

**HOUSE BILL No. 2463**

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to criminal history; juvenile adjudications; ***probation and postrelease***  
3 ***supervision; violation sanctions***; amending K.S.A. 2015 Supp. 21-  
4 6810 ~~and~~, 21-6811 ***and 22-3716*** and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2015 Supp. 21-6810 is hereby amended to read as  
8 follows: 21-6810. (a) Criminal history categories contained in the  
9 sentencing guidelines grids are based on the following types of prior  
10 convictions: Person felony adult convictions, nonperson felony adult  
11 convictions, person felony juvenile adjudications, nonperson felony  
12 juvenile adjudications, person misdemeanor adult convictions, nonperson  
13 class A misdemeanor adult convictions, person misdemeanor juvenile  
14 adjudications, nonperson class A misdemeanor juvenile adjudications,  
15 select class B nonperson misdemeanor adult convictions, select class B  
16 nonperson misdemeanor juvenile adjudications and convictions and  
17 adjudications for violations of municipal ordinances or county resolutions  
18 which are comparable to any crime classified under the state law of  
19 Kansas as a person misdemeanor, select nonperson class B misdemeanor  
20 or nonperson class A misdemeanor. A prior conviction is any conviction,  
21 other than another count in the current case which was brought in the same  
22 information or complaint or which was joined for trial with other counts in  
23 the current case pursuant to K.S.A. 22-3203, and amendments thereto,  
24 which occurred prior to sentencing in the current case regardless of  
25 whether the offense that led to the prior conviction occurred before or after  
26 the current offense or the conviction in the current case.

27 (b) A class B nonperson select misdemeanor is a special classification  
28 established for weapons violations. Such classification shall be considered  
29 and scored in determining an offender's criminal history classification.

30 (c) Except as otherwise provided, all convictions, whether sentenced  
31 consecutively or concurrently, shall be counted separately in the offender's  
32 criminal history.

33 (d) Except as provided in K.S.A. 2015 Supp. 21-6815, and  
34 amendments thereto, the following are applicable to determining an  
35 offender's criminal history classification:

36 (1) Only verified convictions will be considered and scored.

1 (2) All prior adult felony convictions, including expungements, will  
 2 be considered and scored. Prior adult felony convictions for offenses that  
 3 were committed before July 1, 1993, shall be scored as a person or  
 4 nonperson crime using a comparable offense under the Kansas criminal  
 5 code in effect on the date the current crime of conviction was committed;

6 (3) *Except as provided in paragraph (5),* there will be no decay factor  
 7 applicable for:

8 (A) Adult convictions;

9 (B) a juvenile adjudication for an offense which would constitute a  
 10 person felony if committed by an adult. Prior juvenile adjudications for  
 11 offenses that were committed before July 1, 1993, shall be scored as a  
 12 person or nonperson crime using a comparable offense under the Kansas  
 13 criminal code in effect on the date the current crime of conviction was  
 14 committed;

15 (C) a juvenile adjudication for an offense committed before July 1,  
 16 1993, which would have been a class A, B or C felony, if committed by an  
 17 adult; or

18 (D) a juvenile adjudication for an offense committed on or after July  
 19 1, 1993, which would be an off-grid felony, a nondrug severity level 1,~~2,~~  
 20 ~~3, 4 or through 5~~ 4 felony, a drug severity level 1,~~2 or through 3~~ felony for  
 21 an offense committed on or after July 1, 1993, but prior to July 1, 2012, or  
 22 a drug severity level 1,~~2, 3 or through 4~~ felony for an offense committed  
 23 on or after July 1, 2012, if committed by an adult.

24 (4) Except as otherwise provided, a juvenile adjudication will decay  
 25 if the current crime of conviction is committed after the offender reaches  
 26 the age of 25, and the juvenile adjudication is for an offense:

27 (A) Committed before July 1, 1993, which would have been a class D  
 28 or E felony if committed by an adult;

29 (B) committed on or after July 1, 1993, which would be a nondrug  
 30 severity level ~~6~~ 5, ~~7, 8, 9 or through 10~~, a non-grid felony or a drug  
 31 severity level 4 felony for an offense committed on or after July 1, 1993,  
 32 but prior to July 1, 2012, or ~~a~~ **any** drug ~~severity level 5~~ felony for an  
 33 offense committed on or after July 1, 2012, if committed by an adult; or

34 (C) which would be a misdemeanor if committed by an adult.

35 ~~(5) A juvenile adjudication will not be considered and scored:~~

36 ~~(A) If the current crime of conviction is committed at least five years~~  
 37 ~~after the date of final discharge of the adjudication;~~

38 ~~(B) the offender has no new adjudications or convictions during such~~  
 39 ~~five-year period; and~~

40 ~~(C) the juvenile adjudication is for an offense which would be a~~  
 41 ~~nondrug severity level 5 through 10 felony, drug felony, non-grid felony or~~  
 42 ~~misdemeanor if committed by an adult.~~

43 ~~(5)-(6)~~(5) All person misdemeanors, class A nonperson misdemeanors

1 and class B select nonperson misdemeanors, and all municipal ordinance  
2 and county resolution violations comparable to such misdemeanors, shall  
3 be considered and scored. Prior misdemeanors for offenses that were  
4 committed before July 1, 1993, shall be scored as a person or nonperson  
5 crime using a comparable offense under the Kansas criminal code in effect  
6 on the date the current crime of conviction was committed.

7 ~~(6)-(7)(6)~~ Unless otherwise provided by law, unclassified felonies and  
8 misdemeanors, shall be considered and scored as nonperson crimes for the  
9 purpose of determining criminal history.

10 ~~(7)-(8)(7)~~ Prior convictions of a crime defined by a statute which has  
11 since been repealed shall be scored using the classification assigned at the  
12 time of such conviction.

13 ~~(8)-(9)(8)~~ Prior convictions of a crime defined by a statute which has  
14 since been determined unconstitutional by an appellate court shall not be  
15 used for criminal history scoring purposes.

16 ~~(9)-(10)(9)~~ Prior convictions of any crime shall not be counted in  
17 determining the criminal history category if they enhance the severity  
18 level, elevate the classification from misdemeanor to felony, or are  
19 elements of the present crime of conviction. Except as otherwise provided,  
20 all other prior convictions will be considered and scored.

21 (e) The amendments made to this section by this act are procedural in  
22 nature and shall be construed and applied retroactively.

23 Sec. 2. K.S.A. 2015 Supp. 21-6811 is hereby amended to read as  
24 follows: 21-6811. In addition to the provisions of K.S.A. 2015 Supp. 21-  
25 6810, and amendments thereto, the following shall apply in determining an  
26 offender's criminal history classification as contained in the presumptive  
27 sentencing guidelines grids:

28 (a) Every three prior adult convictions or juvenile adjudications of  
29 class A and class B person misdemeanors in the offender's criminal history,  
30 or any combination thereof, shall be rated as one adult conviction or one  
31 juvenile adjudication of a person felony for criminal history purposes.  
32 Every three prior adult convictions or juvenile adjudications of assault as  
33 defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2015 Supp. 21-  
34 5412(a), and amendments thereto, occurring within a period commencing  
35 three years prior to the date of conviction for the current crime of  
36 conviction shall be rated as one adult conviction or one juvenile  
37 adjudication of a person felony for criminal history purposes.

38 (b) A conviction of criminal possession of a firearm as defined in  
39 K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons  
40 as defined in K.S.A. 2015 Supp. 21-6301(a)(10) or (a)(11), and  
41 amendments thereto, or unlawful possession of a firearm as in effect on  
42 June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be  
43 scored as a select class B nonperson misdemeanor conviction or

1 adjudication and shall not be scored as a person misdemeanor for criminal  
2 history purposes.

3 (c) (1) If the current crime of conviction was committed before July  
4 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996,  
5 involuntary manslaughter in the commission of driving under the  
6 influence, then, each prior adult conviction or juvenile adjudication for  
7 K.S.A. 8-1567, and amendments thereto, shall count as one person felony  
8 for criminal history purposes.

9 (2) If the current crime of conviction was committed on or after July  
10 1, 1996, and is for a violation of K.S.A. 2015 Supp. 21-5405(a)(3), and  
11 amendments thereto, each prior adult conviction, diversion in lieu of  
12 criminal prosecution or juvenile adjudication for: (A) Any act described in  
13 K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments  
14 thereto; or (B) a violation of a law of another state or an ordinance of any  
15 city, or resolution of any county, which prohibits any act described in  
16 K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments  
17 thereto, shall count as one person felony for criminal history purposes.

18 (3) If the current crime of conviction is for a violation of K.S.A. 2015  
19 Supp. 21-5413(b)(3), and amendments thereto:

20 (A) The first prior adult conviction, diversion in lieu of criminal  
21 prosecution or juvenile adjudication for the following shall count as one  
22 nonperson felony for criminal history purposes: (i) Any act described in  
23 K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments  
24 thereto; or (ii) a violation of a law of another state or an ordinance of any  
25 city, or resolution of any county, which prohibits any act described in  
26 K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments  
27 thereto; and

28 (B) each second or subsequent prior adult conviction, diversion in  
29 lieu of criminal prosecution or juvenile adjudication for the following shall  
30 count as one person felony for criminal history purposes: (i) Any act  
31 described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and  
32 amendments thereto; or (ii) a violation of a law of another state or an  
33 ordinance of any city, or resolution of any county, which prohibits any act  
34 described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2015 Supp. 8-1025, and  
35 amendments thereto.

36 (d) Prior burglary adult convictions and juvenile adjudications will be  
37 scored for criminal history purposes as follows:

38 (1) As a prior person felony if the prior conviction or adjudication  
39 was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its  
40 repeal, or K.S.A. 2015 Supp. 21-5807(a)(1), and amendments thereto.

41 (2) As a prior nonperson felony if the prior conviction or adjudication  
42 was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to  
43 its repeal, or K.S.A. 2015 Supp. 21-5807(a)(2) or (a)(3), and amendments

1 thereto.

2 The facts required to classify prior burglary adult convictions and  
3 juvenile adjudications shall be established by the state by a preponderance  
4 of the evidence.

5 (e) (1) Out-of-state convictions and juvenile adjudications shall be  
6 used in classifying the offender's criminal history.

7 (2) An out-of-state crime will be classified as either a felony or a  
8 misdemeanor according to the convicting jurisdiction:

9 (A) If a crime is a felony in another state, it will be counted as a  
10 felony in Kansas.

11 (B) If a crime is a misdemeanor in another state, the state of Kansas  
12 shall refer to the comparable offense in order to classify the out-of-state  
13 crime as a class A, B or C misdemeanor. If the comparable misdemeanor  
14 crime in the state of Kansas is a felony, the out-of-state crime shall be  
15 classified as a class A misdemeanor. If the state of Kansas does not have a  
16 comparable crime, the out-of-state crime shall not be used in classifying  
17 the offender's criminal history.

18 (3) The state of Kansas shall classify the crime as person or  
19 nonperson. In designating a crime as person or nonperson, comparable  
20 offenses under the Kansas criminal code in effect on the date the current  
21 crime of conviction was committed shall be referred to. If the state of  
22 Kansas does not have a comparable offense in effect on the date the  
23 current crime of conviction was committed, the out-of-state conviction  
24 shall be classified as a nonperson crime.

25 (4) Convictions or adjudications occurring within the federal system,  
26 other state systems, the District of Columbia, foreign, tribal or military  
27 courts are considered out-of-state convictions or adjudications.

28 (5) The facts required to classify out-of-state adult convictions and  
29 juvenile adjudications shall be established by the state by a preponderance  
30 of the evidence.

31 (f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6),  
32 prior to its repeal, or K.S.A. 2015 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)  
33 (3)(D)—~~and~~, (d)(4) *and* (d)(5), and amendments thereto, juvenile  
34 adjudications will be applied in the same manner as adult convictions.  
35 Out-of-state juvenile adjudications will be treated as juvenile adjudications  
36 in Kansas.

37 (g) A prior felony conviction of an attempt, a conspiracy or a  
38 solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to  
39 their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 or 21-5303, and  
40 amendments thereto, to commit a crime shall be treated as a person or  
41 nonperson crime in accordance with the designation assigned to the  
42 underlying crime.

43 (h) Drug crimes are designated as nonperson crimes for criminal

1 history scoring.

2 (i) If the current crime of conviction is for a violation of K.S.A. 8-  
3 1602(b)(3) through (b)(5), and amendments thereto, each of the following  
4 prior convictions for offenses committed on or after July 1, 2011, shall  
5 count as a person felony for criminal history purposes: K.S.A. 8-235, 8-  
6 262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104,  
7 and amendments thereto, and K.S.A. 2015 Supp. 21-5405(a)(3) and 21-  
8 5406, and amendments thereto, or a violation of a city ordinance or law of  
9 another state which would also constitute a violation of such sections.

10 (j) The amendments made to this section by 2015 House Bill No.  
11 2053 are procedural in nature and shall be construed and applied  
12 retroactively.

13 ***Sec. 3. K.S.A. 2015 Supp. 22-3716 is hereby amended to read as***  
14 ***follows: 22-3716. (a) At any time during probation, assignment to a***  
15 ***community correctional services program, suspension of sentence or***  
16 ***pursuant to subsection (e) for defendants who committed a crime prior***  
17 ***to July 1, 1993, and at any time during which a defendant is serving a***  
18 ***nonprison sanction for a crime committed on or after July 1, 1993, or***  
19 ***pursuant to subsection (e), the court may issue a warrant for the arrest***  
20 ***of a defendant for violation of any of the conditions of release or***  
21 ***assignment, a notice to appear to answer to a charge of violation or a***  
22 ***violation of the defendant's nonprison sanction. The notice shall be***  
23 ***personally served upon the defendant. The warrant shall authorize all***  
24 ***officers named in the warrant to return the defendant to the custody of***  
25 ***the court or to any certified detention facility designated by the court.***  
26 ***Any court services officer or community correctional services officer***  
27 ***may arrest the defendant without a warrant or may deputize any other***  
28 ***officer with power of arrest to do so by giving the officer a written or***  
29 ***verbal statement setting forth that the defendant has, in the judgment of***  
30 ***the court services officer or community correctional services officer,***  
31 ***violated the conditions of the defendant's release or a nonprison***  
32 ***sanction. A written statement delivered to the official in charge of a***  
33 ***county jail or other place of detention shall be sufficient warrant for the***  
34 ***detention of the defendant. After making an arrest, the court services***  
35 ***officer or community correctional services officer shall present to the***  
36 ***detaining authorities a similar statement of the circumstances of***  
37 ***violation. Provisions regarding release on bail of persons charged with a***  
38 ***crime shall be applicable to defendants arrested under these provisions.***

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

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

14       (3) (A) *Except as otherwise provided, if the original crime of*  
15 *conviction was a felony, other than a felony specified in ~~subsection (i) of~~*  
16 *K.S.A. 2015 Supp. 21-6804(i), and amendments thereto, and a violation*  
17 *is established, the court may impose the violation sanctions as provided*  
18 *in subsection (c)(1).*

19       (B) *Except as otherwise provided, if the original crime of conviction*  
20 *was a misdemeanor or a felony specified in ~~subsection (i) of~~ K.S.A. 2015*  
21 *Supp. 21-6804(i), and amendments thereto, and a violation is*  
22 *established, the court may:*

23       (i) *Continue or modify the probation, assignment to a community*  
24 *correctional services program, suspension of sentence or nonprison*  
25 *sanction and impose confinement in a county jail not to exceed 60 days.*  
26 *If an offender is serving multiple probation terms concurrently, any*  
27 *confinement periods imposed shall be imposed concurrently;*

28       (ii) *impose an intermediate sanction of confinement in a county*  
29 *jail, to be imposed as a two-day or three-day consecutive period. The*  
30 *total of all such sanctions imposed pursuant to this subparagraph and*  
31 *subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during*  
32 *the term of supervision; or*

33       (iii) *revoke the probation, assignment to a community correctional*  
34 *services program, suspension of sentence or nonprison sanction and*  
35 *require the defendant to serve the sentence imposed, or any lesser*  
36 *sentence, and, if imposition of sentence was suspended, may impose any*  
37 *sentence which might originally have been imposed.*

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

43       (A) *If the defendant was on probation at the time of the violation,*

1 *the defendant's supervising court services officer, with the concurrence*  
2 *of the chief court services officer, may impose an intermediate sanction*  
3 *of confinement in a county jail, to be imposed as a two-day or three-day*  
4 *consecutive period. The total of all such sanctions imposed pursuant to*  
5 *this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not*  
6 *exceed 18 total days during the term of supervision; and*

7 *(B) if the defendant was assigned to a community correctional*  
8 *services program at the time of the violation, the defendant's community*  
9 *corrections officer, with the concurrence of the community corrections*  
10 *director, may impose an intermediate sanction of confinement in a*  
11 *county jail, to be imposed as a two-day or three-day consecutive period.*  
12 *The total of all such sanctions imposed pursuant to this subparagraph*  
13 *and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days*  
14 *during the term of supervision.*

15 *(c) (1) Except as otherwise provided, if the original crime of*  
16 *conviction was a felony, other than a felony specified in ~~subsection (i) of~~*  
17 *K.S.A. 2015 Supp. 21-6804(i), and amendments thereto, and a violation*  
18 *is established, the court may impose the following sanctions:*

19 *(A) Continuation or modification of the release conditions of the*  
20 *probation, assignment to a community correctional services program,*  
21 *suspension of sentence or nonprison sanction;*

22 *(B) continuation or modification of the release conditions of the*  
23 *probation, assignment to a community correctional services program,*  
24 *suspension of sentence or nonprison sanction and an intermediate*  
25 *sanction of confinement in a county jail to be imposed as a two-day or*  
26 *three-day consecutive period. The total of all such sanctions imposed*  
27 *pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B)*  
28 *shall not exceed 18 total days during the term of supervision;*

29 *(C) if the violator already had at least one intermediate sanction*  
30 *imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related*  
31 *to the crime for which the original supervision was imposed,*  
32 *continuation or modification of the release conditions of the probation,*  
33 *assignment to a community correctional services program, suspension of*  
34 *sentence or nonprison sanction and remanding the defendant to the*  
35 *custody of the secretary of corrections for a period of 120 days, subject*  
36 *to a reduction of up to 60 days in the discretion of the secretary. This*  
37 *sanction shall not be imposed more than once during the term of*  
38 *supervision. The sanction imposed pursuant to this subparagraph shall*  
39 *begin upon pronouncement by the court and shall not be served by prior*  
40 *confinement credit, except as provided in subsection (c)(7);*

41 *(D) if the violator already had a sanction imposed pursuant to*  
42 *subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime*  
43 *for which the original supervision was imposed, continuation or*

1 *modification of the release conditions of the probation, assignment to a*  
2 *community correctional services program, suspension of sentence or*  
3 *nonprison sanction and remanding the defendant to the custody of the*  
4 *secretary of corrections for a period of 180 days, subject to a reduction*  
5 *of up to 90 days in the discretion of the secretary. This sanction shall not*  
6 *be imposed more than once during the term of supervision. The sanction*  
7 *imposed pursuant to this subparagraph shall begin upon*  
8 *pronouncement by the court and shall not be served by prior*  
9 *confinement credit, except as provided in subsection (c)(7); or*

10 *(E) if the violator already had a sanction imposed pursuant to*  
11 *subsection (c)(1)(C) or (c)(1)(D) related to the crime for which the*  
12 *original supervision was imposed, revocation of the probation,*  
13 *assignment to a community corrections services program, suspension of*  
14 *sentence or nonprison sanction and requiring such violator to serve the*  
15 *sentence imposed, or any lesser sentence and, if imposition of sentence*  
16 *was suspended, imposition of any sentence which might originally have*  
17 *been imposed.*

18 *(2) Except as otherwise provided in subsections (c)(3), (c)(8) and (c)*  
19 *(9), no offender for whom a violation of conditions of release or*  
20 *assignment or a nonprison sanction has been established as provided in*  
21 *this section shall be required to serve any time for the sentence imposed*  
22 *or which might originally have been imposed in a state facility in the*  
23 *custody of the secretary of corrections for such violation, unless such*  
24 *person has already had at least one prior assignment to a community*  
25 *correctional services program related to the crime for which the original*  
26 *sentence was imposed.*

27 *(3) The provisions of subsection (c)(2) shall not apply to adult*  
28 *felony offenders as described in ~~subsection (a)(3) of K.S.A. 75-5291(a)~~*  
29 *(3), and amendments thereto.*

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

40 *(5) When a new felony is committed while the offender is on*  
41 *probation or assignment to a community correctional services program,*  
42 *the new sentence shall be imposed consecutively pursuant to the*  
43 *provisions of K.S.A. 2015 Supp. 21-6606, and amendments thereto, and*

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

5 *(6) Except as provided in subsection (f), upon completion of a*  
6 *violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D)*  
7 *such offender shall return to community correctional services*  
8 *supervision. The sheriff shall not be responsible for the return of the*  
9 *offender to the county where the community correctional services*  
10 *supervision is assigned.*

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

14 *(8) (A) If the offender commits a new felony or misdemeanor or*  
15 *absconds from supervision while the offender is on probation,*  
16 *assignment to a community correctional services program, suspension of*  
17 *sentence or nonprison sanction, the court may revoke the probation,*  
18 *assignment to a community correctional services program, suspension of*  
19 *sentence or nonprison sanction of an offender pursuant to subsection (c)*  
20 *(1)(E) without having previously imposed a sanction pursuant to*  
21 *subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).*

22 *(B) If the offender absconds from supervision while the offender is on*  
23 *probation, assignment to a community correctional services program,*  
24 *suspension of sentence or nonprison sanction, the court may:*

25 *(i) Revoke the probation, assignment to a community correctional*  
26 *services program, suspension of sentence or nonprison sanction of an*  
27 *offender pursuant to subsection (c)(1)(E) without having previously*  
28 *imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)*  
29 *(D); or*

30 *(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)*  
31 *(1)(D) without imposing a sanction under (c)(1)(B).*

32 *(9) The court may revoke the probation, assignment to a*  
33 *community correctional services program, suspension of sentence or*  
34 *nonprison sanction of an offender pursuant to subsection (c)(1)(E)*  
35 *without having previously imposed a sanction pursuant to subsection (c)*  
36 *(1)(B), (c)(1)(C) or (c)(1)(D) if the court finds and sets forth with*  
37 *particularity the reasons for finding that the safety of members of the*  
38 *public will be jeopardized or that the welfare of the offender will not be*  
39 *served by such sanction.*

40 *(10) If an offender is serving multiple probation terms*  
41 *concurrently, any violation sanctions imposed pursuant to subsection (c)*  
42 *(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to*  
43 *subsection (c)(11), shall be imposed concurrently.*

1       ***(11) If the original crime of conviction was a felony, except for***  
2 ***violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2015 Supp. 8-1025, and***  
3 ***amendments thereto, and the court makes a finding that the offender***  
4 ***has committed one or more violations of the release conditions of the***  
5 ***probation, assignment to a community correctional services program,***  
6 ***suspension of sentence or nonprison sanction, the court may impose***  
7 ***confinement in a county jail not to exceed 60 days upon each such***  
8 ***finding. Such confinement is separate and distinct from the violation***  
9 ***sanctions provided in subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)***  
10 ***(E) and shall not be imposed at the same time as any such violation***  
11 ***sanction.***

12       ***(12) The violation sanctions provided in this subsection shall apply***  
13 ***to any violation of conditions of release or assignment or a nonprison***  
14 ***sanction occurring on and after July 1, 2013, regardless of when the***  
15 ***offender was sentenced for the original crime or committed the original***  
16 ***crime for which sentenced.***

17       ***(d) A defendant who is on probation, assigned to a community***  
18 ***correctional services program, under suspension of sentence or serving***  
19 ***a nonprison sanction and for whose return a warrant has been issued by***  
20 ***the court shall be considered a fugitive from justice if it is found that the***  
21 ***warrant cannot be served. If it appears that the defendant has violated***  
22 ***the provisions of the defendant's release or assignment or a nonprison***  
23 ***sanction, the court shall determine whether the time from the issuing of***  
24 ***the warrant to the date of the defendant's arrest, or any part of it, shall***  
25 ***be counted as time served on probation, assignment to a community***  
26 ***correctional services program, suspended sentence or pursuant to a***  
27 ***nonprison sanction.***

28       ***(e) The court shall have 30 days following the date probation,***  
29 ***assignment to a community correctional service program, suspension of***  
30 ***sentence or a nonprison sanction was to end to issue a warrant for the***  
31 ***arrest or notice to appear for the defendant to answer a charge of a***  
32 ***violation of the conditions of probation, assignment to a community***  
33 ***correctional service program, suspension of sentence or a nonprison***  
34 ***sanction.***

35       ***(f) For crimes committed on and after July 1, 2013, a felony***  
36 ***offender whose nonprison sanction is revoked pursuant to subsection (c)***  
37 ***or whose underlying prison term expires while serving a sanction***  
38 ***pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of***  
39 ***postrelease supervision upon the completion of the prison portion of the***  
40 ***underlying sentence.***

41       ***(g) Offenders who have been sentenced pursuant to K.S.A. 2015***  
42 ***Supp. 21-6824, and amendments thereto, and who subsequently violate a***  
43 ***condition of the drug and alcohol abuse treatment program shall be***

1 *subject to an additional nonprison sanction for any such subsequent*  
2 *violation. Such nonprison sanctions shall include, but not be limited to,*  
3 *up to 60 days in a county jail, fines, community service, intensified*  
4 *treatment, house arrest and electronic monitoring.*

5 Sec. ~~3~~ 4. K.S.A. 2015 Supp. 21-6810 ~~and~~, 21-6811 *and 22-3716* are  
6 hereby repealed.

7 Sec. ~~4~~ 5. This act shall take effect and be in force from and after its  
8 publication in the statute book.