

HOUSE BILL No. 2085

By Committee on Corrections and Juvenile Justice

1-18

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to postrelease supervision; persons convicted of a sexually violent
3 crime; amending K.S.A. 2016 Supp. 22-3717 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 2016 Supp. 22-3717 is hereby amended to read as
8 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
9 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
10 21-4638 and 21-4642, prior to their repeal; K.S.A. 2016 Supp. 21-6617,
11 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
12 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
13 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
14 K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall be eligible for
15 parole after serving the entire minimum sentence imposed by the court,
16 less good time credits.

17 (b) (1) An inmate sentenced to imprisonment for life without the
18 possibility of parole pursuant to K.S.A. 2016 Supp. 21-6617, and
19 amendments thereto, shall not be eligible for parole.

20 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
21 their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623, 21-6624 and 21-
22 6625, and amendments thereto, an inmate sentenced to imprisonment for
23 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
24 be eligible for parole after serving 25 years of confinement, without
25 deduction of any good time credits; (B) murder in the first degree based
26 upon a finding of premeditated murder committed on or after July 1, 1994,
27 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
28 of confinement, without deduction of any good time credits; and (C)
29 murder in the first degree as described in K.S.A. 2016 Supp. 21-5402(a)
30 (2), and amendments thereto, committed on or after July 1, 2014, shall be
31 eligible for parole after serving 25 years of confinement, without
32 deduction of any good time credits.

33 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
34 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
35 21-4638, prior to their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623,
36 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to

1 imprisonment for an off-grid offense committed on or after July 1, 1993,
2 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
3 of confinement, without deduction of any good time credits and an inmate
4 sentenced to imprisonment for an off-grid offense committed on or after
5 July 1, 1999, shall be eligible for parole after serving 20 years of
6 confinement without deduction of any good time credits.

7 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
8 repeal, an inmate sentenced for a class A felony committed before July 1,
9 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
10 its repeal, or K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall
11 be eligible for parole after serving 15 years of confinement, without
12 deduction of any good time credits.

13 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
14 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
15 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
16 confinement without deduction of any good time credits.

17 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
18 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
19 thereto, committed on or after July 1, 2006, shall be eligible for parole
20 after serving the mandatory term of imprisonment without deduction of
21 any good time credits.

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

26 (A) The aggregate minimum sentences, as determined pursuant to
27 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2016 Supp. 21-6606, and
28 amendments thereto, less good time credits for those crimes which are not
29 class A felonies; and

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

32 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
33 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
34 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
35 eligible for parole after serving the mandatory term of imprisonment.

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

41 (A) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
43 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July

1 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
2 July 1, 2012, must serve 36 months on postrelease supervision.

3 (B) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
5 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
6 drug severity level 4 crimes committed on or after July 1, 2012, must serve
7 24 months on postrelease supervision.

8 (C) Except as provided in subparagraphs (D) and (E), persons
9 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
10 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
11 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
12 must serve 12 months on postrelease supervision.

13 (D) Persons sentenced to a term of imprisonment that includes a
14 sentence for a ~~sexually violent crime as defined in K.S.A. 22-3717, and~~
15 ~~amendments thereto~~, a sexually motivated crime in which the offender has
16 been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
17 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
18 repeal, or K.S.A. 2016 Supp. 21-5509, and amendments thereto, or
19 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.
20 2016 Supp. 21-5512, and amendments thereto, shall serve the period of
21 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or
22 (d)(1)(C), plus the amount of good time and program credit earned and
23 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2016
24 Supp. 21-6821, and amendments thereto, on postrelease supervision.

25 (i) If the sentencing judge finds substantial and compelling reasons to
26 impose a departure based upon a finding that the current crime of
27 conviction was sexually motivated, departure may be imposed to extend
28 the postrelease supervision to a period of up to 60 months.

29 (ii) If the sentencing judge departs from the presumptive postrelease
30 supervision period, the judge shall state on the record at the time of
31 sentencing the substantial and compelling reasons for the departure.
32 Departures in this section are subject to appeal pursuant to K.S.A. 21-
33 4721, prior to its repeal, or K.S.A. 2016 Supp. 21-6820, and amendments
34 thereto.

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

37 (a) Written briefs or oral arguments submitted by either the defendant
38 or the state;

39 (b) any evidence received during the proceeding;

40 (c) the presentence report, the victim's impact statement and any
41 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
42 4714(e), prior to its repeal, or K.S.A. 2016 Supp. 21-6813(e), and
43 amendments thereto; and

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

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

6 (v) In carrying out the provisions of subsection (d)(1)(D), the court
7 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2016 Supp. 21-
8 6817, and amendments thereto.

9 (vi) Upon petition and payment of any restitution ordered pursuant to
10 K.S.A. 2016 Supp. 21-6604, and amendments thereto, the prisoner review
11 board may provide for early discharge from the postrelease supervision
12 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
13 court ordered programs and completion of the presumptive postrelease
14 supervision period, as determined by the crime of conviction, pursuant to
15 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
16 postrelease supervision is at the discretion of the board.

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

20 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
21 repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto, shall be
22 required to participate in a treatment program for sex offenders during the
23 postrelease supervision period.

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

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

36 (G) (i) ~~Except as provided in subsection (u), persons convicted of~~
37 *sentenced to imprisonment for a sexually violent crime committed on or*
38 *after July 1, 2006, when the offender was 18 years of age or older, and*
39 *who are released from prison, shall be released to a mandatory period of*
40 *postrelease supervision for the duration of the person's natural life.*

41 (ii) *Persons sentenced to imprisonment for a sexually violent crime*
42 *committed on or after the effective date of this act, when the offender was*
43 *under 18 years of age, and who are released from prison, shall be released*

1 *to a mandatory period of postrelease supervision for 60 months, plus the*
2 *amount of good time and program credit earned and retained pursuant to*
3 *K.S.A. 21-4722, prior to its repeal, or K.S.A. 2016 Supp. 21-6821, and*
4 *amendments thereto.*

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

9 (3) Persons serving a period of incarceration for a supervision
10 violation shall not have the period of postrelease supervision modified
11 until such person is released and returned to postrelease supervision.

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

20 (5) As used in this subsection, "sexually violent crime" means:

21 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp.
22 21-5503, and amendments thereto;

23 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
24 or K.S.A. 2016 Supp. 21-5506(a), and amendments thereto;

25 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
26 to its repeal, or K.S.A. 2016 Supp. 21-5506(b), and amendments thereto;

27 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
28 repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) and (a)(4), and amendments
29 thereto;

30 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
31 or K.S.A. 2016 Supp. 21-5504(b), and amendments thereto;

32 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
33 or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto;

34 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
35 to its repeal, or K.S.A. 2016 Supp. 21-5508(b), and amendments thereto;

36 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
37 or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

38 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
39 K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

40 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
41 2016 Supp. 21-5604(b), and amendments thereto;

42 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
43 prior to its repeal, or K.S.A. 2016 Supp. 21-5426(b), and amendments

1 thereto, if committed in whole or in part for the purpose of the sexual
2 gratification of the defendant or another;

3 (L) commercial sexual exploitation of a child, as defined in K.S.A.
4 2016 Supp. 21-6422, and amendments thereto; or

5 (M) an attempt, conspiracy or criminal solicitation, as defined in
6 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016
7 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
8 sexually violent crime as defined in this section.

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

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

19 (f) If a person is sentenced to prison for a crime committed on or after
20 July 1, 1993, while on probation, parole, conditional release or in a
21 community corrections program, for a crime committed prior to July 1,
22 1993, and the person is not eligible for retroactive application of the
23 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
24 4724, prior to its repeal, the new sentence shall not be aggregated with the
25 old sentence, but shall begin when the person is paroled or reaches the
26 conditional release date on the old sentence. If the offender was past the
27 offender's conditional release date at the time the new offense was
28 committed, the new sentence shall not be aggregated with the old sentence
29 but shall begin when the person is ordered released by the prisoner review
30 board or reaches the maximum sentence expiration date on the old
31 sentence, whichever is earlier. The new sentence shall then be served as
32 otherwise provided by law. The period of postrelease supervision shall be
33 based on the new sentence, except that those offenders whose old sentence
34 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
35 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
36 term of life imprisonment, for which there is no conditional release or
37 maximum sentence expiration date, shall remain on postrelease
38 supervision for life or until discharged from supervision by the prisoner
39 review board.

40 (g) Subject to the provisions of this section, the prisoner review board
41 may release on parole those persons confined in institutions who are
42 eligible for parole when: (1) The board believes that the inmate should be
43 released for hospitalization, deportation or to answer the warrant or other

1 process of a court and is of the opinion that there is reasonable probability
2 that the inmate can be released without detriment to the community or to
3 the inmate; or (2) the secretary of corrections has reported to the board in
4 writing that the inmate has satisfactorily completed the programs required
5 by any agreement entered under K.S.A. 75-5210a, and amendments
6 thereto, or any revision of such agreement, and the board believes that the
7 inmate is able and willing to fulfill the obligations of a law abiding citizen
8 and is of the opinion that there is reasonable probability that the inmate
9 can be released without detriment to the community or to the inmate.
10 Parole shall not be granted as an award of clemency and shall not be
11 considered a reduction of sentence or a pardon.

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

1 record of the inmate; the conduct, employment, and attitude of the inmate
2 in prison; the reports of such physical and mental examinations as have
3 been made, including, but not limited to, risk factors revealed by any risk
4 assessment of the inmate; comments of the victim and the victim's family
5 including in person comments, contemporaneous comments and
6 prerecorded comments made by any technological means; comments of
7 the public; official comments; any recommendation by the staff of the
8 facility where the inmate is incarcerated; proportionality of the time the
9 inmate has served to the sentence a person would receive under the Kansas
10 sentencing guidelines for the conduct that resulted in the inmate's
11 incarceration; and capacity of state correctional institutions.

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

22 (j) (1) Before ordering the parole of any inmate, the prisoner review
23 board shall have the inmate appear either in person or via a video
24 conferencing format and shall interview the inmate unless impractical
25 because of the inmate's physical or mental condition or absence from the
26 institution. Every inmate while on parole shall remain in the legal custody
27 of the secretary of corrections and is subject to the orders of the secretary.
28 Whenever the board formally considers placing an inmate on parole and
29 no agreement has been entered into with the inmate under K.S.A. 75-
30 5210a, and amendments thereto, the board shall notify the inmate in
31 writing of the reasons for not granting parole. If an agreement has been
32 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
33 has not satisfactorily completed the programs specified in the agreement,
34 or any revision of such agreement, the board shall notify the inmate in
35 writing of the specific programs the inmate must satisfactorily complete
36 before parole will be granted. If parole is not granted only because of a
37 failure to satisfactorily complete such programs, the board shall grant
38 parole upon the secretary's certification that the inmate has successfully
39 completed such programs. If an agreement has been entered under K.S.A.
40 75-5210a, and amendments thereto, and the secretary of corrections has
41 reported to the board in writing that the inmate has satisfactorily
42 completed the programs required by such agreement, or any revision
43 thereof, the board shall not require further program participation.

1 However, if the board determines that other pertinent information
2 regarding the inmate warrants the inmate's not being released on parole,
3 the board shall state in writing the reasons for not granting the parole. If
4 parole is denied for an inmate sentenced for a crime other than a class A or
5 class B felony or an off-grid felony, the board shall hold another parole
6 hearing for the inmate not later than one year after the denial unless the
7 board finds that it is not reasonable to expect that parole would be granted
8 at a hearing if held in the next three years or during the interim period of a
9 deferral. In such case, the board may defer subsequent parole hearings for
10 up to three years but any such deferral by the board shall require the board
11 to state the basis for its findings. If parole is denied for an inmate
12 sentenced for a class A or class B felony or an off-grid felony, the board
13 shall hold another parole hearing for the inmate not later than three years
14 after the denial unless the board finds that it is not reasonable to expect
15 that parole would be granted at a hearing if held in the next 10 years or
16 during the interim period of a deferral. In such case, the board may defer
17 subsequent parole hearings for up to 10 years, but any such deferral shall
18 require the board to state the basis for its findings.

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

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

30 (2) Parolees and persons on postrelease supervision are, and shall
31 agree in writing to be, subject to searches of the person and the person's
32 effects, vehicle, residence and property by a parole officer or a department
33 of corrections enforcement, apprehension and investigation officer, at any
34 time of the day or night, with or without a search warrant and with or
35 without cause. Nothing in this subsection shall be construed to authorize
36 such officers to conduct arbitrary or capricious searches or searches for the
37 sole purpose of harassment.

38 (3) Parolees and persons on postrelease supervision are, and shall
39 agree in writing to be, subject to searches of the person and the person's
40 effects, vehicle, residence and property by any law enforcement officer
41 based on reasonable suspicion of the person violating conditions of parole
42 or postrelease supervision or reasonable suspicion of criminal activity. Any
43 law enforcement officer who conducts such a search shall submit a written

1 report to the appropriate parole officer no later than the close of the next
2 business day after such search. The written report shall include the facts
3 leading to such search, the scope of such search and any findings resulting
4 from such search.

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

13 (m) Whenever the prisoner review board orders the parole of an
14 inmate or establishes conditions for an inmate placed on postrelease
15 supervision, the board:

16 (1) Unless it finds compelling circumstances which would render a
17 plan of payment unworkable, shall order as a condition of parole or
18 postrelease supervision that the parolee or the person on postrelease
19 supervision pay any transportation expenses resulting from returning the
20 parolee or the person on postrelease supervision to this state to answer
21 criminal charges or a warrant for a violation of a condition of probation,
22 assignment to a community correctional services program, parole,
23 conditional release or postrelease supervision;

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

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

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

37 (5) unless it finds compelling circumstances which would render a
38 plan of payment unworkable, shall order that the parolee or person on
39 postrelease supervision reimburse the state for all or part of the
40 expenditures by the state board of indigents' defense services to provide
41 counsel and other defense services to the person. In determining the
42 amount and method of payment of such sum, the prisoner review board
43 shall take account of the financial resources of the person and the nature of

1 the burden that the payment of such sum will impose. Such amount shall
2 not exceed the amount claimed by appointed counsel on the payment
3 voucher for indigents' defense services or the amount prescribed by the
4 board of indigents' defense services reimbursement tables as provided in
5 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
6 previous payments for such services;

7 (6) shall order that the parolee or person on postrelease supervision
8 agree in writing to be subject to searches of the person and the person's
9 effects, vehicle, residence and property by a parole officer or a department
10 of corrections enforcement, apprehension and investigation officer, at any
11 time of the day or night, with or without a search warrant and with or
12 without cause. Nothing in this subsection shall be construed to authorize
13 such officers to conduct arbitrary or capricious searches or searches for the
14 sole purpose of harassment; and

15 (7) shall order that the parolee or person on postrelease supervision
16 agree in writing to be subject to searches of the person and the person's
17 effects, vehicle, residence and property by any law enforcement officer
18 based on reasonable suspicion of the person violating conditions of parole
19 or postrelease supervision or reasonable suspicion of criminal activity.

20 (n) If the court which sentenced an inmate specified at the time of
21 sentencing the amount and the recipient of any restitution ordered as a
22 condition of parole or postrelease supervision, the prisoner review board
23 shall order as a condition of parole or postrelease supervision that the
24 inmate pay restitution in the amount and manner provided in the journal
25 entry unless the board finds compelling circumstances which would render
26 a plan of restitution unworkable.

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

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

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

38 (r) An inmate who is allocated regular good time credits as provided
39 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
40 good time credits in increments of not more than 90 days per meritorious
41 act. These credits may be awarded by the secretary of corrections when an
42 inmate has acted in a heroic or outstanding manner in coming to the
43 assistance of another person in a life threatening situation, preventing

1 injury or death to a person, preventing the destruction of property or taking
2 actions which result in a financial savings to the state.

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

5 (t) For offenders sentenced prior to July 1, 2014, who are eligible for
6 modification of their postrelease supervision obligation, the department of
7 corrections shall modify the period of postrelease supervision as provided
8 for by this section:

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

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

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

14 (C) severity level 5 crimes on the sentencing guidelines grid for drug
15 crimes committed on and after July 1, 2012;

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

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

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

21 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
22 committed on or after July 1, 2012; and

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

24 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
25 guidelines grid for nondrug crimes;

26 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
27 for drug crimes committed at any time; and

28 (C) severity level 3 crimes on the sentencing guidelines grid for drug
29 crimes committed on or after July 1, 2012.

30 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
31 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
32 thereto, for crimes committed on or after July 1, 2006, shall be placed on
33 parole for life and shall not be discharged from supervision by the prisoner
34 review board. When the board orders the parole of an inmate pursuant to
35 this subsection, the board shall order as a condition of parole that the
36 inmate be electronically monitored for the duration of the inmate's natural
37 life.

38 (v) Whenever the prisoner review board orders a person to be
39 electronically monitored pursuant to this section, or the court orders a
40 person to be electronically monitored pursuant to K.S.A. 2016 Supp. 21-
41 6604(r), and amendments thereto, the board shall order the person to
42 reimburse the state for all or part of the cost of such monitoring. In
43 determining the amount and method of payment of such sum, the board

1 shall take account of the financial resources of the person and the nature of
2 the burden that the payment of such sum will impose.

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

8 (A) As used in this subsection, "pornographic materials" means any
9 obscene material or performance depicting sexual conduct, sexual contact
10 or a sexual performance; and any visual depiction of sexually explicit
11 conduct.

12 (B) As used in this subsection, all other terms have the meanings
13 provided by K.S.A. 2016 Supp. 21-5510, and amendments thereto.

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

19 Sec. 2. K.S.A. 2016 Supp. 22-3717 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the Kansas register.