

**HOUSE BILL No. 2396**

By Committee on Appropriations

3-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; **{conditions of probation; sanctions for violation;}**  
3 certified drug abuse treatment programs; amending K.S.A. 2018 Supp.  
4 **{21-6604,} 21-6824{, 22-3716 and 22-3717}** and repealing the existing  
5 section **{sections}**.  
6

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

8 **{Section 1. K.S.A. 2018 Supp. 21-6604 is hereby amended to read**  
9 **as follows: 21-6604. (a) Whenever any person has been found guilty of**  
10 **a crime, the court may adjudge any of the following:**

11 **(1) Commit the defendant to the custody of the secretary of**  
12 **corrections if the current crime of conviction is a felony and the**  
13 **sentence presumes imprisonment, or the sentence imposed is a**  
14 **dispositional departure to imprisonment; or, if confinement is for a**  
15 **misdemeanor, to jail for the term provided by law;**

16 **(2) impose the fine applicable to the offense and may impose the**  
17 **provisions of subsection (q);**

18 **(3) release the defendant on probation if the current crime of**  
19 **conviction and criminal history fall within a presumptive nonprison**  
20 **category or through a departure for substantial and compelling**  
21 **reasons subject to such conditions as the court may deem appropriate.**  
22 **In felony cases except for violations of K.S.A. 8-1567 or 8-2,144, and**  
23 **amendments thereto, the court may include confinement in a county**  
24 **jail not to exceed 60 days, which need not be served consecutively, as a**  
25 **condition of an original probation sentence;**

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

31 **(5) assign the defendant to a conservation camp for a period not**  
32 **to exceed six months as a condition of probation followed by a six-**  
33 **month period of follow-up through adult intensive supervision by a**  
34 **community correctional services program, if the offender successfully**  
35 **completes the conservation camp program;**

36 **(6) assign the defendant to a house arrest program pursuant to**

1 **K.S.A. 2018 Supp. 21-6609, and amendments thereto;**

2 **(7) order the defendant to attend and satisfactorily complete an**  
3 **alcohol or drug education or training program as provided by K.S.A.**  
4 **2018 Supp. 21-6602(c), and amendments thereto;**

5 **(8) order the defendant to repay the amount of any reward paid**  
6 **by any crime stoppers chapter, individual, corporation or public entity**  
7 **which that materially aided in the apprehension or conviction of the**  
8 **defendant; repay the amount of any costs and expenses incurred by**  
9 **any law enforcement agency in the apprehension of the defendant, if**  
10 **one of the current crimes of conviction of the defendant includes**  
11 **escape from custody or aggravated escape from custody, as defined in**  
12 **K.S.A. 2018 Supp. 21-5911, and amendments thereto; repay expenses**  
13 **incurred by a fire district, fire department or fire company responding**  
14 **to a fire—**~~which~~ **that has been determined to be arson or aggravated**  
15 **arson as defined in K.S.A. 2018 Supp. 21-5812, and amendments**  
16 **thereto, if the defendant is convicted of such crime; repay the amount**  
17 **of any public funds utilized by a law enforcement agency to purchase**  
18 **controlled substances from the defendant during the investigation**  
19 **which that leads to the defendant's conviction; or repay the amount of**  
20 **any medical costs and expenses incurred by any law enforcement**  
21 **agency or county. Such repayment of the amount of any such costs**  
22 **and expenses incurred by a county, law enforcement agency, fire**  
23 **district, fire department or fire company or any public funds utilized**  
24 **by a law enforcement agency shall be deposited and credited to the**  
25 **same fund from which the public funds were credited to prior to use**  
26 **by the county, law enforcement agency, fire district, fire department**  
27 **or fire company;**

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

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

33 **(11) if the defendant is convicted of a misdemeanor or convicted**  
34 **of a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments**  
35 **thereto, assign the defendant to work release program, other than a**  
36 **program at a correctional institution under the control of the**  
37 **secretary of corrections as defined in K.S.A. 75-5202, and**  
38 **amendments thereto, provided such work release program requires**  
39 **such defendant to return to confinement at the end of each day in the**  
40 **work release program. On a second or subsequent conviction of**  
41 **K.S.A. 8-1567, and amendments thereto, an offender placed into a**  
42 **work release program shall serve the total number of hours of**  
43 **confinement mandated by that section;**

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

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

6       (14) suspend imposition of sentence in misdemeanor cases.

7       (b) (1) In addition to or in lieu of any of the above, the court shall  
8 order the defendant to pay restitution, which shall include, but not be  
9 limited to, damage or loss caused by the defendant's crime, unless the  
10 court finds compelling circumstances ~~which~~ that would render a plan  
11 of restitution unworkable. In regard to a violation of K.S.A. 2018  
12 Supp. 21-6107, and amendments thereto, such damage or loss shall  
13 include, but not be limited to, attorney fees and costs incurred to  
14 repair the credit history or rating of the person whose personal  
15 identification documents were obtained and used in violation of such  
16 section, and to satisfy a debt, lien or other obligation incurred by the  
17 person whose personal identification documents were obtained and  
18 used in violation of such section. In regard to a violation of K.S.A.  
19 2018 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto,  
20 such damage or loss shall include the cost of repair or replacement of  
21 the property that was damaged, the reasonable cost of any loss of  
22 production, crops and livestock, reasonable labor costs of any kind,  
23 reasonable material costs of any kind and any reasonable costs that  
24 are attributed to equipment that is used to abate or repair the damage  
25 to the property. If the court finds a plan of restitution unworkable, the  
26 court shall state on the record in detail the reasons therefor.

27       (2) If the court orders restitution, the restitution shall be a  
28 judgment against the defendant{,} which may be collected by the  
29 court by garnishment or other execution as on judgments in civil  
30 cases. If, after 60 days from the date restitution is ordered by the  
31 court, a defendant is found to be in noncompliance with the plan  
32 established by the court for payment of restitution, and the victim to  
33 whom restitution is ordered paid has not initiated proceedings in  
34 accordance with K.S.A. 60-4301 et seq., and amendments thereto, the  
35 court shall assign an agent procured by the attorney general pursuant  
36 to K.S.A. 75-719, and amendments thereto, to collect the restitution on  
37 behalf of the victim. The chief judge of each judicial district may  
38 assign such cases to an appropriate division of the court for the  
39 conduct of civil collection proceedings.

40       (c) In addition to or in lieu of any of the above, the court shall  
41 order the defendant to submit to and complete an alcohol and drug  
42 evaluation, and pay a fee therefor, when required by K.S.A. 2018  
43 Supp. 21-6602(d), and amendments thereto.

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

17       **(e) In releasing a defendant on probation, the court shall direct**  
18 **that the defendant be under the supervision of a court services officer.**  
19 **If the court commits the defendant to the custody of the secretary of**  
20 **corrections or to jail, the court may specify in its order the amount of**  
21 **restitution to be paid and the person to whom it shall be paid if**  
22 **restitution is later ordered as a condition of parole, conditional release**  
23 **or postrelease supervision.**

24       **(f) (1) When a new felony is committed while the offender is**  
25 **incarcerated and serving a sentence for a felony, or while the offender**  
26 **is on probation, assignment to a community correctional services**  
27 **program, parole, conditional release or postrelease supervision for a**  
28 **felony, a new sentence shall be imposed consecutively pursuant to the**  
29 **provisions of K.S.A. 2018 Supp. 21-6606, and amendments thereto,**  
30 **and the court may sentence the offender to imprisonment for the new**  
31 **conviction, even when the new crime of conviction otherwise presumes**  
32 **a nonprison sentence. In this event, imposition of a prison sentence for**  
33 **the new crime does not constitute a departure.**

34       **(2) When a new felony is committed during a period of time**  
35 ~~during which~~ **when the defendant would have been on probation,**  
36 **assignment to a community correctional services program, parole,**  
37 **conditional release or postrelease supervision for a felony had the**  
38 **defendant not been granted release by the court pursuant to K.S.A.**  
39 **2018 Supp. 21-6608(d), and amendments thereto, or the prisoner**  
40 **review board pursuant to K.S.A. 22-3717, and amendments thereto,**  
41 **the court may sentence the offender to imprisonment for the new**  
42 **conviction, even when the new crime of conviction otherwise presumes**  
43 **a nonprison sentence. In this event, imposition of a prison sentence for**

1 the new crime does not constitute a departure.

2 (3) When a new felony is committed while the offender is  
3 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-  
4 1671, prior to its repeal, or K.S.A. 2018 Supp. 38-2373, and  
5 amendments thereto, for an offense, which if committed by an adult  
6 would constitute the commission of a felony, upon conviction, the  
7 court shall sentence the offender to imprisonment for the new  
8 conviction, even when the new crime of conviction otherwise presumes  
9 a nonprison sentence. In this event, imposition of a prison sentence for  
10 the new crime does not constitute a departure. The conviction shall  
11 operate as a full and complete discharge from any obligations, except  
12 for an order of restitution, imposed on the offender arising from the  
13 offense for which the offender was committed to a juvenile  
14 correctional facility.

15 (4) When a new felony is committed while the offender is on  
16 release for a felony pursuant to the provisions of article 28 of chapter  
17 22 of the Kansas Statutes Annotated, and amendments thereto, or  
18 similar provisions of the laws of another jurisdiction, a new sentence  
19 may be imposed consecutively pursuant to the provisions of K.S.A.  
20 2018 Supp. 21-6606, and amendments thereto, and the court may  
21 sentence the offender to imprisonment for the new conviction, even  
22 when the new crime of conviction otherwise presumes a nonprison  
23 sentence. In this event, imposition of a prison sentence for the new  
24 crime does not constitute a departure.

25 (g) Prior to imposing a dispositional departure for a defendant  
26 whose offense is classified in the presumptive nonprison grid block of  
27 either sentencing guideline grid, prior to sentencing a defendant to  
28 incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G  
29 of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-  
30 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug  
31 crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G,  
32 4-H or 4-I of the sentencing guidelines grid for drug crimes committed  
33 on or after July 1, 2012, prior to sentencing a defendant to  
34 incarceration whose offense is classified in grid blocks 4-E or 4-F of  
35 the sentencing guidelines grid for drug crimes committed prior to July  
36 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing  
37 guidelines grid for drug crimes committed on or after July 1, 2012,  
38 and whose offense does not meet the requirements of K.S.A. 2018  
39 Supp. 21-6824, and amendments thereto, prior to revocation of a  
40 nonprison sanction of a defendant whose offense is classified in grid  
41 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
42 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F  
43 of the sentencing guidelines grid for drug crimes committed on or

1 after July 1, 2012, and whose offense does not meet the requirements  
2 of K.S.A. 2018 Supp. 21-6824, and amendments thereto, or prior to  
3 revocation of a nonprison sanction of a defendant whose offense is  
4 classified in the presumptive nonprison grid block of either sentencing  
5 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing  
6 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H  
7 or 3-I of the sentencing guidelines grid for drug crimes committed  
8 prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the  
9 sentencing guidelines grid for drug crimes committed on or after July  
10 1, 2012, the court shall consider placement of the defendant in the  
11 Labette correctional conservation camp, conservation camps  
12 established by the secretary of corrections pursuant to K.S.A. 75-  
13 52,127, and amendments thereto, or a community intermediate  
14 sanction center. Pursuant to this subsection the defendant shall not be  
15 sentenced to imprisonment if space is available in a conservation camp  
16 or community intermediate sanction center and the defendant meets  
17 all of the conservation camp's or community intermediate sanction  
18 center's placement criteria unless the court states on the record the  
19 reasons for not placing the defendant in a conservation camp or  
20 community intermediate sanction center.

21 (h) In committing a defendant to the custody of the secretary of  
22 corrections, the court shall fix a term of confinement within the limits  
23 provided by law. In those cases where the law does not fix a term of  
24 confinement for the crime for which the defendant was convicted, the  
25 court shall fix the term of such confinement.

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

1 services reimbursement tables as provided in K.S.A. 22-4522, and  
2 amendments thereto, whichever is less.

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

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

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

19 (1) Has been sentenced to the secretary for a probation  
20 revocation, as a departure from the presumptive nonimprisonment  
21 grid block of either sentencing grid, for an offense ~~which~~ that is  
22 classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines  
23 grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the  
24 sentencing guidelines grid for drug crimes committed prior to July 1,  
25 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
26 guidelines grid for drug crimes committed on or after July 1, 2012, or  
27 for an offense ~~which~~ that is classified in grid blocks 4-E or 4-F of the  
28 sentencing guidelines grid for drug crimes committed prior to July 1,  
29 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing  
30 guidelines grid for drug crimes committed on or after July 1, 2012,  
31 and such offense does not meet the requirements of K.S.A. 2018 Supp.  
32 21-6824, and amendments thereto; and

33 (2) otherwise meets admission criteria of the camp.

34 If the inmate successfully completes a conservation camp program,  
35 the secretary of corrections shall report such completion to the  
36 sentencing court and the county or district attorney. The inmate shall  
37 then be assigned by the court to six months of follow-up supervision  
38 conducted by the appropriate community corrections services  
39 program. The court may also order that supervision continue  
40 thereafter for the length of time authorized by K.S.A. 2018 Supp. 21-  
41 6608, and amendments thereto.

42 (m) When it is provided by law that a person shall be sentenced  
43 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the

1 provisions of this section shall not apply.

2 (n) (1) Except as provided by K.S.A. 2018 Supp. 21-6630 and 21-  
3 6805(f), and amendments thereto, in addition to any of the above, for  
4 felony violations of K.S.A. 2018 Supp. 21-5706, and amendments  
5 thereto, the court shall require the defendant who meets the  
6 requirements established in K.S.A. 2018 Supp. 21-6824, and  
7 amendments thereto, to participate in a certified drug abuse treatment  
8 program, as provided in K.S.A. 2018 Supp. 75-52,144, and  
9 amendments thereto, including, but not limited to, an approved after-  
10 care plan. The amount of time spent participating in such program  
11 shall not be credited as service on the underlying prison sentence.

12 (2) If the defendant fails to participate in or has a pattern of  
13 intentional conduct that demonstrates the defendant's refusal to  
14 comply with or participate in the treatment program, as established  
15 by judicial finding, the defendant shall be subject to sanction or  
16 revocation pursuant to the provisions of K.S.A. 22-3716, and  
17 amendments thereto. If the defendant's probation is revoked, the  
18 defendant shall serve the underlying prison sentence as established in  
19 K.S.A. 2018 Supp. 21-6805, and amendments thereto.

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

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

30 (o) (1) Except as provided in paragraph (3), in addition to any  
31 other penalty or disposition imposed by law, upon a conviction for  
32 unlawful possession of a controlled substance or controlled substance  
33 analog in violation of K.S.A. 2018 Supp. 21-5706, and amendments  
34 thereto, in which the trier of fact makes a finding that the unlawful  
35 possession occurred while transporting the controlled substance or  
36 controlled substance analog in any vehicle upon a highway or street,  
37 the offender's driver's license or privilege to operate a motor vehicle  
38 on the streets and highways of this state shall be suspended for one  
39 year.

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



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

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

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

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

1 suspended or revoked prior thereto. If any person shall violate any of  
2 the conditions imposed under this paragraph, such person's driver's  
3 license or privilege to operate a motor vehicle on the highways of this  
4 state shall be revoked for a period of not less than 60 days nor more  
5 than one year by the judge of the court in which such person is  
6 convicted of violating such conditions.

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

9 (p) In addition to any of the above, for any criminal offense that  
10 includes the domestic violence designation pursuant to K.S.A. 2018  
11 Supp. 22-4616, and amendments thereto, the court shall require the  
12 defendant to: (1) Undergo a domestic violence offender assessment  
13 conducted by a certified batterer intervention program; and (2) follow  
14 all recommendations made by such program, unless otherwise ordered  
15 by the court or the department of corrections. The court may order a  
16 domestic violence offender assessment and any other evaluation prior  
17 to sentencing if the assessment or evaluation would assist the court in  
18 determining an appropriate sentence. The entity completing the  
19 assessment or evaluation shall provide the assessment or evaluation  
20 and recommendations to the court and the court shall provide the  
21 domestic violence offender assessment to any entity responsible for  
22 supervising such defendant. A defendant ordered to undergo a  
23 domestic violence offender assessment shall be required to pay for the  
24 assessment and, unless otherwise ordered by the court or the  
25 department of corrections, for completion of all recommendations.

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

1 be paid by the person, the remaining balance of the fine shall become  
2 due on that date. All credits for community service shall be subject to  
3 review and approval by the court.

4 (r) In addition to any other penalty or disposition imposed by law,  
5 for any defendant sentenced to imprisonment pursuant to K.S.A. 21-  
6 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and  
7 amendments thereto, for crimes committed on or after July 1, 2006,  
8 the court shall order that the defendant be electronically monitored  
9 upon release from imprisonment for the duration of the defendant's  
10 natural life and that the defendant shall reimburse the state for all or  
11 part of the cost of such monitoring as determined by the prisoner  
12 review board.

13 (s) Whenever the court has released the defendant on probation  
14 pursuant to subsection (a)(3), the defendant's supervising court  
15 services officer, with the concurrence of the chief court services officer,  
16 may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)  
17 (B), and amendments thereto, without further order of the court,  
18 ~~unless: (1) The court has specifically withheld this authority in its~~  
19 ~~sentencing order; or~~

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

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

29 ~~(1) The court has specifically withheld this authority in its sentencing~~  
30 ~~order; or~~

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

34 (u) *In addition to any of the above, the court shall authorize an*  
35 *additional 18 days of confinement in a county jail to be reserved for*  
36 *sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and*  
37 *amendments thereto.*

38 ~~Section 1.~~ {Sec. 2.} K.S.A. 2018 Supp. 21-6824 is hereby amended to  
39 read as follows: 21-6824. (a) There is hereby established a nonprison  
40 sanction of certified drug abuse treatment programs for certain offenders  
41 who are sentenced on or after November 1, 2003. Placement of offenders  
42 in certified drug abuse treatment programs by the court shall be limited to  
43 placement of adult offenders, convicted of a felony violation of K.S.A.

1 2018 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense  
2 is classified in grid blocks:

3 (1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines  
4 grid for drug crimes and such offender has no felony conviction of K.S.A.  
5 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal,  
6 K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer,  
7 or K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments  
8 thereto, or any substantially similar offense from another jurisdiction; or

9 (2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines  
10 grid for drug crimes, such offender has no felony conviction of K.S.A. 65-  
11 4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A.  
12 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or  
13 K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments  
14 thereto, or any substantially similar offense from another jurisdiction, if  
15 the person felonies in the offender's criminal history were severity level 8,  
16 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug  
17 crimes, and the court finds and sets forth with particularity the reasons for  
18 finding that the safety of the members of the public will not be jeopardized  
19 by such placement in a drug abuse treatment program.

20 (b) As a part of the presentence investigation pursuant to K.S.A. 2018  
21 Supp. 21-6813, and amendments thereto, offenders who meet the  
22 requirements of subsection (a), unless otherwise specifically ordered by  
23 the court, shall be subject to:

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

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

29 (c) If the offender is assigned a high risk status as determined by the  
30 drug abuse assessment performed pursuant to subsection (b)(1) and a  
31 moderate or high risk status as determined by the criminal risk-need  
32 assessment performed pursuant to subsection (b)(2), the sentencing court  
33 shall commit the offender to treatment in a drug abuse treatment program  
34 until the court determines the offender is suitable for discharge by the  
35 court. The term of treatment shall not exceed 18 months. The court may  
36 extend the term of probation, pursuant to K.S.A. 2018 Supp. 21-6608(c)  
37 (3), and amendments thereto. The term of treatment may not exceed the  
38 term of probation.

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

42 (2) Offenders who are not committed to a drug abuse treatment  
43 program pursuant to subsection (c) shall be supervised by community

1 correctional services or court services based on the result of the criminal  
2 risk assessment.

3 (e) Placement of offenders under subsection (a)(2) shall be subject to  
4 the departure sentencing statutes of the revised Kansas sentencing  
5 guidelines act.

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

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

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

12 (2) Offenders who are discharged from such program shall be subject  
13 to the revocation provisions of K.S.A. 2018 Supp. 21-6604(n), and  
14 amendments thereto.

15 (g) As used in this section, "mental health professional" includes  
16 licensed social workers, persons licensed to practice medicine and surgery,  
17 licensed psychologists, licensed professional counselors or registered  
18 alcohol and other drug abuse counselors licensed or certified as addiction  
19 counselors who have been certified by the secretary of corrections to treat  
20 offenders pursuant to K.S.A. 2018 Supp. 75-52,144, and amendments  
21 thereto.

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

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

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

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

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

33 (i) The court may order an offender who otherwise does not meet the  
34 requirements of subsection (c) to undergo one additional drug abuse  
35 assessment while such offender is on probation. Such offender may be  
36 ordered to undergo drug abuse treatment pursuant to subsection (a) if such  
37 offender is determined to meet the requirements of subsection (c). The cost  
38 of such assessment shall be paid by such offender.

39 **{Sec. 3. K.S.A. 2018 Supp. 22-3716 is hereby amended to read as**  
40 **follows: 22-3716. (a) At any time during probation, assignment to a**  
41 **community correctional services program, suspension of sentence or**  
42 **pursuant to subsection (e) for defendants who committed a crime**  
43 **prior to July 1, 1993, and at any time ~~during which~~ when a defendant is**

1 serving a nonprison sanction for a crime committed on or after July 1,  
2 1993, or pursuant to subsection (c), the court may issue a warrant for  
3 the arrest of a defendant for violation of any of the conditions of  
4 release or assignment, a notice to appear to answer to a charge of  
5 violation or a violation of the defendant's nonprison sanction. The  
6 notice shall be personally served upon the defendant. The warrant  
7 shall authorize all officers named in the warrant to return the  
8 defendant to the custody of the court or to any certified detention  
9 facility designated by the court. Any court services officer or  
10 community correctional services officer may arrest the defendant  
11 without a warrant or may deputize any other officer with power of  
12 arrest to do so by giving the officer a written or verbal statement  
13 setting forth that the defendant has, in the judgment of the court  
14 services officer or community correctional services officer, violated the  
15 conditions of the defendant's release or a nonprison sanction. A  
16 written statement delivered to the official in charge of a county jail or  
17 other place of detention shall be sufficient warrant for the detention of  
18 the defendant. After making an arrest, the court services officer or  
19 community correctional services officer shall present to the detaining  
20 authorities a similar statement of the circumstances of violation.  
21 Provisions regarding release on bail of persons charged with a crime  
22 shall be applicable to defendants arrested under these provisions.

23 (b) (1) Upon arrest and detention pursuant to subsection (a), the  
24 court services officer or community correctional services officer shall  
25 immediately notify the court and shall submit in writing a report  
26 showing in what manner the defendant has violated the conditions of  
27 release or assignment or a nonprison sanction.

28 (2) Unless the defendant, after being apprised of the right to a  
29 hearing by the supervising court services or community correctional  
30 services officer, waives such hearing, the court shall cause the  
31 defendant to be brought before it without unnecessary delay for a  
32 hearing on the violation charged. The hearing shall be in open court  
33 and the state shall have the burden of establishing the violation. The  
34 defendant shall have the right to be represented by counsel and shall  
35 be informed by the judge that, if the defendant is financially unable to  
36 obtain counsel, an attorney will be appointed to represent the  
37 defendant. The defendant shall have the right to present the testimony  
38 of witnesses and other evidence on the defendant's behalf. Relevant  
39 written statements made under oath may be admitted and considered  
40 by the court along with other evidence presented at the hearing.

41 (3) (A) Except as otherwise provided, if the original crime of  
42 conviction was a felony, other than a felony specified in K.S.A. 2018  
43 Supp. 21-6804(i), and amendments thereto, and a violation is

1 established, the court may impose the violation sanctions as provided  
2 in subsection (c)(1).

3 (B) Except as otherwise provided, if the original crime of  
4 conviction was a misdemeanor or a felony specified in K.S.A. 2018  
5 Supp. 21-6804(i), and amendments thereto, and a violation is  
6 established, the court may:

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

12 (ii) impose an intermediate sanction of confinement in a county  
13 jail, to be imposed as a two-day or three-day consecutive period. The  
14 total of all such sanctions imposed pursuant to this subparagraph and  
15 subsections subsection (b)(4)(A) and (b)(4)(B) shall not exceed 18 total  
16 days during the term of supervision, except as provided in subsection  
17 (h); or

18 (iii) revoke the probation, assignment to a community  
19 correctional services program, suspension of sentence or nonprison  
20 sanction and require the defendant to serve the sentence imposed, or  
21 any lesser sentence, and, if imposition of sentence was suspended, may  
22 impose any sentence which that might originally have been imposed.

23 (4) Except as otherwise provided, if the defendant waives the  
24 right to a hearing and the sentencing court has not specifically withheld  
25 the authority from court services or community correctional services to  
26 impose sanctions, the following sanctions may be imposed without  
27 further order of the court:

28 (A) If the defendant was on probation at the time of the violation,  
29 the defendant's supervising court services officer, with the  
30 concurrence of the chief court services officer, may impose an  
31 intermediate sanction of confinement in a county jail, to be imposed as  
32 a two-day or three-day consecutive period. The total of all such  
33 sanctions imposed pursuant to this subparagraph and subsections (b)  
34 (4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of  
35 supervision, except as provided in subsection (h); and

36 (B) if the defendant was assigned to a community correctional  
37 services program at the time of the violation, the defendant's  
38 community corrections officer, with the concurrence of the community  
39 corrections director, may impose an intermediate sanction of  
40 confinement in a county jail, to be imposed as a two-day or three-day  
41 consecutive period. The total of all such sanctions imposed pursuant to  
42 this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not  
43 exceed 18 total days during the term of supervision, except as

1 provided in subsection (h).

2 (c) (1) Except as otherwise provided, if the original crime of  
3 conviction was a felony, other than a felony specified in K.S.A. 2018  
4 Supp. 21-6804(i), and amendments thereto, and a violation is  
5 established, the court may impose the following sanctions:

6 (A) Continuation or modification of the release conditions of the  
7 probation, assignment to a community correctional services program,  
8 suspension of sentence or nonprison sanction;

9 (B) continuation or modification of the release conditions of the  
10 probation, assignment to a community correctional services program,  
11 suspension of sentence or nonprison sanction and an intermediate  
12 sanction of confinement in a county jail to be imposed as a two-day or  
13 three-day consecutive period. The total of all such sanctions imposed  
14 pursuant to this subparagraph and ~~subsections subsection (b)(4)(A)~~  
15 ~~and (b)(4)(B)~~ shall not exceed 18 total days during the term of  
16 supervision, except as provided in subsection (h); or

17 (C) ~~if the violator already had at least one intermediate sanction~~  
18 ~~imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to~~  
19 ~~the crime for which the original supervision was imposed, continuation or~~  
20 ~~modification of the release conditions of the probation, assignment to a~~  
21 ~~community correctional services program, suspension of sentence or~~  
22 ~~nonprison sanction and remanding the defendant to the custody of the~~  
23 ~~secretary of corrections for a period of 120 days, subject to a reduction of~~  
24 ~~up to 60 days in the discretion of the secretary. This sanction shall not be~~  
25 ~~imposed more than once during the term of supervision. The sanction~~  
26 ~~imposed pursuant to this subparagraph shall begin upon pronouncement by~~  
27 ~~the court and shall not be served by prior confinement credit, except as~~  
28 ~~provided in subsection (c)(7);~~

29 (D) ~~if the violator already had a sanction imposed pursuant to~~  
30 ~~subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime~~  
31 ~~for which the original supervision was imposed, continuation or~~  
32 ~~modification of the release conditions of the probation, assignment to a~~  
33 ~~community correctional services program, suspension of sentence or~~  
34 ~~nonprison sanction and remanding the defendant to the custody of the~~  
35 ~~secretary of corrections for a period of 180 days, subject to a reduction of~~  
36 ~~up to 90 days in the discretion of the secretary. This sanction shall not be~~  
37 ~~imposed more than once during the term of supervision. The sanction~~  
38 ~~imposed pursuant to this subparagraph shall begin upon pronouncement by~~  
39 ~~the court and shall not be served by prior confinement credit, except as~~  
40 ~~provided in subsection (c)(7); or~~

41 (E) ~~if the violator already had a sanction imposed pursuant to~~  
42 ~~subsection (c)(1)(C) or (c)(1)(D)~~ (c)(1)(B) related to the crime for which  
43 the original supervision was imposed, revocation of the probation,



1 assignment to a community corrections services program, suspension  
2 of sentence or nonprison sanction and requiring such violator to serve  
3 the sentence imposed, or any lesser sentence and, if imposition of  
4 sentence was suspended, imposition of any sentence ~~which~~ that might  
5 originally have been imposed.

6 (2) Except as otherwise provided in subsections (c)(3), ~~(e)(8)~~ and  
7 ~~(c)(9)(7)~~, no offender for whom a violation of conditions of release or  
8 assignment or a nonprison sanction has been established as provided  
9 in this section shall be required to serve any time for the sentence  
10 imposed or which might originally have been imposed in a state  
11 facility in the custody of the secretary of corrections for such violation,  
12 unless such person has already had at least one prior assignment to a  
13 community correctional services program related to the crime for  
14 which the original sentence was imposed.

15 (3) The provisions of subsection (c)(2) shall not apply to adult  
16 felony offenders as described in K.S.A. 75-5291(a)(3), and  
17 amendments thereto.

18 (4) The court may require an offender for whom a violation of  
19 conditions of release or assignment or a nonprison sanction has been  
20 established as provided in this section to serve any time for the  
21 sentence imposed or which might originally have been imposed in a  
22 state facility in the custody of the secretary of corrections without a  
23 prior assignment to a community correctional services program if the  
24 court finds and sets forth with particularity the reasons for finding  
25 that the safety of the members of the public will be jeopardized or that  
26 the welfare of the inmate will not be served by such assignment to a  
27 community correctional services program.

28 (5) When a new felony is committed while the offender is on  
29 probation or assignment to a community correctional services  
30 program, the new sentence shall be imposed consecutively pursuant to  
31 the provisions of K.S.A. 2018 Supp. 21-6606, and amendments thereto,  
32 and the court may sentence the offender to imprisonment for the new  
33 conviction, even when the new crime of conviction otherwise presumes  
34 a nonprison sentence. In this event, imposition of a prison sentence for  
35 the new crime does not constitute a departure.

36 (6) ~~Except as provided in subsection (f), upon completion of a~~  
37 ~~violation sanction imposed pursuant to subsection (e)(1)(C) or (e)(1)(D)~~  
38 ~~such offender shall return to community correctional services supervision.~~  
39 ~~The sheriff shall not be responsible for the return of the offender to the~~  
40 ~~county where the community correctional services supervision is assigned.~~

41 ~~(7) A violation sanction imposed pursuant to subsection (c)(1)(B);~~  
42 ~~(e)(1)(C) or (e)(1)(D) shall not be longer than the amount of time~~  
43 ~~remaining on the offender's underlying prison sentence.~~

1       ~~(8) (A) If the offender commits a new felony or misdemeanor while~~  
 2 ~~the offender is on probation, assignment to a community correctional~~  
 3 ~~services program, suspension of sentence or nonprison sanction, the court~~  
 4 ~~may revoke the probation, assignment to a community correctional~~  
 5 ~~services program, suspension of sentence or nonprison sanction of an~~  
 6 ~~offender pursuant to subsection (e)(1)(E) without having previously~~  
 7 ~~imposed a sanction pursuant to subsection (e)(1)(B), (e)(1)(C) or (e)(1)(D).~~

8       ~~(B) If the offender absconds from supervision while the offender is on~~  
 9 ~~probation, assignment to a community correctional services program,~~  
 10 ~~suspension of sentence or nonprison sanction, the court may:~~(i) ~~Revoke~~  
 11 ~~the probation, assignment to a community correctional services program,~~  
 12 ~~suspension of sentence or nonprison sanction of an offender pursuant to~~  
 13 ~~subsection (e)(1)(E) without having previously imposed a sanction~~  
 14 ~~pursuant to subsection (e)(1)(B), (e)(1)(C) or (e)(1)(D); or~~

15       ~~(ii) sanction the offender under subsection (e)(1)(A), (e)(1)(C) or (e)~~  
 16 ~~(1)(D) without imposing a sanction under (e)(1)(B).~~

17       ~~(9)(7) The court may revoke the probation, assignment to a~~  
 18 ~~community correctional services program, suspension of sentence or~~  
 19 ~~nonprison sanction of an offender pursuant to subsection (c)(1)(E)~~  
 20 ~~without having previously imposed a sanction pursuant to subsection~~  
 21 ~~(c)(1)(B), (e)(1)(C) or (e)(1)(D) if:~~

22       (A) The court finds and sets forth with particularity the reasons  
 23 for finding that the safety of members of the public will be jeopardized  
 24 or that the welfare of the offender will not be served by such sanction;  
 25 or

26       (B) the probation, assignment to a community correctional  
 27 services program, suspension of sentence or nonprison sanction was  
 28 originally granted as the result of a dispositional departure granted by  
 29 the sentencing court pursuant to K.S.A. 2018 Supp. 21-6815, and  
 30 amendments thereto;}

31       (C) *the offender commits a new felony or misdemeanor while the*  
 32 *offender is on probation, assignment to a community correctional services*  
 33 *program, suspension of sentence or nonprison sanction; or*

34       (D) the offender absconds from supervision while the offender is  
 35 on probation, assignment to a community correctional services  
 36 program, suspension of sentence or nonprison sanction.

37       ~~(10)(8) If an offender is serving multiple probation terms~~  
 38 ~~concurrently, any violation sanctions imposed pursuant to subsection~~  
 39 ~~(c)(1)(B), (e)(1)(C) or (e)(1)(D), or any sanction imposed pursuant to~~  
 40 ~~subsection (c)(11)(9), shall be imposed concurrently.~~

41       ~~(11)(9) If the original crime of conviction was a felony, except for~~  
 42 ~~violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, and~~  
 43 ~~the court makes a finding that the offender has committed one or~~

1 more violations of the release conditions of the probation, assignment  
2 to a community correctional services program, suspension of sentence  
3 or nonprison sanction, the court may impose confinement in a county  
4 jail not to exceed 60 days upon each such finding. Such confinement is  
5 separate and distinct from the violation sanctions provided in  
6 subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)(E) and shall not be  
7 imposed at the same time as any such violation sanction.

8 ~~(12)~~(10) The violation sanctions provided in this subsection shall  
9 apply to any violation of conditions of release or assignment or a  
10 nonprison sanction occurring on and after July 1, 2013, regardless of  
11 when the offender was sentenced for the original crime or committed  
12 the original crime for which sentenced.

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

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

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

37 (g) Offenders who have been sentenced pursuant to K.S.A. 2018  
38 Supp. 21-6824, and amendments thereto, and who subsequently  
39 violate a condition of the drug and alcohol abuse treatment program  
40 shall be subject to an additional nonprison sanction for any such  
41 subsequent violation. Such nonprison sanctions shall include, but not  
42 be limited to, up to 60 days in a county jail, fines, community service,  
43 intensified treatment, house arrest and electronic monitoring.

1       (h) *If the court continues or modifies the probation, assignment to a*  
2 *community correctional services program, suspension of sentence or*  
3 *nonprison sanction, pursuant to subsection (b) or (c), the court shall*  
4 *authorize an additional 18 days of sanction time in a county jail to be*  
5 *reserved for sanctions as set forth in subsection (b)(3), (b)(4) or (c)(1).*

6       **Sec. 4. K.S.A. 2018 Supp. 22-3717 is hereby amended to read as**  
7 **follows: 22-3717. (a) Except as otherwise provided by this section;**  
8 **K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-**  
9 **4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2018**  
10 **Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and**  
11 **amendments thereto; and K.S.A. 8-1567, and amendments thereto; an**  
12 **inmate, including an inmate sentenced pursuant to K.S.A. 21-4618,**  
13 **prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments**  
14 **thereto, shall be eligible for parole after serving the entire minimum**  
15 **sentence imposed by the court, less good time credits.**

16       **(b) (1) An inmate sentenced to imprisonment for life without the**  
17 **possibility of parole pursuant to K.S.A. 2018 Supp. 21-6617, and**  
18 **amendments thereto, shall not be eligible for parole.**

19       **(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior**  
20 **to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and**  
21 **21-6625, and amendments thereto, an inmate sentenced to**  
22 **imprisonment for the crime of: (A) Capital murder committed on or**  
23 **after July 1, 1994, shall be eligible for parole after serving 25 years of**  
24 **confinement, without deduction of any good time credits; (B) murder**  
25 **in the first degree based upon a finding of premeditated murder**  
26 **committed on or after July 1, 1994, but prior to July 1, 2014, shall be**  
27 **eligible for parole after serving 25 years of confinement, without**  
28 **deduction of any good time credits; and (C) murder in the first degree**  
29 **as described in K.S.A. 2018 Supp. 21-5402(a)(2), and amendments**  
30 **thereto, committed on or after July 1, 2014, shall be eligible for parole**  
31 **after serving 25 years of confinement, without deduction of any good**  
32 **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. 2018 Supp. 21-6620, 21-**  
36 **6623, 21-6624 and 21-6625, and amendments thereto, an inmate**  
37 **sentenced to imprisonment for an off-grid offense committed on or**  
38 **after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole**  
39 **after serving 15 years of confinement, without deduction of any good**  
40 **time credits and an inmate sentenced to imprisonment for an off-grid**  
41 **offense committed on or after July 1, 1999, shall be eligible for parole**  
42 **after serving 20 years of confinement without deduction of any good**  
43 **time credits.**

1       (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
2 repeal, an inmate sentenced for a class A felony committed before July  
3 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618,  
4 prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments  
5 thereto, shall be eligible for parole after serving 15 years of  
6 confinement, without deduction of any good time credits.

7       (5) An inmate sentenced to imprisonment for a violation of K.S.A.  
8 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but  
9 prior to July 1, 1999, shall be eligible for parole after serving 10 years  
10 of confinement without deduction of any good time credits.

11       (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
12 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and  
13 amendments thereto, committed on or after July 1, 2006, shall be  
14 eligible for parole after serving the mandatory term of imprisonment  
15 without deduction of any good time credits.

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

20       (A) The aggregate minimum sentences, as determined pursuant  
21 to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2018 Supp. 21-6606,  
22 and amendments thereto, less good time credits for those crimes which  
23 are not class A felonies; and

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

26       (2) If an inmate is sentenced to imprisonment pursuant to K.S.A.  
27 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and  
28 amendments thereto, for crimes committed on or after July 1, 2006,  
29 the inmate shall be eligible for parole after serving the mandatory  
30 term of imprisonment.

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

36       (A) Except as provided in subparagraphs (D) and (E), persons  
37 sentenced for nondrug severity levels 1 through 4 crimes, drug  
38 severity levels 1 and 2 crimes committed on or after July 1, 1993, but  
39 prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes  
40 committed on or after July 1, 2012, must serve 36 months on  
41 postrelease supervision.

42       (B) Except as provided in subparagraphs (D) and (E), persons  
43 sentenced for nondrug severity levels 5 and 6 crimes, drug severity

1 level 3 crimes committed on or after July 1, 1993, but prior to July 1,  
2 2012, and drug severity level 4 crimes committed on or after July 1,  
3 2012, must serve 24 months on postrelease supervision.

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

9 (D) Persons sentenced to a term of imprisonment that includes a  
10 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
11 amendments thereto, committed on or after July 1, 1993, but prior to  
12 July 1, 2006, a sexually motivated crime in which the offender has  
13 been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
14 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to  
15 its repeal, or K.S.A. 2018 Supp. 21-5509, and amendments thereto, or  
16 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.  
17 2018 Supp. 21-5512, and amendments thereto, shall serve the period of  
18 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B)  
19 or (d)(1)(C), plus the amount of good time and program credit earned  
20 and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A.  
21 2018 Supp. 21-6821, and amendments thereto, on postrelease  
22 supervision.

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

28 (ii) If the sentencing judge departs from the presumptive  
29 postrelease supervision period, the judge shall state on the record at  
30 the time of sentencing the substantial and compelling reasons for the  
31 departure. Departures in this section are subject to appeal pursuant to  
32 K.S.A. 21-4721, prior to its repeal, or K.S.A. 2018 Supp. 21-6820, and  
33 amendments thereto.

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

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

38 (b) any evidence received during the proceeding;

39 (c) the presentence report, the victim's impact statement and any  
40 psychological evaluation as ordered by the court pursuant to K.S.A.  
41 21-4714(e), prior to its repeal, or K.S.A. 2018 Supp. 21-6813(e), and  
42 amendments thereto; and

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

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

6 (v) In carrying out the provisions of subsection (d)(1)(D), the  
7 court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2018  
8 Supp. 21-6817, and amendments thereto.

9 (vi) Upon petition and payment of any restitution ordered  
10 pursuant to K.S.A. 2018 Supp. 21-6604, and amendments thereto, the  
11 prisoner review board may provide for early discharge from the  
12 postrelease supervision period imposed pursuant to subsection (d)(1)  
13 (D)(i) upon completion of court ordered programs and completion of  
14 the presumptive postrelease supervision period, as determined by the  
15 crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)  
16 (1)(C). Early discharge from postrelease supervision is at the  
17 discretion of the board.

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

22 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to  
23 their repeal, or K.S.A. 2018 Supp. 21-5508, and amendments thereto,  
24 shall be required to participate in a treatment program for sex  
25 offenders during the postrelease supervision period.

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

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

39 (G) (i) Except as provided in subsection (u), persons sentenced to  
40 imprisonment for a sexually violent crime committed on or after July  
41 1, 2006, when the offender was 18 years of age or older, and who are  
42 released from prison, shall be released to a mandatory period of  
43 postrelease supervision for the duration of the person's natural life.

1       (ii) Persons sentenced to imprisonment for a sexually violent  
2 crime committed on or after the effective date of this act, when the  
3 offender was under 18 years of age, and who are released from prison,  
4 shall be released to a mandatory period of postrelease supervision for  
5 60 months, plus the amount of good time and program credit earned  
6 and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A.  
7 2018 Supp. 21-6821, and amendments thereto.

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

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

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

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

25       (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018  
26 Supp. 21-5503, and amendments thereto;

27       (B) indecent liberties with a child, K.S.A. 21-3503, prior to its  
28 repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto;

29       (C) aggravated indecent liberties with a child, K.S.A. 21-3504,  
30 prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments  
31 thereto;

32       (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
33 repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) and (a)(4), and  
34 amendments thereto;

35       (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its  
36 repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto;

37       (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its  
38 repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto;

39       (G) aggravated indecent solicitation of a child, K.S.A. 21-3511,  
40 prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments  
41 thereto;

42       (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its  
43 repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto;



1 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal,  
2 or K.S.A. 2018 Supp. 21-5505(b), and amendments thereto;

3 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or  
4 K.S.A. 2018 Supp. 21-5604(b), and amendments thereto;

5 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
6 prior to its repeal, or K.S.A. 2018 Supp. 21-5426(b), and amendments  
7 thereto, if committed in whole or in part for the purpose of the sexual  
8 gratification of the defendant or another;

9 (L) internet trading in child pornography, as defined in K.S.A.  
10 2018 Supp. 21-5514(a), and amendments thereto;

11 (M) aggravated internet trading in child pornography, as defined  
12 in K.S.A. 2018 Supp. 21-5514(b), and amendments thereto;

13 (N) commercial sexual exploitation of a child, as defined in K.S.A.  
14 2018 Supp. 21-6422, and amendments thereto; or

15 (O) an attempt, conspiracy or criminal solicitation, as defined in  
16 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A.  
17 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
18 sexually violent crime as defined in this section.

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

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

29 (f) If a person is sentenced to prison for a crime committed on or  
30 after July 1, 1993, while on probation, parole, conditional release or in  
31 a community corrections program, for a crime committed prior to  
32 July 1, 1993, and the person is not eligible for retroactive application  
33 of the sentencing guidelines and amendments thereto pursuant to  
34 K.S.A. 21-4724, prior to its repeal, the new sentence shall not be  
35 aggregated with the old sentence, but shall begin when the person is  
36 paroled or reaches the conditional release date on the old sentence. If  
37 the offender was past the offender's conditional release date at the  
38 time the new offense was committed, the new sentence shall not be  
39 aggregated with the old sentence but shall begin when the person is  
40 ordered released by the prisoner review board or reaches the  
41 maximum sentence expiration date on the old sentence, whichever is  
42 earlier. The new sentence shall then be served as otherwise provided  
43 by law. The period of postrelease supervision shall be based on the

1 new sentence, except that those offenders whose old sentence is a term  
2 of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-  
3 4628, prior to its repeal, or an indeterminate sentence with a  
4 maximum term of life imprisonment, for which there is no conditional  
5 release or maximum sentence expiration date, shall remain on  
6 postrelease supervision for life or until discharged from supervision by  
7 the prisoner review board.

8 (g) Subject to the provisions of this section, the prisoner review  
9 board may release on parole those persons confined in institutions  
10 who are eligible for parole when: (1) The board believes that the  
11 inmate should be released for hospitalization, deportation or to answer  
12 the warrant or other process of a court and is of the opinion that there  
13 is reasonable probability that the inmate can be released without  
14 detriment to the community or to the inmate; or (2) the secretary of  
15 corrections has reported to the board in writing that the inmate has  
16 satisfactorily completed the programs required by any agreement  
17 entered under K.S.A. 75-5210a, and amendments thereto, or any  
18 revision of such agreement, and the board believes that the inmate is  
19 able and willing to fulfill the obligations of a law abiding citizen and is  
20 of the opinion that there is reasonable probability that the inmate can  
21 be released without detriment to the community or to the inmate.  
22 Parole shall not be granted as an award of clemency and shall not be  
23 considered a reduction of sentence or a pardon.

24 (h) The prisoner review board shall hold a parole hearing at least  
25 the month prior to the month an inmate will be eligible for parole  
26 under subsections (a), (b) and (c). At least one month preceding the  
27 parole hearing, the county or district attorney of the county where the  
28 inmate was convicted shall give written notice of the time and place of  
29 the public comment sessions for the inmate to any victim of the  
30 inmate's crime who is alive and whose address is known to the county  
31 or district attorney or, if the victim is deceased, to the victim's family  
32 if the family's address is known to the county or district attorney. Except  
33 as otherwise provided, failure to notify pursuant to this section shall  
34 not be a reason to postpone a parole hearing. In the case of any inmate  
35 convicted of an off-grid felony or a class A felony, the secretary of  
36 corrections shall give written notice of the time and place of the public  
37 comment session for such inmate at least one month preceding the  
38 public comment session to any victim of such inmate's crime or the  
39 victim's family pursuant to K.S.A. 74-7338, and amendments thereto.  
40 If notification is not given to such victim or such victim's family in the  
41 case of any inmate convicted of an off-grid felony or a class A felony,  
42 the board shall postpone a decision on parole of the inmate to a time at  
43 least 30 days after notification is given as provided in this section.

1 Nothing in this section shall create a cause of action against the state  
2 or an employee of the state acting within the scope of the employee's  
3 employment as a result of the failure to notify pursuant to this section.  
4 If granted parole, the inmate may be released on parole on the date  
5 specified by the board, but not earlier than the date the inmate is  
6 eligible for parole under subsections (a), (b) and (c). At each parole  
7 hearing and, if parole is not granted, at such intervals thereafter as it  
8 determines appropriate, the board shall consider: (1) Whether the  
9 inmate has satisfactorily completed the programs required by any  
10 agreement entered under K.S.A. 75-5210a, and amendments thereto,  
11 or any revision of such agreement; and (2) all pertinent information  
12 regarding such inmate, including, but not limited to, the  
13 circumstances of the offense of the inmate; the presentence report; the  
14 previous social history and criminal record of the inmate; the conduct,  
15 employment, and attitude of the inmate in prison; the reports of such  
16 physical and mental examinations as have been made, including, but  
17 not limited to, risk factors revealed by any risk assessment of the  
18 inmate; comments of the victim and the victim's family including in  
19 person comments, contemporaneous comments and prerecorded  
20 comments made by any technological means; comments of the public;  
21 official comments; any recommendation by the staff of the facility  
22 where the inmate is incarcerated; proportionality of the time the  
23 inmate has served to the sentence a person would receive under the  
24 Kansas sentencing guidelines for the conduct that resulted in the  
25 inmate's incarceration; and capacity of state correctional institutions.

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

37 (j) (1) Before ordering the parole of any inmate, the prisoner  
38 review board shall have the inmate appear either in person or via a  
39 video conferencing format and shall interview the inmate unless  
40 impractical because of the inmate's physical or mental condition or  
41 absence from the institution. Every inmate while on parole shall  
42 remain in the legal custody of the secretary of corrections and is  
43 subject to the orders of the secretary. Whenever the board formally

1 considers placing an inmate on parole and no agreement has been  
2 entered into with the inmate under K.S.A. 75-5210a, and amendments  
3 thereto, the board shall notify the inmate in writing of the reasons for  
4 not granting parole. If an agreement has been entered under K.S.A.  
5 75-5210a, and amendments thereto, and the inmate has not  
6 satisfactorily completed the programs specified in the agreement, or  
7 any revision of such agreement, the board shall notify the inmate in  
8 writing of the specific programs the inmate must satisfactorily  
9 complete before parole will be granted. If parole is not granted only  
10 because of a failure to satisfactorily complete such programs, the  
11 board shall grant parole upon the secretary's certification that the  
12 inmate has successfully completed such programs. If an agreement has  
13 been entered under K.S.A. 75-5210a, and amendments thereto, and  
14 the secretary of corrections has reported to the board in writing that  
15 the inmate has satisfactorily completed the programs required by such  
16 agreement, or any revision thereof, the board shall not require further  
17 program participation. However, if the board determines that other  
18 pertinent information regarding the inmate warrants the inmate's not  
19 being released on parole, the board shall state in writing the reasons  
20 for not granting the parole. If parole is denied for an inmate sentenced  
21 for a crime other than a class A or class B felony or an off-grid felony,  
22 the board shall hold another parole hearing for the inmate not later  
23 than one year after the denial unless the board finds that it is not  
24 reasonable to expect that parole would be granted at a hearing if held  
25 in the next three years or during the interim period of a deferral. In  
26 such case, the board may defer subsequent parole hearings for up to  
27 three years but any such deferral by the board shall require the board  
28 to state the basis for its findings. If parole is denied for an inmate  
29 sentenced for a class A or class B felony or an off-grid felony, the  
30 board shall hold another parole hearing for the inmate not later than  
31 three years after the denial unless the board finds that it is not  
32 reasonable to expect that parole would be granted at a hearing if held  
33 in the next 10 years or during the interim period of a deferral. In such  
34 case, the board may defer subsequent parole hearings for up to 10  
35 years, but any such deferral shall require the board to state the basis  
36 for its findings.

37 (2) Inmates sentenced for a class A or class B felony who have not  
38 had a board hearing in the five years prior to July 1, 2010, shall have  
39 such inmates' cases reviewed by the board on or before July 1, 2012.  
40 Such review shall begin with the inmates with the oldest deferral date  
41 and progress to the most recent. Such review shall be done utilizing  
42 existing resources unless the board determines that such resources are  
43 insufficient. If the board determines that such resources are

1 insufficient, then the provisions of this paragraph are subject to  
2 appropriations therefor.

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

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

14 (3) Parolees and persons on postrelease supervision are, and shall  
15 agree in writing to be, subject to searches of the person and the  
16 person's effects, vehicle, residence and property by any law  
17 enforcement officer based on reasonable suspicion of the person  
18 violating conditions of parole or postrelease supervision or reasonable  
19 suspicion of criminal activity. Any law enforcement officer who  
20 conducts such a search shall submit a written report to the  
21 appropriate parole officer no later than the close of the next business  
22 day after such search. The written report shall include the facts  
23 leading to such search, the scope of such search and any findings  
24 resulting from such search.

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

34 (m) Whenever the prisoner review board orders the parole of an  
35 inmate or establishes conditions for an inmate placed on postrelease  
36 supervision, the board:

37 (1) Unless it finds compelling circumstances ~~which~~ that would  
38 render a plan of payment unworkable, shall order as a condition of  
39 parole or postrelease supervision that the parolee or the person on  
40 postrelease supervision pay any transportation expenses resulting  
41 from returning the parolee or the person on postrelease supervision to  
42 this state to answer criminal charges or a warrant for a violation of a  
43 condition of probation, assignment to a community correctional

1 services program, parole, conditional release or postrelease  
2 supervision;

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

9 (3) may order that the parolee or person on postrelease  
10 supervision perform community or public service work for local  
11 governmental agencies, private corporations organized not-for-profit  
12 or charitable or social service organizations performing services for  
13 the community;

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

18 (5) unless it finds compelling circumstances—~~which~~ that would  
19 render a plan of payment unworkable, shall order that the parolee or  
20 person on postrelease supervision reimburse the state for all or part of  
21 the expenditures by the state board of indigents' defense services to  
22 provide counsel and other defense services to the person. In  
23 determining the amount and method of payment of such sum, the  
24 prisoner review board shall take account of the financial resources of  
25 the person and the nature of the burden that the payment of such sum  
26 will impose. Such amount shall not exceed the amount claimed by  
27 appointed counsel on the payment voucher for indigents' defense  
28 services or the amount prescribed by the board of indigents' defense  
29 services reimbursement tables as provided in K.S.A. 22-4522, and  
30 amendments thereto, whichever is less, minus any previous payments  
31 for such services;

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

41 (7) shall order that the parolee or person on postrelease  
42 supervision agree in writing to be subject to searches of the person  
43 and the person's effects, vehicle, residence and property by any law

1 enforcement officer based on reasonable suspicion of the person  
2 violating conditions of parole or postrelease supervision or reasonable  
3 suspicion of criminal activity.

4 (n) If the court~~which~~ that sentenced an inmate specified at the  
5 time of sentencing the amount and the recipient of any restitution  
6 ordered as a condition of parole or postrelease supervision, the  
7 prisoner review board shall order as a condition of parole or  
8 postrelease supervision that the inmate pay restitution in the amount  
9 and manner provided in the journal entry unless the board finds  
10 compelling circumstances~~which~~ that would render a plan of  
11 restitution unworkable.

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

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

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

23 (r) An inmate who is allocated regular good time credits as  
24 provided in K.S.A. 22-3725, and amendments thereto, may receive  
25 meritorious good time credits in increments of not more than 90 days  
26 per meritorious act. These credits may be awarded by the secretary of  
27 corrections when an inmate has acted in a heroic or outstanding  
28 manner in coming to the assistance of another person in a life-  
29 threatening situation, preventing injury or death to a person,  
30 preventing the destruction of property or taking actions~~which~~ that  
31 result in a financial savings to the state.

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

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

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

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

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

- 1 (C) severity level 5 crimes on the sentencing guidelines grid for  
2 drug crimes committed on and after July 1, 2012;
- 3 (2) on or before November 1, 2013, for offenders convicted of:
- 4 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
5 grid for nondrug crimes;
- 6 (B) level 3 crimes on the sentencing guidelines grid for drug  
7 crimes committed prior to July 1, 2012; and
- 8 (C) level 4 crimes on the sentencing guidelines grid for drug  
9 crimes committed on or after July 1, 2012; and
- 10 (3) on or before January 1, 2014, for offenders convicted of:
- 11 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
12 guidelines grid for nondrug crimes;
- 13 (B) severity levels 1 and 2 crimes on the sentencing guidelines  
14 grid for drug crimes committed at any time; and
- 15 (C) severity level 3 crimes on the sentencing guidelines grid for  
16 drug crimes committed on or after July 1, 2012.
- 17 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
18 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and  
19 amendments thereto, for crimes committed on or after July 1, 2006,  
20 shall be placed on parole for life and shall not be discharged from  
21 supervision by the prisoner review board. When the board orders the  
22 parole of an inmate pursuant to this subsection, the board shall order  
23 as a condition of parole that the inmate be electronically monitored for  
24 the duration of the inmate's natural life.
- 25 (v) Whenever the prisoner review board orders a person to be  
26 electronically monitored pursuant to this section, or the court orders a  
27 person to be electronically monitored pursuant to K.S.A. 2018 Supp.  
28 21-6604(r), and amendments thereto, the board shall order the person  
29 to reimburse the state for all or part of the cost of such monitoring. In  
30 determining the amount and method of payment of such sum, the  
31 board shall take account of the financial resources of the person and  
32 the nature of the burden that the payment of such sum will impose.
- 33 (w) (1) On and after July 1, 2012, for any inmate who is a sex  
34 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
35 whenever the prisoner review board orders the parole of such inmate  
36 or establishes conditions for such inmate placed on postrelease  
37 supervision, such inmate shall agree in writing to not possess  
38 pornographic materials.
- 39 (A) As used in this subsection, "pornographic materials" means  
40 any obscene material or performance depicting sexual conduct, sexual  
41 contact or a sexual performance; and any visual depiction of sexually  
42 explicit conduct.
- 43 (B) As used in this subsection, all other terms have the meanings



1 **provided by K.S.A. 2018 Supp. 21-5510, and amendments thereto.**

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

8 ~~Sec. 2. {5.}~~ K.S.A. 2018 Supp. ~~{21-6604,}~~ 21-6824 ~~is {, 22-3716 and~~  
9 ~~22-3717 are}~~ hereby repealed.

10 ~~Sec. 3. {6.}~~ This act shall take effect and be in force from and after its  
11 publication in the statute book.