21-
22 6707, and amendments thereto, shall be eligible for parole after serving the
23 entire minimum sentence imposed by the court, less good time credits.

24 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, prior
25 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-
26 6625, and amendments thereto, an inmate sentenced to imprisonment for
27 the crime of capital murder, or an inmate sentenced for the crime of
28 murder in the first degree based upon a finding of premeditated murder,
29 committed on or after July 1, 1994, shall be eligible for parole after
30 serving 25 years of confinement, without deduction of any good time
31 credits.

32 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
33 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior
34 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-
35 6625, and amendments thereto, an inmate sentenced to imprisonment for
36 an off-grid offense committed on or after July 1, 1993, but prior to July 1,
37 1999, shall be eligible for parole after serving 15 years of confinement,
38 without deduction of any good time credits and an inmate sentenced to
39 imprisonment for an off-grid offense committed on or after July 1, 1999,
40 shall be eligible for parole after serving 20 years of confinement without
41 deduction of any good time credits.

42 (3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
43 repeal, an inmate sentenced for a class A felony committed before July 1,

1 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
2 its repeal, or K.S.A. 2012 Supp. 21-6707, and amendments thereto, shall
3 be eligible for parole after serving 15 years of confinement, without
4 deduction of any good time credits.

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

10 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
11 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
12 thereto, committed on or after July 1, 2006, shall be eligible for parole
13 after serving the mandatory term of imprisonment without deduction of
14 any good time credits.

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

19 (A) The aggregate minimum sentences, as determined pursuant to
20 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2012 Supp. 21-6606, and
21 amendments thereto, less good time credits for those crimes which are not
22 class A felonies; and

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

25 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
26 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
27 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
28 eligible for parole after serving the mandatory term of imprisonment.

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

34 (A) Except as provided in subparagraphs (D) and (E), persons
35 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
36 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
37 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
38 July 1, 2012, must serve 36 months, ~~plus the amount of good time and
39 program credit earned and retained pursuant to K.S.A. 21-4722, prior to its
40 repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto,~~ on
41 postrelease supervision.

42 (B) Except as provided in subparagraphs (D) and (E), persons
43 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3

1 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
2 drug severity level 4 crimes committed on or after July 1, 2012, must serve
3 24 months, ~~plus the amount of good time and program credit earned and~~
4 ~~retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012-~~
5 ~~Supp. 21-6821, and amendments thereto,~~ on postrelease supervision.

6 (C) Except as provided in subparagraphs (D) and (E), persons
7 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
8 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
9 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
10 must serve 12 months, ~~plus the amount of good time and program credit~~
11 ~~earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or~~
12 ~~K.S.A. 2012 Supp. 21-6821, and amendments thereto,~~ on postrelease
13 supervision.

14 (D) *Persons sentenced to a term of imprisonment that includes a*
15 *sentence for a sexually violent crime as defined in K.S.A. 22-3717, and*
16 *amendments thereto, a sexually motivated crime in which the offender has*
17 *been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-*
18 *3717, and amendments thereto, electronic solicitation, K.S.A. 21-3523,*
19 *prior to its repeal, or K.S.A. 2012 Supp. 21-5509, and amendments*
20 *thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal,*
21 *or K.S.A. 2012 Supp. 21-5512, and amendments thereto, shall serve the*
22 *period of postrelease supervision as provided in subsections (d)(1)(A), (d)*
23 *(1)(B) or (d)(1)(C) plus the amount of good time and program credit*
24 *earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or*
25 *K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease*
26 *supervision.*

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

33 (ii) If the sentencing judge departs from the presumptive postrelease
34 supervision period, the judge shall state on the record at the time of
35 sentencing the substantial and compelling reasons for the departure.
36 Departures in this section are subject to appeal pursuant to K.S.A. 21-
37 4721, prior to its repeal, or K.S.A. 2012 Supp. 21-6820, and amendments
38 thereto.

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

41 (a) Written briefs or oral arguments submitted by either the defendant
42 or the state;

43 (b) any evidence received during the proceeding;

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

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

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

10 (v) In carrying out the provisions of ~~subparagraph~~ **subsection (d)(1)**
11 (D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A.
12 2012 Supp. 21-6817, and amendments thereto.

13 (vi) Upon petition *and payment of any restitution ordered pursuant to*
14 *K.S.A. 2012 Supp. 21-6604, and amendments thereto*, the prisoner review
15 board may provide for early discharge from the postrelease supervision
16 period *imposed pursuant to subsection (d)(1)(D)(i)* upon completion of
17 court ordered programs and completion of the presumptive postrelease
18 supervision period, as determined by the crime of conviction, pursuant to
19 ~~subparagraph~~ **subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C)**. Early discharge
20 from postrelease supervision is at the discretion of the board.

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

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

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

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

35 (4) *Offenders whose crime of conviction was committed on or after*
36 *July 1, 2013, and whose probation, assignment to a community*
37 *correctional services program, suspension of sentence or nonprison*
38 *sanction is revoked pursuant to subsection (c) of K.S.A. 22-3716, and*
39 *amendments thereto, or whose underlying prison term expires while*
40 *serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) of K.S.A.*
41 *22-3716, and amendments thereto, shall serve a period of postrelease*
42 *supervision upon the completion of the underlying prison term.*

43 (E) The period of postrelease supervision provided in subparagraphs

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

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

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

16 ~~(2)~~(5) As used in this subsection, "sexually violent crime" means:

17 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp.
18 21-5503, and amendments thereto;

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

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

24 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,
25 prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2012 Supp. 21-
26 5504, and amendments thereto;

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

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

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

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

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

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

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

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

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

11 (f) If a person is sentenced to prison for a crime committed on or after
12 July 1, 1993, while on probation, parole, conditional release or in a
13 community corrections program, for a crime committed prior to July 1,
14 1993, and the person is not eligible for retroactive application of the
15 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
16 4724, prior to its repeal, the new sentence shall not be aggregated with the
17 old sentence, but shall begin when the person is paroled or reaches the
18 conditional release date on the old sentence. If the offender was past the
19 offender's conditional release date at the time the new offense was
20 committed, the new sentence shall not be aggregated with the old sentence
21 but shall begin when the person is ordered released by the prisoner review
22 board or reaches the maximum sentence expiration date on the old
23 sentence, whichever is earlier. The new sentence shall then be served as
24 otherwise provided by law. The period of postrelease supervision shall be
25 based on the new sentence, except that those offenders whose old sentence
26 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
27 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
28 term of life imprisonment, for which there is no conditional release or
29 maximum sentence expiration date, shall remain on postrelease
30 supervision for life or until discharged from supervision by the prisoner
31 review board.

32 (g) Subject to the provisions of this section, the prisoner review board
33 may release on parole those persons confined in institutions who are
34 eligible for parole when: (1) The board believes that the inmate should be
35 released for hospitalization, deportation or to answer the warrant or other
36 process of a court and is of the opinion that there is reasonable probability
37 that the inmate can be released without detriment to the community or to
38 the inmate; or (2) the secretary of corrections has reported to the board in
39 writing that the inmate has satisfactorily completed the programs required
40 by any agreement entered under K.S.A. 75-5210a, and amendments
41 thereto, or any revision of such agreement, and the board believes that the
42 inmate is able and willing to fulfill the obligations of a law abiding citizen
43 and is of the opinion that there is reasonable probability that the inmate

1 can be released without detriment to the community or to the inmate.
2 Parole shall not be granted as an award of clemency and shall not be
3 considered a reduction of sentence or a pardon.

4 (h) The prisoner review board shall hold a parole hearing at least the
5 month prior to the month an inmate will be eligible for parole under
6 subsections (a), (b) and (c). At least one month preceding the parole
7 hearing, the county or district attorney of the county where the inmate was
8 convicted shall give written notice of the time and place of the public
9 comment sessions for the inmate to any victim of the inmate's crime who
10 is alive and whose address is known to the county or district attorney or, if
11 the victim is deceased, to the victim's family if the family's address is
12 known to the county or district attorney. Except as otherwise provided,
13 failure to notify pursuant to this section shall not be a reason to postpone a
14 parole hearing. In the case of any inmate convicted of an off-grid felony or
15 a class A felony, the secretary of corrections shall give written notice of the
16 time and place of the public comment session for such inmate at least one
17 month preceding the public comment session to any victim of such
18 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
19 amendments thereto. If notification is not given to such victim or such
20 victim's family in the case of any inmate convicted of an off-grid felony or
21 a class A felony, the board shall postpone a decision on parole of the
22 inmate to a time at least 30 days after notification is given as provided in
23 this section. Nothing in this section shall create a cause of action against
24 the state or an employee of the state acting within the scope of the
25 employee's employment as a result of the failure to notify pursuant to this
26 section. If granted parole, the inmate may be released on parole on the date
27 specified by the board, but not earlier than the date the inmate is eligible
28 for parole under subsections (a), (b) and (c). At each parole hearing and, if
29 parole is not granted, at such intervals thereafter as it determines
30 appropriate, the board shall consider: (1) Whether the inmate has
31 satisfactorily completed the programs required by any agreement entered
32 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
33 agreement; and (2) all pertinent information regarding such inmate,
34 including, but not limited to, the circumstances of the offense of the
35 inmate; the presentence report; the previous social history and criminal
36 record of the inmate; the conduct, employment, and attitude of the inmate
37 in prison; the reports of such physical and mental examinations as have
38 been made, including, but not limited to, risk factors revealed by any risk
39 assessment of the inmate; comments of the victim and the victim's family
40 including in person comments, contemporaneous comments and
41 prerecorded comments made by any technological means; comments of
42 the public; official comments; any recommendation by the staff of the
43 facility where the inmate is incarcerated; proportionality of the time the

1 inmate has served to the sentence a person would receive under the Kansas
2 sentencing guidelines for the conduct that resulted in the inmate's
3 incarceration; and capacity of state correctional institutions.

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

14 (j) (1) Before ordering the parole of any inmate, the prisoner review
15 board shall have the inmate appear either in person or via a video
16 conferencing format and shall interview the inmate unless impractical
17 because of the inmate's physical or mental condition or absence from the
18 institution. Every inmate while on parole shall remain in the legal custody
19 of the secretary of corrections and is subject to the orders of the secretary.
20 Whenever the board formally considers placing an inmate on parole and no
21 agreement has been entered into with the inmate under K.S.A. 75-
22 5210a, and amendments thereto, the board shall notify the inmate in
23 writing of the reasons for not granting parole. If an agreement has been
24 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
25 has not satisfactorily completed the programs specified in the agreement,
26 or any revision of such agreement, the board shall notify the inmate in
27 writing of the specific programs the inmate must satisfactorily complete
28 before parole will be granted. If parole is not granted only because of a
29 failure to satisfactorily complete such programs, the board shall grant
30 parole upon the secretary's certification that the inmate has successfully
31 completed such programs. If an agreement has been entered under K.S.A.
32 75-5210a, and amendments thereto, and the secretary of corrections has
33 reported to the board in writing that the inmate has satisfactorily
34 completed the programs required by such agreement, or any revision
35 thereof, the board shall not require further program participation.
36 However, if the board determines that other pertinent information
37 regarding the inmate warrants the inmate's not being released on parole,
38 the board shall state in writing the reasons for not granting the parole. If
39 parole is denied for an inmate sentenced for a crime other than a class A or
40 class B felony or an off-grid felony, the board shall hold another parole
41 hearing for the inmate not later than one year after the denial unless the
42 board finds that it is not reasonable to expect that parole would be granted
43 at a hearing if held in the next three years or during the interim period of a

1 deferral. In such case, the board may defer subsequent parole hearings for
2 up to three years but any such deferral by the board shall require the board
3 to state the basis for its findings. If parole is denied for an inmate
4 sentenced for a class A or class B felony or an off-grid felony, the board
5 shall hold another parole hearing for the inmate not later than three years
6 after the denial unless the board finds that it is not reasonable to expect
7 that parole would be granted at a hearing if held in the next 10 years or
8 during the interim period of a deferral. In such case, the board may defer
9 subsequent parole hearings for up to 10 years, but any such deferral shall
10 require the board to state the basis for its findings.

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

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

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

29 (3) Parolees and persons on postrelease supervision are, and shall
30 agree in writing to be, subject to search or seizure by any law enforcement
31 officer based on reasonable suspicion of the person violating conditions of
32 parole or postrelease supervision or reasonable suspicion of criminal
33 activity. Any law enforcement officer who conducts such a search shall
34 submit a written report to the appropriate parole officer no later than the
35 close of the next business day after such search. The written report shall
36 include the facts leading to such search, the scope of such search and any
37 findings resulting from such search.

38 (l) The prisoner review board shall promulgate rules and regulations
39 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
40 inconsistent with the law and as it may deem proper or necessary, with
41 respect to the conduct of parole hearings, postrelease supervision reviews,
42 revocation hearings, orders of restitution, reimbursement of expenditures
43 by the state board of indigents' defense services and other conditions to be

1 imposed upon parolees or releasees. Whenever an order for parole or
2 postrelease supervision is issued it shall recite the conditions thereof.

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

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

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

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

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

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

40 (6) shall order that the parolee or person on postrelease supervision
41 agree in writing to be subject to search or seizure by a parole officer or a
42 department of corrections enforcement, apprehension and investigation
43 officer, at any time of the day or night, with or without a search warrant

1 and with or without cause. Nothing in this subsection shall be construed to
2 authorize such officers to conduct arbitrary or capricious searches or
3 searches for the sole purpose of harassment; and

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

9 (n) If the court which sentenced an inmate specified at the time of
10 sentencing the amount and the recipient of any restitution ordered as a
11 condition of parole or postrelease supervision, the prisoner review board
12 shall order as a condition of parole or postrelease supervision that the
13 inmate pay restitution in the amount and manner provided in the journal
14 entry unless the board finds compelling circumstances which would render
15 a plan of restitution unworkable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
 21 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
 22 thereto, for crimes committed on or after July 1, 2006, shall be placed on
 23 parole for life and shall not be discharged from supervision by the prisoner
 24 review board. When the board orders the parole of an inmate pursuant to
 25 this subsection, the board shall order as a condition of parole that the
 26 inmate be electronically monitored for the duration of the inmate's natural
 27 life.

28 (v) Whenever the prisoner review board orders a person to be
 29 electronically monitored pursuant to this section, or the court orders a
 30 person to be electronically monitored pursuant to subsection (r) of K.S.A.
 31 2012 Supp. 21-6604, and amendments thereto, the board shall order the
 32 person to reimburse the state for all or part of the cost of such monitoring.
 33 In determining the amount and method of payment of such sum, the board
 34 shall take account of the financial resources of the person and the nature of
 35 the burden that the payment of such sum will impose.

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

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

1 conduct.

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

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

9 Sec. 7. K.S.A. 2012 Supp. 75-5217 is hereby amended to read as
10 follows: 75-5217. (a) At any time during release on parole, conditional
11 release or postrelease supervision, the secretary of corrections may issue a
12 warrant for the arrest of a released inmate for violation of any of the
13 conditions of release, or a notice to appear to answer to a charge of
14 violation. Such notice shall be served personally upon the released inmate.
15 The warrant shall authorize any law enforcement officer to arrest and
16 deliver the released inmate to a place as provided by subsection (g). Any
17 parole officer may arrest such released inmate without a warrant, or may
18 deputize any other officer with power of arrest to do so by giving such
19 officer a written or verbal arrest and detain order setting forth that the
20 released inmate, in the judgment of the parole officer, has violated the
21 conditions of the inmate's release. A written arrest and detain order
22 delivered to the official in charge of the institution or place to which the
23 released inmate is brought for detention shall be sufficient warrant for
24 detaining the inmate. After making an arrest the parole officer shall present
25 to the detaining authorities a similar arrest and detain order and statement
26 of the circumstances of violation. Pending a hearing, as provided in this
27 section, upon any charge of violation the released inmate shall remain
28 incarcerated in the institution or place to which the inmate is taken for
29 detention.

30 (b) Upon such arrest and detention, the parole officer shall notify the
31 secretary of corrections, or the secretary's designee, within five days and
32 shall submit in writing a report showing in what manner the released
33 inmate had violated the conditions of release. After such notification is
34 given to the secretary of corrections, or upon an arrest by warrant as herein
35 provided, and the finding of probable cause pursuant to procedures
36 established by the secretary of a violation of the released inmate's
37 conditions of release, the secretary or the secretary's designee may cause
38 the released inmate to be brought before the prisoner review board, its
39 designee or designees, for a hearing on the violation charged, under such
40 rules and regulations as the board may adopt, or may dismiss the charges
41 that the released inmate has violated the conditions of release and order the
42 released inmate to remain on parole, conditional release or post release
43 supervision. It is within the discretion of the board whether such hearing

1 requires the released inmate to appear personally before the board when
2 such inmate's violation results from a conviction for a new felony or
3 misdemeanor. An offender under determinative sentencing whose violation
4 does not result from a conviction of a new felony or misdemeanor may
5 waive the right to a final revocation hearing before the board under such
6 conditions and terms as may be prescribed by rules and regulations
7 promulgated by the secretary of corrections. Relevant written statements
8 made under oath shall be admitted and considered by the board, its
9 designee or designees, along with other evidence presented at the hearing.
10 If the violation is established to the satisfaction of the board, the board
11 may continue or revoke the parole or conditional release, or enter such
12 other order as the board may see fit. The revocation of release of inmates
13 who are on a specified period of postrelease supervision shall be for a six-
14 month period of confinement from the date of the revocation hearing
15 before the board or the effective date of waiver of such hearing by the
16 offender pursuant to rules and regulations promulgated by the board, if the
17 violation does not result from a conviction for a new felony or
18 misdemeanor. Such period of confinement may be reduced by not more
19 than three months based on the inmate's conduct, work and program
20 participation during the incarceration period. The reduction in the
21 incarceration period shall be on an earned basis pursuant to rules and
22 regulations adopted by the secretary of corrections.

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

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

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

39 (f) If the secretary of corrections issues a warrant for the arrest of a
40 released inmate for violation of any of the conditions of release and the
41 released inmate is subsequently arrested in the state of Kansas, either
42 pursuant to the warrant issued by the secretary of corrections or for any
43 other reason, the released inmate's sentence shall not be credited with the

1 period of time from the date of the issuance of the secretary's warrant to
2 the date of the released inmate's arrest.

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

27 The secretary may issue a warrant for the arrest of a released inmate for
28 violation of any of the conditions of release and may direct that all
29 reasonable means to serve the warrant and detain such released inmate be
30 employed including, but not limited to, notifying the federal bureau of
31 investigation of such violation and issuance of warrant and requesting
32 from the federal bureau of investigation any pertinent information it may
33 possess concerning the whereabouts of the released inmate.

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

39 (h) For the purposes of this section, an inmate or released inmate is
40 an individual under the supervision of the secretary of corrections,
41 including, but not limited to, an individual on parole, conditional release,
42 postrelease supervision, probation granted by another state or an individual
43 supervised under any interstate compact in accordance with the provisions

1 of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et
2 seq., and amendments thereto.

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

6 (b) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (18) determine the effect the mandatory sentencing established in
22 K.S.A. 21-4642 and 21-4643, prior to their repeal, or K.S.A. 2012 Supp.
23 21-6626 and 21-6627, and amendments thereto, would have on the number
24 of offenders civilly committed to a treatment facility as a sexually violent
25 predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments
26 thereto;

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

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

39 (21) *be authorized to make statewide supervision and placement*
40 *cutoff decisions based upon the risk levels and needs of the offender. The*
41 *commission shall periodically review data and make recommended*
42 *changes; ; and*

43 (22) **determine the impact and effectiveness of supervision and**

1 **sanctions for felony offenders regarding recidivism and prison and**
2 **community-based supervision populations.**

3 Sec. 9. K.S.A. 2012 Supp. 21-6604, 21-6604a, 21-6604b, 21-6606,
4 21-6608, 21-6821, 22-3716, 22-3717, 74-9101 and 75-5217 are hereby
5 repealed.

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