

**SENATE BILL No. 453**

By Committee on Corrections and Juvenile Justice

2-11

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; early release from incarceration.

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

5 Section 1. (a) The secretary of corrections may transfer an offender  
6 from a correctional facility to home detention in the community if the  
7 secretary determines that community parenting release is an appropriate  
8 placement and:

9 (1) The offender is serving a current sentence for a nondrug severity  
10 level 4- **through** 10 felony or a drug severity level ~~{3}- through~~ 5 felony  
11 and is determined to be low, low-moderate or moderate risk on a  
12 standardized risk assessment tool;

13 (2) the offender has no prior or current conviction for a sex offense or  
14 an inherently dangerous felony as defined in K.S.A. 2015 Supp. 21-5402,  
15 and amendments thereto, **not including a drug severity level 3 through 5**  
16 **felony**};

17 (3) the offender has not been found by the United States attorney  
18 general to be subject to a deportation detainer or order;

19 (4) the offender signs any release of information waivers required to  
20 allow information regarding current or prior child in need of care cases  
21 involving the offender to be shared with the department of corrections;

22 (5) the offender had physical custody of such offender's minor child  
23 or was a legal guardian or custodian with physical custody of a minor child  
24 at the time the offense for which the offender is serving a sentence was  
25 committed;

26 (6) the offender has 12 months or less remaining of the offender's  
27 sentence; and

28 (7) the secretary of corrections determines that such placement is in  
29 the best interests of the child.

30 (b) Prior to transferring an offender from a correctional facility to  
31 home detention pursuant to this section, the secretary of corrections shall  
32 obtain information from the department for children and families regarding  
33 any child in need of care case involving the offender. Such information  
34 shall be used by the secretary of corrections in determining whether

1 placing an offender in community parenting release is in the best interests  
2 of the child.

3 (c) Offenders placed on community parenting release shall provide to  
4 the secretary of corrections an approved residence and living arrangement  
5 prior to transfer to home detention.

6 (d) The secretary of corrections shall:

7 (1) Require offenders placed on community parenting release to:

8 (A) ~~Wear an electronic monitoring device that provides continuous~~  
9 ~~verification of the offender's location through a global positioning system~~  
10 ~~that is continuously monitored by a 24-hour call center capable of alerting~~  
11 ~~appropriate authorities of alarms~~ ***Comply with the provisions of K.S.A.***  
12 ***21-6609, and amendments thereto;*** and

13 (B) participate in programming and treatment that the secretary  
14 determines is needed; and

15 (2) assign a ~~community corrections~~ ***parole*** officer to monitor the  
16 offender's compliance with conditions of community parenting release.

17 (e) The secretary of corrections has the authority to return any  
18 offender serving the remainder of such offender's sentence on community  
19 parenting release to a correctional facility if the offender is not complying  
20 with community parenting release requirements.

21 Sec. 2. This act shall take effect and be in force from and after its  
22 publication in the statute book.