

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2337

By Committee on Corrections and Juvenile Justice

2-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to conservation camps; elimination; **community corrections grant**
3 **funds**; amending K.S.A. 2014 Supp. 21-5914, 21-6604, 21-6615, 21-
4 6702, 21-6803, 21-6824, 22-4616, 44-508, 65-1,108, 75-755, 75-7d01,
5 75-7d10, 75-5206 and 75-5291 and repealing the existing sections; also
6 repealing K.S.A. 75-52,132 and K.S.A. 2014 Supp. 21-6604c and 75-
7 52,127.

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

10 Section 1. K.S.A. 2014 Supp. 21-5914 is hereby amended to read as
11 follows: 21-5914.(a) Traffic in contraband in a correctional institution or
12 care and treatment facility is, without the consent of the administrator of
13 the correctional institution or care and treatment facility:

14 (1) Introducing or attempting to introduce any item into or upon the
15 grounds of any correctional institution or care and treatment facility;

16 (2) taking, sending, attempting to take or attempting to send any item
17 from any correctional institution or care and treatment facility;

18 (3) any unauthorized possession of any item while in any correctional
19 institution or care and treatment facility;

20 (4) distributing any item within any correctional institution or care
21 and treatment facility;

22 (5) supplying to another who is in lawful custody any object or thing
23 adapted or designed for use in making an escape; or

24 (6) introducing into an institution in which a person is confined any
25 object or thing adapted or designed for use in making any escape.

26 (b) Traffic in contraband in a correctional institution or care and
27 treatment facility is a:

28 (1) Severity level 6, nonperson felony, except as provided in
29 subsection (b)(2) or (b)(3);

30 (2) severity level 5, nonperson felony if such items are:

31 (A) Firearms, ammunition, explosives or a controlled substance
32 which is defined in K.S.A. 2014 Supp. 21-5701, and amendments thereto,
33 except as provided in subsection (b)(3);

34 (B) defined as contraband by rules and regulations adopted by the
35 secretary of corrections, in a state correctional institution or facility by an
36 employee of a state correctional institution or facility, except as provided

1 in subsection (b)(3);

2 (C) defined as contraband by rules and regulations adopted by the
3 secretary for aging and disability services, in a care and treatment facility
4 by an employee of a care and treatment facility, except as provided in
5 subsection (b)(3); or

6 (D) defined as contraband by rules and regulations adopted by the
7 commissioner of the juvenile justice authority, in a juvenile correctional
8 facility by an employee of a juvenile correctional facility, except as
9 provided by subsection (b)(3); and

10 (3) severity level 4, nonperson felony if:

11 (A) Such items are firearms, ammunition or explosives, in a
12 correctional institution by an employee of a correctional institution or in a
13 care and treatment facility by an employee of a care and treatment facility;
14 or

15 (B) a violation of subsection (a)(5) or (a)(6) by an employee or
16 volunteer of the department of corrections, or the employee or volunteer of
17 a contractor who is under contract to provide services to the department of
18 corrections.

19 (c) The provisions of subsection (b)(2)(A) shall not apply to the
20 possession of a firearm or ammunition by a person licensed under the
21 personal and family protection act, K.S.A. 75-7c01 et seq., and
22 amendments thereto, in a parking lot open to the public if the firearm or
23 ammunition is carried on the person while in a vehicle or while securing
24 the firearm or ammunition in the vehicle, or stored out of plain view in a
25 locked but unoccupied vehicle.

26 (d) As used in this section:

27 (1) "Correctional institution" means any state correctional institution
28 or facility, ~~conservation camp~~, state security hospital, juvenile correctional
29 facility, community correction center or facility for detention or
30 confinement, juvenile detention facility or jail;

31 (2) "care and treatment facility" means the state security hospital
32 provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a
33 facility operated by the Kansas department for aging and disability
34 services for the purposes provided for under K.S.A. 59-29a02 et seq., and
35 amendments thereto; and

36 (3) "lawful custody" means the same as in K.S.A. 2014 Supp. 21-
37 5912, and amendments thereto.

38 Sec. 2. K.S.A. 2014 Supp. 21-6604 is hereby amended to read as
39 follows: 21-6604. (a) Whenever any person has been found guilty of a
40 crime, the court may adjudge any of the following:

41 (1) Commit the defendant to the custody of the secretary of
42 corrections if the current crime of conviction is a felony and the sentence
43 presumes imprisonment, or the sentence imposed is a dispositional

1 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
2 for the term provided by law;

3 (2) impose the fine applicable to the offense and may impose the
4 provisions of subsection ~~(q)~~ (p);

5 (3) release the defendant on probation if the current crime of
6 conviction and criminal history fall within a presumptive nonprison
7 category or through a departure for substantial and compelling reasons
8 subject to such conditions as the court may deem appropriate. In felony
9 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2014
10 Supp. 8-1025, and amendments thereto, the court may include
11 confinement in a county jail not to exceed 60 days, which need not be
12 served consecutively, as a condition of an original probation sentence;

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

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

23 (6) (5) assign the defendant to a house arrest program pursuant to
24 K.S.A. 2014 Supp. 21-6609, and amendments thereto;

25 (7) (6) order the defendant to attend and satisfactorily complete an
26 alcohol or drug education or training program as provided by ~~subsection~~
27 ~~(e)~~ of K.S.A. 2014 Supp. 21-6602(c), and amendments thereto;

28 (8) (7) order the defendant to repay the amount of any reward paid by
29 any crime stoppers chapter, individual, corporation or public entity which
30 materially aided in the apprehension or conviction of the defendant; repay
31 the amount of any costs and expenses incurred by any law enforcement
32 agency in the apprehension of the defendant, if one of the current crimes
33 of conviction of the defendant includes escape from custody or aggravated
34 escape from custody, as defined in K.S.A. 2014 Supp. 21-5911, and
35 amendments thereto; repay expenses incurred by a fire district, fire
36 department or fire company responding to a fire which has been
37 determined to be arson or aggravated arson as defined in K.S.A. 2014
38 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
39 such crime; repay the amount of any public funds utilized by a law
40 enforcement agency to purchase controlled substances from the defendant
41 during the investigation which leads to the defendant's conviction; or repay
42 the amount of any medical costs and expenses incurred by any law
43 enforcement agency or county. Such repayment of the amount of any such

1 costs and expenses incurred by a county, law enforcement agency, fire
2 district, fire department or fire company or any public funds utilized by a
3 law enforcement agency shall be deposited and credited to the same fund
4 from which the public funds were credited to prior to use by the county,
5 law enforcement agency, fire district, fire department or fire company;

6 ~~(9)~~ (8) order the defendant to pay the administrative fee authorized by
7 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

8 ~~(10)~~ (9) order the defendant to pay a domestic violence special
9 program fee authorized by K.S.A. 20-369, and amendments thereto;

10 ~~(11)~~ (10) if the defendant is convicted of a misdemeanor or convicted
11 of a felony specified in ~~subsection (i)~~ of K.S.A. 2014 Supp. 21-6804(i),
12 and amendments thereto, assign the defendant to work release program,
13 other than a program at a correctional institution under the control of the
14 secretary of corrections as defined in K.S.A. 75-5202, and amendments
15 thereto, provided such work release program requires such defendant to
16 return to confinement at the end of each day in the work release program.
17 On a second or subsequent conviction of K.S.A. 8-1567, and amendments
18 thereto, an offender placed into a work release program shall serve the
19 total number of hours of confinement mandated by that section;

20 ~~(12)~~ (11) order the defendant to pay the full amount of unpaid costs
21 associated with the conditions of release of the appearance bond under
22 K.S.A. 22-2802, and amendments thereto;

23 ~~(13)~~ (12) impose any appropriate combination of (1), (2), (3), (4), (5),
24 (6), (7), (8), (9), (10), (11) and (12); or

25 ~~(14)~~ (13) suspend imposition of sentence in misdemeanor cases.

26 (b) (1) In addition to or in lieu of any of the above, the court shall
27 order the defendant to pay restitution, which shall include, but not be
28 limited to, damage or loss caused by the defendant's crime, unless the
29 court finds compelling circumstances which would render a plan of
30 restitution unworkable. In regard to a violation of K.S.A. 2014 Supp. 21-
31 6107, and amendments thereto, such damage or loss shall include, but not
32 be limited to, attorney fees and costs incurred to repair the credit history or
33 rating of the person whose personal identification documents were
34 obtained and used in violation of such section, and to satisfy a debt, lien or
35 other obligation incurred by the person whose personal identification
36 documents were obtained and used in violation of such section. If the court
37 finds a plan of restitution unworkable, the court shall state on the record in
38 detail the reasons therefor.

39 (2) If the court orders restitution, the restitution shall be a judgment
40 against the defendant which may be collected by the court by garnishment
41 or other execution as on judgments in civil cases. If, after 60 days from the
42 date restitution is ordered by the court, a defendant is found to be in
43 noncompliance with the plan established by the court for payment of

1 restitution, and the victim to whom restitution is ordered paid has not
2 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
3 amendments thereto, the court shall assign an agent procured by the
4 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
5 collect the restitution on behalf of the victim. The chief judge of each
6 judicial district may assign such cases to an appropriate division of the
7 court for the conduct of civil collection proceedings.

8 (c) In addition to or in lieu of any of the above, the court shall order
9 the defendant to submit to and complete an alcohol and drug evaluation,
10 and pay a fee therefor, when required by ~~subsection (d)~~ of K.S.A. 2014
11 Supp. 21-6602(d), and amendments thereto.

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

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

33 (f) (1) When a new felony is committed while the offender is
34 incarcerated and serving a sentence for a felony, or while the offender is on
35 probation, assignment to a community correctional services program,
36 parole, conditional release or postrelease supervision for a felony, a new
37 sentence shall be imposed consecutively pursuant to the provisions of
38 K.S.A. 2014 Supp. 21-6606, and amendments thereto, and the court may
39 sentence the offender to imprisonment for the new conviction, even when
40 the new crime of conviction otherwise presumes a nonprison sentence. In
41 this event, imposition of a prison sentence for the new crime does not
42 constitute a departure.

43 (2) When a new felony is committed during a period of time during

1 which the defendant would have been on probation, assignment to a
2 community correctional services program, parole, conditional release or
3 postrelease supervision for a felony had the defendant not been granted
4 release by the court pursuant to ~~subsection (d)~~ of K.S.A. 2014 Supp. 21-
5 6608(d), and amendments thereto, or the prisoner review board pursuant to
6 K.S.A. 22-3717, and amendments thereto, the court may sentence the
7 offender to imprisonment for the new conviction, even when the new
8 crime of conviction otherwise presumes a nonprison sentence. In this
9 event, imposition of a prison sentence for the new crime does not
10 constitute a departure.

11 (3) When a new felony is committed while the offender is
12 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
13 prior to its repeal, or K.S.A. 2014 Supp. 38-2373, and amendments
14 thereto, for an offense, which if committed by an adult would constitute
15 the commission of a felony, upon conviction, the court shall sentence the
16 offender to imprisonment for the new conviction, even when the new
17 crime of conviction otherwise presumes a nonprison sentence. In this
18 event, imposition of a prison sentence for the new crime does not
19 constitute a departure. The conviction shall operate as a full and complete
20 discharge from any obligations, except for an order of restitution, imposed
21 on the offender arising from the offense for which the offender was
22 committed to a juvenile correctional facility.

23 (4) When a new felony is committed while the offender is on release
24 for a felony pursuant to the provisions of article 28 of chapter 22 of the
25 Kansas Statutes Annotated, and amendments thereto, or similar provisions
26 of the laws of another jurisdiction, a new sentence may be imposed
27 consecutively pursuant to the provisions of K.S.A. 2014 Supp. 21-6606,
28 and amendments thereto, and the court may sentence the offender to
29 imprisonment for the new conviction, even when the new crime of
30 conviction otherwise presumes a nonprison sentence. In this event,
31 imposition of a prison sentence for the new crime does not constitute a
32 departure.

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

1 the sentencing guidelines grid for drug crimes committed on or after July
2 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014
3 Supp. 21-6824, and amendments thereto, prior to revocation of a
4 nonprison sanction of a defendant whose offense is classified in grid
5 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
6 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
7 the sentencing guidelines grid for drug crimes committed on or after July
8 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014
9 Supp. 21-6824, and amendments thereto, or prior to revocation of a
10 nonprison sanction of a defendant whose offense is classified in the
11 presumptive nonprison grid block of either sentencing guideline grid or
12 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
13 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
14 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
15 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
16 crimes committed on or after July 1, 2012, the court shall consider
17 placement of the defendant in ~~the Labette correctional conservation camp,~~
18 ~~conservation camps established by the secretary of corrections pursuant to~~
19 ~~K.S.A. 75-52,127, and amendments thereto,~~ or a community intermediate
20 sanction center. Pursuant to this subsection the defendant shall not be
21 sentenced to imprisonment if space is available in a ~~conservation camp or~~
22 ~~community intermediate sanction center~~ and the defendant meets all of the
23 ~~conservation camps or~~ community intermediate sanction center's
24 placement criteria unless the court states on the record the reasons for not
25 placing the defendant in a ~~conservation camp or~~ community intermediate
26 sanction center.

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

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

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

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

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

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

22 (1) ~~Has been sentenced to the secretary for a probation revocation, as~~
23 ~~a departure from the presumptive nonimprisonment grid block of either~~
24 ~~sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I~~
25 ~~or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks~~
26 ~~3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes~~
27 ~~committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of~~
28 ~~the sentencing guidelines grid for drug crimes committed on or after July~~
29 ~~1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of~~
30 ~~the sentencing guidelines grid for drug crimes committed prior to July 1,~~
31 ~~2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines~~
32 ~~grid for drug crimes committed on or after July 1, 2012, and such offense~~
33 ~~does not meet the requirements of K.S.A. 2014 Supp. 21-6824, and~~
34 ~~amendments thereto; and~~

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

36 ~~If the inmate successfully completes a conservation camp program, the~~
37 ~~secretary of corrections shall report such completion to the sentencing~~
38 ~~court and the county or district attorney. The inmate shall then be assigned~~
39 ~~by the court to six months of follow-up supervision conducted by the~~
40 ~~appropriate community corrections services program. The court may also~~
41 ~~order that supervision continue thereafter for the length of time authorized~~
42 ~~by K.S.A. 2014 Supp. 21-6608, and amendments thereto.~~

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

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

3 ~~(n)~~ (m) (1) Except as provided by ~~subsection (f)~~ of K.S.A. 2014 Supp.
4 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the
5 above, for felony violations of K.S.A. 2014 Supp. 21-5706, and
6 amendments thereto, the court shall require the defendant who meets the
7 requirements established in K.S.A. 2014 Supp. 21-6824, and amendments
8 thereto, to participate in a certified drug abuse treatment program, as
9 provided in K.S.A. 2014 Supp. 75-52,144, and amendments thereto,
10 including, but not limited to, an approved after-care plan. The amount of
11 time spent participating in such program shall not be credited as service on
12 the underlying prison sentence.

13 (2) If the defendant fails to participate in or has a pattern of
14 intentional conduct that demonstrates the defendant's refusal to comply
15 with or participate in the treatment program, as established by judicial
16 finding, the defendant shall be subject to sanction or revocation pursuant
17 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
18 defendant's probation is revoked, the defendant shall serve the underlying
19 prison sentence as established in K.S.A. 2014 Supp. 21-6805, and
20 amendments thereto.

21 (A) Except as provided in subsection ~~(n)~~(m)(2)(B), for those
22 offenders who are convicted on or after July 1, 2003, but prior to July 1,
23 2013, upon completion of the underlying prison sentence, the offender
24 shall not be subject to a period of postrelease supervision.

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

32 ~~(n)~~ (n) (1) Except as provided in paragraph (3), in addition to any
33 other penalty or disposition imposed by law, upon a conviction for
34 unlawful possession of a controlled substance or controlled substance
35 analog in violation of K.S.A. 2014 Supp. 21-5706, and amendments
36 thereto, in which the trier of fact makes a finding that the unlawful
37 possession occurred while transporting the controlled substance or
38 controlled substance analog in any vehicle upon a highway or street, the
39 offender's driver's license or privilege to operate a motor vehicle on the
40 streets and highways of this state shall be suspended for one year.

41 (2) Upon suspension of a license pursuant to this subsection, the court
42 shall require the person to surrender the license to the court, which shall
43 transmit the license to the division of motor vehicles of the department of

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

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

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

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

1 motor vehicle on the highways of this state shall be revoked for a period of
2 not less than 60 days nor more than one year by the judge of the court in
3 which such person is convicted of violating such conditions.

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

6 ~~(p)~~ (o) In addition to any of the above, for any criminal offense that
7 includes the domestic violence designation pursuant to K.S.A. 2014 Supp.
8 22-4616, and amendments thereto, the court shall require the defendant to:

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

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

43 ~~(r)~~ (q) In addition to any other penalty or disposition imposed by law,

1 for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
2 prior to its repeal, or K.S.A. 2014 Supp. 21-6627, and amendments
3 thereto, for crimes committed on or after July 1, 2006, the court shall order
4 that the defendant be electronically monitored upon release from
5 imprisonment for the duration of the defendant's natural life and that the
6 defendant shall reimburse the state for all or part of the cost of such
7 monitoring as determined by the prisoner review board.

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

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

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

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

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

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

30 Sec. 3. K.S.A. 2014 Supp. 21-6615 is hereby amended to read as
31 follows: 21-6615. (a) In any criminal action in which the defendant is
32 convicted, the judge, if the judge sentences the defendant to confinement,
33 shall direct that for the purpose of computing defendant's sentence and
34 parole eligibility and conditional release dates thereunder, that such
35 sentence is to be computed from a date, to be specifically designated by
36 the court in the sentencing order of the journal entry of judgment. Such
37 date shall be established to reflect and shall be computed as an allowance
38 for the time which the defendant has spent incarcerated pending the
39 disposition of the defendant's case. In recording the commencing date of
40 such sentence the date as specifically set forth by the court shall be used as
41 the date of sentence and all good time allowances as are authorized by the
42 secretary of corrections are to be allowed on such sentence from such date
43 as though the defendant were actually incarcerated in any of the

1 institutions of the state correctional system.

2 (b) In any criminal action in which probation, ~~assignment to a~~
3 ~~conservation camp~~ or assignment to community corrections is revoked and
4 the defendant is sentenced to confinement, for the purpose of computing
5 the defendant's sentence and parole eligibility and conditional release date,
6 the defendant's sentence is to be computed from a date, hereafter to be
7 specifically designated in the sentencing order of the journal entry of
8 judgment. Such date shall be established to reflect and shall be computed
9 as an allowance for the time which the defendant has spent in a residential
10 facility while on probation, ~~assignment to a conservation camp~~ or
11 assignment to community correctional residential services program. The
12 commencing date of such sentence shall be used as the date of sentence
13 and all good time allowances as are authorized by law are to be allowed on
14 such sentence from such date as though the defendant were actually
15 incarcerated in a correctional institution.

16 (c) Such credit is not to be considered to reduce the minimum or
17 maximum terms of confinement authorized by law for the offense of
18 which the defendant has been convicted.

19 Sec. 4. K.S.A. 2014 Supp. 21-6702 is hereby amended to read as
20 follows: 21-6702. (a) Whenever any person has been found guilty of a
21 crime and the court finds that an adequate presentence investigation cannot
22 be conducted by resources available within the judicial district, including
23 mental health centers and mental health clinics, the court may require that
24 a presentence investigation be conducted by the Topeka correctional
25 facility or by the state security hospital. If the offender is sent to the
26 Topeka correctional facility or the state security hospital for a presentence
27 investigation under this section, the correctional facility or hospital may
28 keep the offender confined for a maximum of 60 days, except that an
29 inmate may be held for a longer period of time on order of the secretary, or
30 until the court calls for the return of the offender. While held at the Topeka
31 correctional facility or the state security hospital the defendant may be
32 treated the same as any person committed to the secretary of corrections or
33 secretary for aging and disability services for purposes of maintaining
34 security and control, discipline, and emergency medical or psychiatric
35 treatment, and general population management except that no such person
36 shall be transferred out of the state or to a federal institution or to any other
37 location unless the transfer is between the correctional facility and the state
38 security hospital. The correctional facility or the state security hospital
39 shall compile a complete mental and physical evaluation of such offender
40 and shall make its findings and recommendations known to the court in the
41 presentence report.

42 (b) Except as provided in subsection (c), whenever any person has
43 been found guilty of a crime, the court may adjudge any of the following:

1 (1) Commit the defendant to the custody of the secretary of
2 corrections or, if confinement is for a term less than one year, to jail for the
3 term provided by law;

4 (2) impose the fine applicable to the offense;

5 (3) release the defendant on probation subject to such conditions as
6 the court may deem appropriate, including orders requiring full or partial
7 restitution. In felony cases, the court may include confinement in a county
8 jail not to exceed 60 days, which need not be served consecutively, as a
9 condition of an original probation sentence and up to 60 days in a county
10 jail upon each revocation of the probation sentence;

11 (4) suspend the imposition of the sentence subject to such conditions
12 as the court may deem appropriate, including orders requiring full or
13 partial restitution. In felony cases, the court may include confinement in a
14 county jail not to exceed 60 days, which need not be served consecutively,
15 as a condition of suspension of sentence;

16 (5) assign the defendant to a community correctional services
17 program subject to the provisions of K.S.A. 75-5291, and amendments
18 thereto, and such conditions as the court may deem appropriate, including
19 orders requiring full or partial restitution;

20 ~~(6) assign the defendant to a conservation camp for a period not to~~
21 ~~exceed six months;~~

22 ~~(7)~~ (6) assign the defendant to a house arrest program pursuant to
23 K.S.A. 2014 Supp. 21-6609, and amendments thereto;

24 ~~(8)~~ (7) order the defendant to attend and satisfactorily complete an
25 alcohol or drug education or training program as provided by ~~subsection~~
26 ~~(e)~~ of K.S.A. 2014 Supp. 21-6602(c), and amendments thereto;

27 ~~(9)~~ (8) order the defendant to pay the administrative fee authorized by
28 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

29 ~~(10)~~ (9) impose any appropriate combination of subsections (b)(1)
30 through (b)~~(9)~~(8).

31 In addition to or in lieu of any of the above, the court shall order the
32 defendant to submit to and complete an alcohol and drug evaluation, and
33 pay a fee therefor, when required by ~~subsection (d)~~ of K.S.A. 2014 Supp.
34 21-6602(d), and amendments thereto.

35 In addition to any of the above, the court shall order the defendant to
36 reimburse the state general fund for all or a part of the expenditures by the
37 state board of indigents' defense services to provide counsel and other
38 defense services to the defendant. In determining the amount and method
39 of payment of such sum, the court shall take account of the financial
40 resources of the defendant and the nature of the burden that payment of
41 such sum will impose. A defendant who has been required to pay such sum
42 and who is not willfully in default in the payment thereof may at any time
43 petition the court which sentenced the defendant to waive payment of such

1 sum or any unpaid portion thereof. If it appears to the satisfaction of the
2 court that payment of the amount due will impose manifest hardship on the
3 defendant or the defendant's immediate family, the court may waive
4 payment of all or part of the amount due or modify the method of
5 payment. The amount of attorney fees to be included in the court order for
6 reimbursement shall be the amount claimed by appointed counsel on the
7 payment voucher for indigents' defense services or the amount prescribed
8 by the board of indigents' defense services reimbursement tables as
9 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

10 In imposing a fine the court may authorize the payment thereof in
11 installments. In releasing a defendant on probation, the court shall direct
12 that the defendant be under the supervision of a court services officer. If
13 the court commits the defendant to the custody of the secretary of
14 corrections or to jail, the court may specify in its order the amount of
15 restitution to be paid and the person to whom it shall be paid if restitution
16 is later ordered as a condition of parole or conditional release.

17 The court in committing a defendant to the custody of the secretary of
18 corrections shall fix a maximum term of confinement within the limits
19 provided by law. In those cases where the law does not fix a maximum
20 term of confinement for the crime for which the defendant was convicted,
21 the court shall fix the maximum term of such confinement. In all cases
22 where the defendant is committed to the custody of the secretary of
23 corrections, the court shall fix the minimum term within the limits
24 provided by law.

25 (c) Whenever any juvenile felon, as defined in K.S.A. 38-16,112,
26 prior to its repeal, has been found guilty of a class A or B felony, the court
27 shall commit the defendant to the custody of the secretary of corrections
28 and may impose the fine applicable to the offense.

29 (d) (1) Except when an appeal is taken and determined adversely to
30 the defendant as provided in subsection (d)(2), at any time within 120 days
31 after a sentence is imposed, after probation or assignment to a community
32 correctional services program has been revoked, the court may modify
33 such sentence, revocation of probation or assignment to a community
34 correctional services program by directing that a less severe penalty be
35 imposed in lieu of that originally adjudged within statutory limits and shall
36 modify such sentence if recommended by the Topeka correctional facility
37 unless the court finds and sets forth with particularity the reasons for
38 finding that the safety of members of the public will be jeopardized or that
39 the welfare of the inmate will not be served by such modification.

40 (2) If an appeal is taken and determined adversely to the defendant,
41 such sentence may be modified within 120 days after the receipt by the
42 clerk of the district court of the mandate from the supreme court or court
43 of appeals.

1 (e) The court shall modify the sentence at any time before the
2 expiration thereof when such modification is recommended by the
3 secretary of corrections unless the court finds and sets forth with
4 particularity the reasons for finding that the safety of members of the
5 public will be jeopardized or that the welfare of the inmate will not be
6 served by such modification. The court shall have the power to impose a
7 less severe penalty upon the inmate, including the power to reduce the
8 minimum below the statutory limit on the minimum term prescribed for
9 the crime of which the inmate has been convicted. The recommendation of
10 the secretary of corrections, the hearing on the recommendation and the
11 order of modification shall be made in open court. Notice of the
12 recommendation of modification of sentence and the time and place of the
13 hearing thereon shall be given by the inmate, or by the inmate's legal
14 counsel, at least 21 days prior to the hearing to the county or district
15 attorney of the county where the inmate was convicted. After receipt of
16 such notice and at least 14 days prior to the hearing, the county or district
17 attorney shall give notice of the recommendation of modification of
18 sentence and the time and place of the hearing thereon to any victim of the
19 inmate's crime who is alive and whose address is known to the county or
20 district attorney or, if the victim is deceased, to the victim's next of kin if
21 the next of kin's address is known to the county or district attorney. Proof
22 of service of each notice required to be given by this subsection shall be
23 filed with the court.

24 ~~(f) After such defendant has been assigned to a conservation camp~~
25 ~~but prior to the end of 180 days, the chief administrator of such camp shall~~
26 ~~file a performance report and recommendations with the court. The court~~
27 ~~shall enter an order based on such report and recommendations modifying~~
28 ~~the sentence, if appropriate, by sentencing the defendant to any of the~~
29 ~~authorized dispositions provided in subsection (b), except to reassign such~~
30 ~~person to a conservation camp as provided in subsection (b)(6).~~

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

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

42 ~~(i)~~ (h) When it is provided by law that a person shall be sentenced
43 pursuant to K.S.A. 21-4628, prior to its repeal, the provisions of this

1 section shall not apply.

2 (†) (i) The provisions of this section shall apply to crimes committed
3 before July 1, 1993.

4 Sec. 5. K.S.A. 2014 Supp. 21-6803 is hereby amended to read as
5 follows: 21-6803. As used in K.S.A. 2014 Supp. 21-6801 through 21-
6 6824, and amendments thereto:

7 (a) "Aggravating factor" means a substantial and compelling reason
8 justifying an exceptional sentence whereby the sentencing court may
9 impose a departure sentence outside the standard sentencing range for a
10 crime. An aggravating factor may result in a dispositional or durational
11 departure;

12 (b) "commission" means the Kansas sentencing commission;

13 (c) "criminal history" means and includes an offender's criminal
14 record of adult felony, class A misdemeanor, class B person misdemeanor
15 or select misdemeanor convictions and comparable juvenile adjudications
16 at the time such offender is sentenced;

17 (d) "criminal history score" means the summation of the convictions
18 described as criminal history that place an offender in one of the criminal
19 history score categories listed on the horizontal axis of the sentencing
20 guidelines grids;

21 (e) "decay factor" means prior convictions that are no longer
22 considered as part of an offender's criminal history score;

23 (f) "departure" means a sentence which is inconsistent with the
24 presumptive sentence for an offender;

25 (g) "dispositional departure" means a departure sentence imposing a
26 nonprison sanction when the presumptive sentence is prison or prison
27 when the presumptive sentence is nonimprisonment;

28 (h) "dispositional line" means the solid black line on the sentencing
29 guidelines grids which separates the grid blocks in which the presumptive
30 sentence is a term of imprisonment and postrelease supervision from the
31 grid blocks in which the presumptive sentence is nonimprisonment;

32 (i) "durational departure" means a departure sentence which is
33 inconsistent with the presumptive term of imprisonment or
34 nonimprisonment;

35 (j) "good time" means a method of behavior control or sanctions
36 utilized by the department of corrections;

37 (k) "grid" means the sentencing guidelines grid for nondrug crimes as
38 provided in K.S.A. 2014 Supp. 21-6804, and amendments thereto, or the
39 sentencing guidelines grid for drug crimes as provided in K.S.A. 2014
40 Supp. 21-6805, and amendments thereto, or both;

41 (l) "grid block" means a box on the grid formed by the intersection of
42 the crime severity ranking of a current crime of conviction and an
43 offender's criminal history classification;

1 (m) "imprisonment" means imprisonment in a facility operated by the
2 Kansas department of corrections;

3 (n) "mitigating factor" means a substantial and compelling reason
4 justifying an exceptional sentence whereby the sentencing court may
5 impose a departure sentence outside of the standard sentencing range for a
6 crime. A mitigating factor may result in a dispositional or durational
7 departure;

8 (o) "nonimprisonment," "nonprison" or "nonprison sanction" means
9 probation, community corrections, ~~conservation camp~~, house arrest or any
10 other community based disposition;

11 (p) "postrelease supervision" means the release of a prisoner to the
12 community after having served a period of imprisonment or equivalent
13 time served in a facility where credit for time served is awarded as set
14 forth by the court, subject to conditions imposed by the prisoner review
15 board and to the secretary of correction's supervision;

16 (q) "presumptive sentence" means the sentence provided in a grid
17 block for an offender classified in that grid block by the combined effect
18 of the crime severity ranking of the offender's current crime of conviction
19 and the offender's criminal history;

20 (r) "prison" means a facility operated by the Kansas department of
21 corrections; and

22 (s) "sentencing range" means the sentencing court's discretionary
23 range in imposing a nonappealable sentence.

24 Sec. 6. K.S.A. 2014 Supp. 21-6824 is hereby amended to read as
25 follows: 21-6824. (a) There is hereby established a nonprison sanction of
26 certified drug abuse treatment programs for certain offenders who are
27 sentenced on or after November 1, 2003. Placement of offenders in
28 certified drug abuse treatment programs by the court shall be limited to
29 placement of adult offenders, convicted of a felony violation of K.S.A. 65-
30 4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior
31 to its transfer, or K.S.A. 2014 Supp. 21-5706, and amendments thereto:

32 (1) Whose offense is classified in grid blocks 5-C, 5-D, 5-E, 5-F, 5-G,
33 5-H or 5-I of the sentencing guidelines grid for drug crimes and such
34 offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161,
35 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03,
36 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2014 Supp. 21-
37 5703, 21-5705 or 21-5716, and amendments thereto, or any substantially
38 similar offense from another jurisdiction; or

39 (2) whose offense is classified in grid blocks 5-A or 5-B of the
40 sentencing guidelines grid for drug crimes, such offender has no felony
41 conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164,
42 prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16,
43 prior to their transfer, or K.S.A. 2014 Supp. 21-5703, 21-5705 or 21-5716,

1 and amendments thereto, or any substantially similar offense from another
2 jurisdiction, if the person felonies in the offender's criminal history were
3 severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines
4 grid for nondrug crimes, and the court finds and sets forth with
5 particularity the reasons for finding that the safety of the members of the
6 public will not be jeopardized by such placement in a drug abuse treatment
7 program.

8 (b) As a part of the presentence investigation pursuant to K.S.A. 2014
9 Supp. 21-6813, and amendments thereto, offenders who meet the
10 requirements of subsection (a), unless otherwise specifically ordered by
11 the court, shall be subject to:

12 (1) A drug abuse assessment which shall include a clinical interview
13 with a mental health professional and a recommendation concerning drug
14 abuse treatment for the offender; and

15 (2) a criminal risk-need assessment. The criminal risk-need
16 assessment shall assign a high or low risk status to the offender.

17 (c) If the offender is assigned a high risk status as determined by the
18 drug abuse assessment performed pursuant to subsection (b)(1) and a
19 moderate or high risk status as determined by the criminal risk-need
20 assessment performed pursuant to subsection (b)(2), the sentencing court
21 shall commit the offender to treatment in a drug abuse treatment program
22 until the court determines the offender is suitable for discharge by the
23 court. The term of treatment shall not exceed 18 months. The court may
24 extend the term of probation, pursuant to ~~subsection (c)(3)~~ of K.S.A. 2014
25 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may
26 not exceed the term of probation.

27 (d) (1) Offenders who are committed to a drug abuse treatment
28 program pursuant to subsection (c) shall be supervised by community
29 correctional services.

30 (2) Offenders who are not committed to a drug abuse treatment
31 program pursuant to subsection (c) shall be supervised by community
32 correctional services or court services based on the result of the criminal
33 risk assessment.

34 (e) Placement of offenders under subsection (a)(2) shall be subject to
35 the departure sentencing statutes of the revised Kansas sentencing
36 guidelines act.

37 (f) (1) Offenders in drug abuse treatment programs shall be
38 discharged from such program if the offender:

39 (A) Is convicted of a new felony; or

40 (B) has a pattern of intentional conduct that demonstrates the
41 offender's refusal to comply with or participate in the treatment program,
42 as established by judicial finding.

43 (2) Offenders who are discharged from such program shall be subject

1 to the revocation provisions of ~~subsection (n)~~ of K.S.A. 2014 Supp. 21-
2 6604(m), and amendments thereto.

3 (g) As used in this section, "mental health professional" includes
4 licensed social workers, persons licensed to practice medicine and surgery,
5 licensed psychologists, licensed professional counselors or registered
6 alcohol and other drug abuse counselors licensed or certified as addiction
7 counselors who have been certified by the secretary of corrections to treat
8 offenders pursuant to K.S.A. 2014 Supp. 75-52,144, and amendments
9 thereto.

10 (h) (1) Offenders who meet the requirements of subsection (a) shall
11 not be subject to the provisions of this section and shall be sentenced as
12 otherwise provided by law, if such offenders:

13 (A) Are residents of another state and are returning to such state
14 pursuant to the interstate corrections compact or the interstate compact for
15 adult offender supervision; or

16 (B) are not lawfully present in the United States and being detained
17 for deportation; or

18 (C) do not meet the risk assessment levels provided in subsection (c).

19 (2) Such sentence shall not be considered a departure and shall not be
20 subject to appeal.

21 (i) The court may order an offender who otherwise does not meet the
22 requirements of subsection (c) to undergo one additional drug abuse
23 assessment while such offender is on probation. Such offender may be
24 ordered to undergo drug abuse treatment pursuant to subsection (a) if such
25 offender is determined to meet the requirements of subsection (c). The cost
26 of such assessment shall be paid by such offender.

27 Sec. 7. K.S.A. 2014 Supp. 22-4616 is hereby amended to read as
28 follows: 22-4616. (a) On and after July 1, 2011, in all criminal cases filed
29 in the district court, if there is evidence that the defendant committed a
30 domestic violence offense, the trier of fact shall determine whether the
31 defendant committed a domestic violence offense. On and after July 1,
32 2013, in all criminal cases filed in the municipal court, if there is evidence
33 that the defendant committed a domestic violence offense, the trier of fact
34 shall determine whether the defendant committed a domestic violence
35 offense.

36 (1) Except as provided further, if the trier of fact determines that the
37 defendant committed a domestic violence offense, the court shall place a
38 domestic violence designation on the criminal case and the defendant shall
39 be subject to the provisions of ~~subsection (p)~~ of K.S.A. 2014 Supp. 21-
40 6604(o), and amendments thereto.

41 (2) The court shall not place a domestic violence designation on the
42 criminal case and the defendant shall not be subject to the provisions of
43 ~~subsection (p)~~ of K.S.A. 2014 Supp. 21-6604(o), and amendments thereto,

1 only if the court finds on the record that:

2 (A) The defendant has not previously committed a domestic violence
3 offense or participated in a diversion upon a complaint alleging a domestic
4 violence offense; and

5 (B) the domestic violence offense was not used to coerce, control,
6 punish, intimidate or take revenge against a person with whom the
7 offender is involved or has been involved in a dating relationship or
8 against a family or household member.

9 (b) The term "domestic violence offense" shall have the meaning
10 provided in K.S.A. 2014 Supp. 21-5111, and amendments thereto.

11 (c) This section shall be a part of and supplemental to the Kansas
12 code for criminal procedure.

13 Sec. 8. K.S.A. 2014 Supp. 44-508 is hereby amended to read as
14 follows: 44-508. As used in the workers compensation act:

15 (a) "Employer" includes: (1) Any person or body of persons,
16 corporate or unincorporated, and the legal representative of a deceased
17 employer or the receiver or trustee of a person, corporation, association or
18 partnership; (2) the state or any department, agency or authority of the
19 state, any city, county, school district or other political subdivision or
20 municipality or public corporation and any instrumentality thereof; and (3)
21 for the purposes of community service work, the entity for which the
22 community service work is being performed and the governmental agency
23 which assigned the community service work, if any, if either such entity or
24 such governmental agency has filed a written statement of election with
25 the director to accept the provisions under the workers compensation act
26 for persons performing community service work and in such case such
27 entity and such governmental agency shall be deemed to be the joint
28 employer of the person performing the community service work and both
29 shall have the rights, liabilities and immunities provided under the workers
30 compensation act for an employer with regard to the community service
31 work, except that the liability for providing benefits shall be imposed only
32 on the party which filed such election with the director, or on both if both
33 parties have filed such election with the director; for purposes of
34 community service work, "governmental agency" shall not include any
35 court or any officer or employee thereof and any case where there is
36 deemed to be a "joint employer" shall not be construed to be a case of dual
37 or multiple employment.

38 (b) "Workman" or "employee" or "worker" means any person who
39 has entered into the employment of or works under any contract of service
40 or apprenticeship with an employer. Such terms shall include, but not be
41 limited to: Executive officers of corporations; professional athletes;
42 persons serving on a volunteer basis as duly authorized law enforcement
43 officers, attendants, as defined in ~~subsection (f) of~~ K.S.A. 65-6112(f), and

1 amendments thereto, drivers of ambulances as defined in ~~subsection (d) of~~
2 K.S.A. 65-6112(d), and amendments thereto, firefighters, but only to the
3 extent and during such periods as they are so serving in such capacities;
4 persons employed by educational, religious and charitable organizations,
5 but only to the extent and during the periods that they are paid wages by
6 such organizations; persons in the service of the state, or any department,
7 agency or authority of the state, any city, school district, or other political
8 subdivision or municipality or public corporation and any instrumentality
9 thereof, under any contract of service, express or implied, and every
10 official or officer thereof, whether elected or appointed, while performing
11 official duties; persons in the service of the state as volunteer members of
12 the Kansas department of civil air patrol, but only to the extent and during
13 such periods as they are officially engaged in the performance of functions
14 specified in K.S.A. 48-3302, and amendments thereto; volunteers in any
15 employment, if the employer has filed an election to extend coverage to
16 such volunteers; minors, whether such minors are legally or illegally
17 employed; and persons performing community service work, but only to
18 the extent and during such periods as they are performing community
19 service work and if an election has been filed an election to extend
20 coverage to such persons. Any reference to an employee who has been
21 injured shall, where the employee is dead, include a reference to the
22 employee's dependents, to the employee's legal representatives, or, if the
23 employee is a minor or an incapacitated person, to the employee's guardian
24 or conservator. Unless there is a valid election in effect which has been
25 filed as provided in K.S.A. 44-542a, and amendments thereto, such terms
26 shall not include individual employers, limited liability company
27 members, partners or self-employed persons.

28 (c) (1) "Dependents" means such members of the employee's family
29 as were wholly or in part dependent upon the employee at the time of the
30 accident or injury.

31 (2) "Members of a family" means only surviving legal spouse and
32 children; or if no surviving legal spouse or children, then parents or
33 grandparents; or if no parents or grandparents, then grandchildren; or if no
34 grandchildren, then brothers and sisters. In the meaning of this section,
35 parents include stepparents, children include stepchildren, grandchildren
36 include stepgrandchildren, brothers and sisters include stepbrothers and
37 stepsisters, and children and parents include that relation by legal
38 adoption. In the meaning of this section, a surviving spouse shall not be
39 regarded as a dependent of a deceased employee or as a member of the
40 family, if the surviving spouse shall have for more than six months
41 willfully or voluntarily deserted or abandoned the employee prior to the
42 date of the employee's death.

43 (3) "Wholly dependent child or children" means:

1 (A) A birth child or adopted child of the employee except such a child
2 whose relationship to the employee has been severed by adoption;

3 (B) a stepchild of the employee who lives in the employee's
4 household;

5 (C) any other child who is actually dependent in whole or in part on
6 the employee and who is related to the employee by marriage or
7 consanguinity; or

8 (D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who
9 is less than 23 years of age and who is not physically or mentally capable
10 of earning wages in any type of substantial and gainful employment or
11 who is a full-time student attending an accredited institution of higher
12 education or vocational education.

13 (d) "Accident" means an undesigned, sudden and unexpected
14 traumatic event, usually of an afflictive or unfortunate nature and often,
15 but not necessarily, accompanied by a manifestation of force. An accident
16 shall be identifiable by time and place of occurrence, produce at the time
17 symptoms of an injury, and occur during a single work shift. The accident
18 must be the prevailing factor in causing the injury. "Accident" shall in no
19 case be construed to include repetitive trauma in any form.

20 (e) "Repetitive trauma" refers to cases where an injury occurs as a
21 result of repetitive use, cumulative traumas or microtraumas. The
22 repetitive nature of the injury must be demonstrated by diagnostic or
23 clinical tests. The repetitive trauma must be the prevailing factor in
24 causing the injury. "Repetitive trauma" shall in no case be construed to
25 include occupational disease, as defined in K.S.A. 44-5a01, and
26 amendments thereto.

27 In the case of injury by repetitive trauma, the date of injury shall be the
28 earliest of:

29 (1) The date the employee, while employed for the employer against
30 whom benefits are sought, is taken off work by a physician due to the
31 diagnosed repetitive trauma;

32 (2) the date the employee, while employed for the employer against
33 whom benefits are sought, is placed on modified or restricted duty by a
34 physician due to the diagnosed repetitive trauma;

35 (3) the date the employee, while employed for the employer against
36 whom benefits are sought, is advised by a physician that the condition is
37 work-related; or

38 (4) the last day worked, if the employee no longer works for the
39 employer against whom benefits are sought.

40 In no case shall the date of accident be later than the last date worked.

41 (f) (1) "Personal injury" and "injury" mean any lesion or change in
42 the physical structure of the body, causing damage or harm thereto.
43 Personal injury or injury may occur only by accident, repetitive trauma or

1 occupational disease as those terms are defined.

2 (2) An injury is compensable only if it arises out of and in the course
3 of employment. An injury is not compensable because work was a
4 triggering or precipitating factor. An injury is not compensable solely
5 because it aggravates, accelerates or exacerbates a preexisting condition or
6 renders a preexisting condition symptomatic.

7 (A) An injury by repetitive trauma shall be deemed to arise out of
8 employment only if:

9 (i) The employment exposed the worker to an increased risk or
10 hazard which the worker would not have been exposed in normal non-
11 employment life;

12 (ii) the increased risk or hazard to which the employment exposed the
13 worker is the prevailing factor in causing the repetitive trauma; and

14 (iii) the repetitive trauma is the prevailing factor in causing both the
15 medical condition and resulting disability or impairment.

16 (B) An injury by accident shall be deemed to arise out of employment
17 only if:

18 (i) There is a causal connection between the conditions under which
19 the work is required to be performed and the resulting accident; and

20 (ii) the accident is the prevailing factor causing the injury, medical
21 condition, and resulting disability or impairment.

22 (3) (A) The words "arising out of and in the course of employment"
23 as used in the workers compensation act shall not be construed to include:

24 (i) Injury which occurred as a result of the natural aging process or by
25 the normal activities of day-to-day living;

26 (ii) accident or injury which arose out of a neutral risk with no
27 particular employment or personal character;

28 (iii) accident or injury which arose out of a risk personal to the
29 worker; or

30 (iv) accident or injury which arose either directly or indirectly from
31 idiopathic causes.

32 (B) The words "arising out of and in the course of employment" as
33 used in the workers compensation act shall not be construed to include
34 injuries to the employee occurring while the employee is on the way to
35 assume the duties of employment or after leaving such duties, the
36 proximate cause of which injury is not the employer's negligence. An
37 employee shall not be construed as being on the way to assume the duties
38 of employment or having left such duties at a time when the worker is on
39 the premises owned or under the exclusive control of the employer or on
40 the only available route to or from work which is a route involving a
41 special risk or hazard connected with the nature of the employment that is
42 not a risk or hazard to which the general public is exposed and which is a
43 route not used by the public except in dealings with the employer. An

1 employee shall not be construed as being on the way to assume the duties
2 of employment, if the employee is a provider of emergency services
3 responding to an emergency.

4 (C) The words, "arising out of and in the course of employment" as
5 used in the workers compensation act shall not be construed to include
6 injuries to employees while engaged in recreational or social events under
7 circumstances where the employee was under no duty to attend and where
8 the injury did not result from the performance of tasks related to the
9 employee's normal job duties or as specifically instructed to be performed
10 by the employer.

11 (g) "Prevailing" as it relates to the term "factor" means the primary
12 factor, in relation to any other factor. In determining what constitutes the
13 "prevailing factor" in a given case, the administrative law judge shall
14 consider all relevant evidence submitted by the parties.

15 (h) "Burden of proof" means the burden of a party to persuade the
16 trier of facts by a preponderance of the credible evidence that such party's
17 position on an issue is more probably true than not true on the basis of the
18 whole record unless a higher burden of proof is specifically required by
19 this act.

20 (i) "Director" means the director of workers compensation as
21 provided for in K.S.A. 75-5708, and amendments thereto.

22 (j) "Health care provider" means any person licensed, by the proper
23 licensing authority of this state, another state or the District of Columbia,
24 to practice medicine and surgery, osteopathy, chiropractic, dentistry,
25 optometry, podiatry, audiology or psychology.

26 (k) "Secretary" means the secretary of labor.

27 (l) "Construction design professional" means any person who is an
28 architect, professional engineer, landscape architect or land surveyor who
29 has been issued a license by the state board of technical professions to
30 practice such technical profession in Kansas or any corporation organized
31 to render professional services through the practice of one or more of such
32 technical professions in Kansas under the professional corporation law of
33 Kansas or any corporation issued a certificate of authorization under
34 K.S.A. 74-7036, and amendments thereto, to practice one or more of such
35 technical professions in Kansas.

36 (m) "Community service work" means: (1) Public or community
37 service performed as a result of a contract of diversion or of assignment to
38 a community corrections program ~~or conservation camp~~ or suspension of
39 sentence or as a condition of probation or in lieu of a fine imposed by
40 court order; or (2) public or community service or other work performed
41 as a requirement for receipt of any kind of public assistance in accordance
42 with any program administered by the secretary for children and families.

43 (n) "Utilization review" means the initial evaluation of

1 appropriateness in terms of both the level and the quality of health care
2 and health services provided a patient, based on accepted standards of the
3 health care profession involved. Such evaluation is accomplished by
4 means of a system which identifies the utilization of health care services
5 above the usual range of utilization for such services, which is based on
6 accepted standards of the health care profession involved, and which refers
7 instances of possible inappropriate utilization to the director for referral to
8 a peer review committee.

9 (o) "Peer review" means an evaluation by a peer review committee of
10 the appropriateness, quality and cost of health care and health services
11 provided a patient, which is based on accepted standards of the health care
12 profession involved and which is conducted in conjunction with utilization
13 review.

14 (p) "Peer review committee" means a committee composed of health
15 care providers licensed to practice the same health care profession as the
16 health care provider who rendered the health care services being reviewed.

17 (q) "Group-funded self-insurance plan" includes each group-funded
18 workers compensation pool, which is authorized to operate in this state
19 under K.S.A. 44-581 through 44-592, and amendments thereto, each
20 municipal group-funded pool under the Kansas municipal group-funded
21 pool act which is covering liabilities under the workers compensation act,
22 and any other similar group-funded or pooled plan or arrangement that
23 provides coverage for employer liabilities under the workers compensation
24 act and is authorized by law.

25 (r) On and after the effective date of this act, "workers compensation
26 board" or "board" means the workers compensation appeals board
27 established under K.S.A. 44-555c, and amendments thereto.

28 (s) "Usual charge" means the amount most commonly charged by
29 health care providers for the same or similar services.

30 (t) "Customary charge" means the usual rates or range of fees charged
31 by health care providers in a given locale or area.

32 (u) "Functional impairment" means the extent, expressed as a
33 percentage, of the loss of a portion of the total physiological capabilities of
34 the human body as established by competent medical evidence and based
35 on the fourth edition of the American medical association guides to the
36 evaluation of impairment, if the impairment is contained therein.

37 (v) "Authorized treating physician" means a licensed physician or
38 other health care provider authorized by the employer or insurance carrier
39 or both, or appointed pursuant to court-order to provide those medical
40 services deemed necessary to diagnose and treat an injury arising out of
41 and in the course of employment.

42 (w) "Mail" means the use of the United States postal service or other
43 land based delivery service or transmission by electronic means, including

1 delivery by fax, e-mail or other electronic delivery method designated by
2 the director of workers compensation.

3 Sec. 9. K.S.A. 2014 Supp. 65-1,108 is hereby amended to read as
4 follows: 65-1,108. (a) It shall be unlawful for any person or laboratory to
5 perform tests to evaluate biological specimens for the presence of
6 controlled substances included in schedule I or II of the uniform controlled
7 substances act or metabolites thereof, unless the laboratory in which such
8 tests are performed has been approved by the secretary of health and
9 environment to perform such tests. Any person violating any of the
10 provisions of this section shall be deemed guilty of a class B misdemeanor.

11 (b) As used in this section and in K.S.A. 65-1,107, and amendments
12 thereto, "laboratory" shall not include: (1) The office or clinic of a person
13 licensed to practice medicine and surgery in which laboratory tests are
14 performed as part of and incidental to the examination or treatment of a
15 patient of such person; (2) the Kansas bureau of investigation forensic
16 laboratory; (3) urinalysis tests for controlled substances performed only for
17 management purposes on inmates, parolees or probationers by personnel
18 of the department of corrections or office of judicial administration and
19 which shall not be used for revoking or denying parole or probation; (4)
20 urinalysis tests approved by the secretary of corrections for controlled
21 substances performed by the community corrections programs; *or* (5)
22 ~~urinalysis tests approved by the secretary of corrections for controlled~~
23 ~~substances performed by personnel of the community correctional~~
24 ~~conservation camp in Labette county which is operated under agreements~~
25 ~~entered into by the secretary of corrections and the board of county~~
26 ~~commissioners of Labette county pursuant to K.S.A. 75-52,132, and~~
27 ~~amendments thereto; or~~ (6) urinalysis tests performed for management
28 purposes only by personnel of alcohol and drug treatment programs which
29 are licensed or certified by the secretary for aging and disability services.

30 Sec. 10. K.S.A. 2014 Supp. 75-755 is hereby amended to read as
31 follows: 75-755. The attorney general shall promulgate rules and
32 regulations necessary to carry out the provisions of ~~subsection (p) of~~
33 K.S.A. 2014 Supp. 21-6604(o), and amendments thereto, on or before July
34 1, 2011.

35 Sec. 11. K.S.A. 2014 Supp. 75-7d01 is hereby amended to read as
36 follows: 75-7d01. (a) There is hereby created in the office of the attorney
37 general a batterer intervention program certification unit.

38 (b) Except as otherwise provided by law, the books, documents,
39 papers, records or other sources of information obtained and the
40 investigations conducted by the unit shall be confidential as required by
41 state or federal law.

42 (c) The purpose of the batterer intervention program certification unit
43 is to certify and inspect batterer intervention programs in Kansas. To

1 accomplish this purpose, upon request of the unit, the unit shall have
2 access to all records of reports, investigation documents and written
3 reports of findings related to confirmed cases of domestic violence or
4 exploitation of persons or cases in which there is reasonable suspicion to
5 believe domestic violence has occurred which are received or generated by
6 the department of social and rehabilitation services, department on aging,
7 department of health and environment or Kansas bureau of investigation.

8 (d) The attorney general shall develop a set of tools, methodologies,
9 requirements and forms for the domestic violence offender assessment
10 required by ~~subsection (p)~~ of K.S.A. 2014 Supp. 21-6604(o), and
11 amendments thereto. The batterer intervention program tools,
12 methodologies, requirements and forms shall be developed in consultation
13 with the agency certified by the centers for disease control and prevention
14 and the department of health and human services as the domestic violence
15 coalition for the state and with local domestic violence victims' services
16 organizations.

17 (e) The attorney general may appoint a panel to assist the attorney
18 general by making recommendations regarding the:

19 (1) Content and development of a batterer intervention certification
20 program; and

21 (2) rules and regulations.

22 (f) The attorney general may appoint such advisory committees as the
23 attorney general deems necessary to carry out the purposes of the batterer
24 intervention program certification act. Except as provided in K.S.A. 75-
25 3212, and amendments thereto, no member of any such advisory
26 committee shall receive any compensation, subsistence, mileage or other
27 allowance for serving on an advisory committee or attending any meeting
28 thereof.

29 Sec. 12. K.S.A. 2014 Supp. 75-7d10 is hereby amended to read as
30 follows: 75-7d10. Except for a certified batterer intervention program or a
31 holder of a temporary permit authorized under the batterer intervention
32 program certification act, no person shall use any of the tools,
33 methodologies, and forms for the domestic violence offender assessment
34 required by ~~subsection (p)~~ of K.S.A. 2014 Supp. 21-6604(o), and
35 amendments thereto, developed by the attorney general pursuant to K.S.A.
36 2014 Supp. 75-7d01, and amendments thereto.

37 Sec. 13. K.S.A. 2014 Supp. 75-5206 is hereby amended to read as
38 follows: 75-5206. (a) Except as provided in subsection (c) or (d), to carry
39 out the purposes of this act, the secretary shall have authority to order the
40 housing and confinement of any person sentenced to the secretary's
41 custody to any institution or facility herein placed under the secretary's
42 supervision and management or to any contract facility, ~~including a~~
43 ~~conservation camp.~~

1 (b) All institutions of the department of corrections shall be
2 institutions for the incarceration of felons sentenced to the custody of the
3 secretary of corrections. The secretary may enter into interagency
4 agreements authorizing the use of department of corrections' institutions
5 for the temporary housing of pretrial detainees, misdemeanor offenders
6 and other persons confined in local detention facilities or jails when the
7 local facility cannot be used to house those persons due to a natural
8 disaster or other emergency. Authorization shall not be given for the
9 temporary housing of juveniles under 16 years of age.

10 (c) No person under 16 years of age sentenced to the secretary's
11 custody shall be placed in the Lansing correctional facility or the
12 Hutchinson correctional facility.

13 (d) The secretary shall have the authority to order the placement of a
14 juvenile, as described in K.S.A. 2014 Supp. 38-2366, and amendments
15 thereto, in a juvenile correctional facility. Such juvenile shall be allowed to
16 be in a juvenile correctional facility only until such juvenile reaches the
17 age of 23 years.

18 Sec. 14. K.S.A. 2014 Supp. 75-5291 is hereby amended to read as
19 follows: 75-5291. (a) (1) The secretary of corrections may make grants to
20 counties for the development, implementation, operation and improvement
21 of community correctional services that address the criminogenic needs of
22 felony offenders including, but not limited to, adult intensive supervision,
23 substance abuse and mental health services, employment and residential
24 services, and facilities for the detention or confinement, care or treatment
25 of offenders as provided in this section—~~except that no community~~
26 ~~corrections funds shall be expended by the secretary for the purpose of~~
27 ~~establishing or operating a conservation camp as provided by K.S.A. 75-~~
28 ~~52,127, and amendments thereto.~~

29 (2) Except as otherwise provided, placement of offenders in a
30 community correctional services program by the court shall be limited to
31 placement of adult offenders, convicted of a felony offense:

32 (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the
33 sentencing guidelines grid for nondrug crimes, in grid blocks 3-C, 3-D, 3-
34 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
35 for crimes committed prior to July 1, 2012, or in grid blocks 4-C, 4-D, 4-E,
36 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes for
37 crimes committed on or after July 1, 2012. In addition, the court may place
38 in a community correctional services program adult offenders, convicted
39 of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-
40 C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for
41 nondrug crimes;

42 (B) whose severity level and criminal history score designate a
43 presumptive prison sentence on either sentencing guidelines grid but

1 receive a nonprison sentence as a result of departure;

2 (C) all offenders convicted of an offense which satisfies the definition
3 of offender pursuant to K.S.A. 22-4902, and amendments thereto, and
4 which is classified as a severity level 7 or higher offense and who receive a
5 nonprison sentence, regardless of the manner in which the sentence is
6 imposed;

7 (D) any offender for whom a violation of conditions of release or
8 assignment or a nonprison sanction has been established as provided in
9 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in
10 the offender being required to serve any time for the sentence imposed or
11 which might originally have been imposed in a state facility in the custody
12 of the secretary of corrections;

13 (E) on and after January 1, 2011, for offenders who are expected to be
14 subject to supervision in Kansas, who are determined to be "high risk or
15 needs, or both" by the use of a statewide, mandatory, standardized risk
16 assessment tool or instrument which shall be specified by the Kansas
17 sentencing commission;

18 ~~(F) placed in a community correctional services program as a~~
19 ~~condition of supervision following the successful completion of a~~
20 ~~conservation camp program;~~

21 ~~(G)~~ (F) who have been sentenced to community corrections
22 supervision pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2014
23 Supp. 21-6824, and amendments thereto; or

24 ~~(H)~~ (G) who have been placed in a community correctional services
25 program for supervision by the court pursuant to K.S.A. 8-1567, and
26 amendments thereto.

27 (3) Notwithstanding any law to the contrary and subject to the
28 availability of funding therefor, adult offenders sentenced to community
29 supervision in Johnson county for felony crimes that occurred on or after
30 July 1, 2002, but before July 1, 2013, shall be placed under court services
31 or community corrections supervision based upon court rules issued by the
32 chief judge of the 10th judicial district. The provisions contained in this
33 subsection shall not apply to offenders transferred by the assigned agency
34 to an agency located outside of Johnson county. The provisions of this
35 paragraph shall expire on July 1, 2013.

36 (4) Nothing in this act shall prohibit a community correctional
37 services program from providing services to juvenile offenders upon
38 approval by the local community corrections advisory board. Grants from
39 *adult* community corrections funds administered by the secretary of
40 corrections shall not be expended for such services, **except that adult or**
41 **juvenile community corrections grant funds may be used for employee**
42 **compensation and to purchase equipment, supplies and services**
43 **shared by programs for adult and juvenile offenders if the use by the**

1 **adult or juvenile program is proportionate to the monetary**
2 **contribution from the grant.**

3 (5) The court may require an offender for whom a violation of
4 conditions of release or assignment or a nonprison sanction has been
5 established, as provided in K.S.A. 22-3716, and amendments thereto, to
6 serve any time for the sentence imposed or which might originally have
7 been imposed in a state facility in the custody of the secretary of
8 corrections without a prior assignment to a community correctional
9 services program if the court finds and sets forth with particularity the
10 reasons for finding that the safety of the members of the public will be
11 jeopardized or that the welfare of the inmate will not be served by such
12 assignment to a community correctional services program.

13 (b) (1) In order to establish a mechanism for community correctional
14 services to participate in the department of corrections annual budget
15 planning process, the secretary of corrections shall establish a community
16 corrections advisory committee to identify new or enhanced correctional
17 or treatment interventions designed to divert offenders from prison.

18 (2) The secretary shall appoint one member from the southeast
19 community corrections region, one member from the northeast community
20 corrections region, one member from the central community corrections
21 region and one member from the western community corrections region.
22 The deputy secretary of community and field services shall designate two
23 members from the state at large. The secretary shall have final
24 appointment approval of the members designated by the deputy secretary.
25 The committee shall reflect the diversity of community correctional
26 services with respect to geographical location and average daily population
27 of offenders under supervision.

28 (3) Each member shall be appointed for a term of three years and
29 such terms shall be staggered as determined by the secretary. Members
30 shall be eligible for reappointment.

31 (4) The committee, in collaboration with the deputy secretary of
32 community and field services or the deputy secretary's designee, shall
33 routinely examine and report to the secretary on the following issues:

- 34 (A) Efficiencies in the delivery of field supervision services;
- 35 (B) effectiveness and enhancement of existing interventions;
- 36 (C) identification of new interventions; and
- 37 (D) statewide performance indicators.

38 (5) The committee's report concerning enhanced or new interventions
39 shall address:

- 40 (A) Goals and measurable objectives;
- 41 (B) projected costs;
- 42 (C) the impact on public safety; and
- 43 (D) the evaluation process.

1 (6) The committee shall submit its report to the secretary annually on
2 or before July 15 in order for the enhanced or new interventions to be
3 considered for inclusion within the department of corrections budget
4 request for community correctional services or in the department's
5 enhanced services budget request for the subsequent fiscal year.

6 Sec. 15. K.S.A. 75-52,132 and K.S.A. 2014 Supp. 21-5914, 21-6604,
7 21-6604c, 21-6615, 21-6702, 21-6803, 21-6824, 22-4616, 44-508, 65-
8 1,108, 75-755, 75-7d01, 75-7d10, 75-5206, 75-5291 and 75-52,127 are
9 hereby repealed.

10 Sec. 16. This act shall take effect and be in force from and after its
11 publication in the statute book.