

## HOUSE BILL No. 2046

By Committee on Corrections and Juvenile Justice

1-22

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; multiple sentences; persons convicted of a new crime;  
3 amending K.S.A. 2018 Supp. 21-6606 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2018 Supp. 21-6606 is hereby amended to read as  
8 follows: 21-6606. (a) When separate sentences of imprisonment for  
9 different crimes are imposed on a defendant on the same date, including  
10 sentences for crimes for which suspended sentences, probation or  
11 assignment to a community correctional services program have been  
12 revoked, such sentences shall run concurrently or consecutively as the  
13 court directs. Whenever the record is silent as to the manner in which two  
14 or more sentences imposed at the same time shall be served, they shall be  
15 served concurrently, except as otherwise provided in subsections (c), (d)  
16 and (e).

17 (b) Any person who is convicted and sentenced for a crime  
18 committed while on probation, assignment to a community correctional  
19 services program, parole or conditional release for a misdemeanor shall  
20 serve the sentence concurrently with or consecutively to the term or terms  
21 under which the person was on probation, assigned to a community  
22 correctional services program or on parole or conditional release, as the  
23 court directs.

24 (c) Any person who is convicted and sentenced for a crime  
25 committed while on probation, assigned to a community correctional  
26 services program, on parole, on conditional release or on postrelease  
27 supervision for a felony shall serve the sentence consecutively to the term  
28 or terms under which the person was on probation, assigned to a  
29 community correctional services program or on parole or conditional  
30 release.

31 (d) Any person who is convicted and sentenced for a crime  
32 committed while on release for a felony pursuant to article 28 of chapter  
33 22 of the Kansas Statutes Annotated, and amendments thereto, shall serve  
34 the sentence *concurrently or* consecutively to the term or terms under  
35 which the person was released, *as the court directs*.

36 (e) (1) Any person who is convicted and sentenced for a crime

1 committed while such person is incarcerated and serving a sentence for a  
2 felony in any place of incarceration shall serve the sentence consecutively  
3 to the term or terms under which the person was incarcerated.

4 (2) If a person is sentenced to prison for a crime committed on or  
5 after July 1, 1993, while the person was imprisoned for an offense  
6 committed prior to July 1, 1993, and the person is not eligible for the  
7 retroactive application of the sentencing guidelines act, the new sentence  
8 shall not be aggregated with the old sentence but shall begin when the  
9 person is paroled or reaches the conditional release date on the old  
10 sentence, whichever is earlier. If the offender was past the offender's  
11 conditional release date at the time the new offense was committed, the  
12 new sentence shall not be aggregated with the old sentence but shall begin  
13 when the person is ordered released by the prisoner review board or  
14 reaches the maximum sentence date on the old sentence, whichever is  
15 earlier. The new sentence shall then be served as otherwise provided by  
16 law. The period of post incarceration supervision shall be based on the  
17 longest term of post incarceration supervision imposed for all crimes upon  
18 which sentence was imposed or until discharged from supervision by the  
19 prisoner review board. The term of post incarceration supervision imposed  
20 by this paragraph shall apply retroactively to crimes committed prior to  
21 July 1, 2008.

22 (3) As used in this subsection, "post incarceration supervision"  
23 includes parole and postrelease supervision.

24 (f) The provisions of this subsection relating to parole eligibility shall  
25 be applicable to persons convicted of crimes committed prior to January 1,  
26 1979, but shall be applicable to persons convicted of crimes committed on  
27 or after that date only to the extent that the terms of this subsection are not  
28 in conflict with the provisions of K.S.A. 22-3717, and amendments  
29 thereto. In calculating the time to be served on concurrent and consecutive  
30 sentences, the following rules shall apply:

31 (1) When indeterminate terms run concurrently, the shorter minimum  
32 terms merge in and are satisfied by serving the longest minimum term and  
33 the shorter maximum terms merge in and are satisfied by conditional  
34 release or discharge on the longest maximum term if the terms are imposed  
35 on the same date.

36 (2) When concurrent terms are imposed on different dates,  
37 computation will be made to determine which term or terms require the  
38 longest period of imprisonment to reach parole eligibility, conditional  
39 release and maximum dates, and that sentence will be considered the  
40 controlling sentence. The parole eligibility date may be computed and  
41 projected on one sentence and the conditional release date and maximum  
42 may be computed and projected from another to determine the controlling  
43 sentence.

1 (3) When indeterminate terms imposed on the same date are to be  
2 served consecutively, the minimum terms are added to arrive at an  
3 aggregate minimum to be served equal to the sum of all minimum terms  
4 and the maximum terms are added to arrive at an aggregate maximum  
5 equal to the sum of all maximum terms.

6 (4) When indeterminate sentences are imposed to be served  
7 consecutively to sentences previously imposed in any other court or the  
8 sentencing court, the aggregated minimums and maximums shall be  
9 computed from the effective date of the subsequent sentences ~~which~~ *that*  
10 have been imposed as consecutive. For the purpose of determining the  
11 sentence begins date and the parole eligibility and conditional release  
12 dates, the inmate shall be given credit on the aggregate sentence for time  
13 spent imprisoned on the previous sentences, but not exceeding an amount  
14 equal to the previous minimum sentence less the maximum amount of  
15 good time credit that could have been earned on the minimum sentence.  
16 For the purpose of computing the maximum date, the inmate shall be given  
17 credit for all time spent imprisoned on the previous sentence. This method  
18 for computation of the maximum sentence shall be utilized for all  
19 sentences computed pursuant to this subsection after July 1, 1983.

20 Nothing in this subsection (f)(4) shall affect the authority of the  
21 prisoner review board to determine the parole eligibility of inmates  
22 pursuant to ~~subsection (d) of~~ K.S.A. 22-3717(d), and amendments thereto.

23 (5) When consecutive sentences are imposed ~~which~~ *that* are to be  
24 served consecutive to sentences for which a prisoner has been on  
25 probation, assigned to a community correctional services program, on  
26 parole or on conditional release, the amount of time served on probation,  
27 on assignment to a community correctional services program, on parole or  
28 on conditional release shall not be credited as service on the aggregate  
29 sentence in determining the parole eligibility, conditional release and  
30 maximum dates, except that credit shall be given for any amount of time  
31 spent in a residential facility while on probation or assignment to a  
32 community correctional residential services program.

33 (g) When a definite and an indefinite term run consecutively, the  
34 period of the definite term is added to both the minimum and maximum of  
35 the indeterminate term and both sentences are satisfied by serving the  
36 indeterminate term. The provisions of this subsection shall not apply to  
37 crimes committed on or after July 1, 1993.

38 (h) When a defendant is sentenced in a state court and is also under  
39 sentence from a federal court or other state court or is subject to sentence  
40 in a federal court or other state court for an offense committed prior to the  
41 defendant's sentence in a Kansas state court, the court may direct that  
42 custody of the defendant may be relinquished to federal or other state  
43 authorities and that such state sentences as are imposed may run

1 concurrently with any federal or other state sentence imposed.

2       Sec. 2. K.S.A. 2018 Supp. 21-6606 is hereby repealed.

3       Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.