

HOUSE BILL No. 2654

By Committee on Corrections and Juvenile Justice

Requested by Alex Falk on behalf of the Kansas County and District Attorneys Association

1-31

Proposed Amendments to HB 2654 - KCDA
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 14, 2024

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; calculation of confinement; excluding certain types of
3 incarceration time from the allowance of time against a person's
4 criminal sentence; amending K.S.A. 21-6615 and repealing the existing
5 section.
6

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

8 Section 1. K.S.A. 21-6615 is hereby amended to read as follows: 21-
9 6615. (a) (1) In any criminal action in which the defendant is convicted,
10 the judge, if the judge sentences the defendant to confinement, shall direct
11 that for the purpose of computing *the* defendant's sentence and parole
12 eligibility and conditional release dates thereunder, that such sentence is to
13 be computed from a date, to be specifically designated by the court in the
14 sentencing order of the journal entry of judgment. ~~Such date shall be~~
15 ~~established to reflect and shall be computed as an allowance for the time~~
16 ~~which that the defendant has spent incarcerated pending the disposition of~~
17 ~~the defendant's case. In recording the commencing date of such sentence~~
18 ~~the date as specifically set forth by the court shall be used as the date of~~
19 ~~sentence and all good time allowances as are authorized by the secretary of~~
20 ~~corrections are to be allowed on such sentence from such date as though~~
21 ~~the defendant were actually incarcerated in any of the institutions of the~~
22 ~~state correctional system.~~

The defendant shall be entitled to have credit applied for each day spent incarcerated.

23 (2) *When computing the defendant's sentence, the following shall not*
24 *be considered time spent incarcerated pending disposition of the*
25 *defendant's case:*

- 26 (A) ~~Any time awarded as jail credit in another case;~~
- 27 (B) ~~any time spent incarcerated in another county or jurisdiction;~~
- 28 ~~and~~
- 29 (C) ~~any time spent incarcerated in another case in the same county if~~
30 ~~the defendant remains on bond in the case being sentenced.~~

Any time awarded as credit in another case when consecutive sentences are imposed on a defendant; or (B) any time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced

31 (b) In any criminal action in which probation; ~~or assignment to a~~
32 ~~conservation camp or assignment~~ to community corrections is revoked and
33 the defendant is sentenced to confinement, for the purpose of computing
34 the defendant's sentence and parole eligibility and conditional release date,

1 the defendant's sentence is to be computed from a date, hereafter to be
2 specifically designated in the sentencing order of the journal entry of
3 judgment. Such date shall be established to reflect and shall be computed
4 as an allowance for the time ~~which~~ *that* the defendant has spent in a
5 residential facility while on probation; *or* assignment ~~to a conservation~~
6 ~~camp or assignment~~ to community correctional residential services
7 program. The commencing date of such sentence shall be used as the date
8 of sentence and all good time allowances as are authorized by law are to
9 be allowed on such sentence from such date as though the defendant were
10 actually incarcerated in a correctional institution.

11 (c) Such credit is not to be considered to reduce the minimum or
12 maximum terms of confinement authorized by law for the offense of
13 which the defendant has been convicted.

14 Sec. 2. K.S.A. 21-6615 is hereby repealed.

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