

**HOUSE BILL No. 2121**

By Committee on Corrections and Juvenile Justice

1-22

Proposed Amendments to HB 2121 - knowingly  
House Corrections and Juvenile Justice  
Prepared by the Office of Revisor of Statutes  
February 4, 2021

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to defendants who abscond from supervision; definitions; amending  
3 K.S.A. 75-5217 and K.S.A. 2020 Supp. 22-2202 and repealing the  
4 existing sections.  
5

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

7 Section 1. K.S.A. 2020 Supp. 22-2202 is hereby amended to read as  
8 follows: 22-2202. (a) "~~Absconds from supervision~~" means ~~intentionally~~  
9 ~~avoiding supervision or intentionally making the defendant's whereabouts~~  
10 ~~unknown to the defendant's supervising court services officer or~~  
11 ~~community correctional services officer.~~

knowingly

12 (b) "Appellate court" means the supreme court or court of appeals,  
13 depending on the context in which the term is used and the respective  
14 jurisdiction of those courts over appeals in criminal cases, as provided in  
15 K.S.A. 22-3601, and amendments thereto.

16 (b)(c) "Appearance bond" means an agreement, with or without  
17 security, entered into by a person in custody by which the person is bound  
18 to comply with the conditions specified in the agreement.

19 (e)(d) "Arraignment" means the formal act of calling the defendant  
20 before a court having jurisdiction to impose sentence for the offense  
21 charged, informing the defendant of the offense with which the defendant  
22 is charged, and asking the defendant whether the defendant is guilty or not  
23 guilty.

24 (d)(e) "Arrest" means the taking of a person into custody in order that  
25 the person may be forthcoming to answer for the commission of a crime.  
26 The giving of a notice to appear is not an arrest.

27 (e)(f) "Bail" means the security given for the purpose of insuring  
28 compliance with the terms of an appearance bond.

29 (f)(g) "Bind over" means require a defendant to appear and answer  
30 before a district judge having jurisdiction to try the defendant for the  
31 felony with which the defendant is charged.

32 (g)(h) "Charge" means a written statement presented to a court  
33 accusing a person of the commission of a crime and includes a complaint,  
34 information or indictment.

35 (h)(i) "Complaint" means a written statement under oath of the  
36 essential facts constituting a crime, except that a citation or notice to

1 other place is designated by the secretary, in the same manner as for the  
2 execution of any arrest warrant.

3 (h) For the purposes of this section, an inmate or released inmate is  
4 an individual under the supervision of the secretary of corrections,  
5 including, but not limited to, an individual on parole, conditional release,  
6 postrelease supervision, probation granted by another state or an individual  
7 supervised under any interstate compact in accordance with the provisions  
8 of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et  
9 seq., and amendments thereto.

10 (i) Time not credited to the released inmate's sentence pursuant to  
11 subsection (f) shall be credited if the violation charges are dismissed  
12 without an agreement providing otherwise or the violations are not  
13 established to the satisfaction of the board.

14 (j) ~~As used in this section, "absconded from supervision" means~~  
15 ~~intentionally~~ avoiding supervision or ~~intentionally~~ making the defendant's  
16 whereabouts unknown to the defendant's supervising parole officer, court  
17 services officer or community correctional services officer.

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18 Sec. 3. K.S.A. 75-5217 and K.S.A. 2020 Supp. 22-2202 are hereby  
19 repealed.

20 Sec. 4. This act shall take effect and be in force from and after its  
21 publication in the statute book.