

HOUSE BILL No. 2621

By Committee on Corrections and Juvenile Justice

2-4

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to release procedures; mandatory postrelease supervision; amending
3 K.S.A. 2015 Supp. **21-6608 and 22-3717** and repealing the existing
4 ~~section sections~~.

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

7 **Section 1. K.S.A. 2015 Supp. 21-6608 is hereby amended to read**
8 **as follows: 21-6608. (a) The period of suspension of sentence,**
9 **probation or assignment to community corrections fixed by the court**
10 **shall not exceed two years in misdemeanor cases, subject to renewal**
11 **and extension for additional fixed periods of two years. Probation,**
12 **suspension of sentence or assignment to community corrections may**
13 **be terminated by the court at any time and upon such termination or**
14 **upon termination by expiration of the term of probation, suspension**
15 **of sentence or assignment to community corrections, an order to this**
16 **effect shall be entered by the court.**

17 **(b) The district court having jurisdiction of the offender may**
18 **parole any misdemeanant sentenced to confinement in the county jail.**
19 **The period of such parole shall be fixed by the court and shall not**
20 **exceed two years and shall be terminated in the manner provided for**
21 **termination of suspended sentence and probation.**

22 **(c) For all crimes committed on or after July 1, 1993, the duration**
23 **of probation in felony cases sentenced for the following severity levels**
24 **on the sentencing guidelines grid for nondrug crimes and the**
25 **sentencing guidelines grid for drug crimes is as follows:**

26 **(1) For nondrug crimes the recommended duration of probation**
27 **is:**

28 **(A) 36 months for crimes in crime severity levels 1 through 5; and**

29 **(B) 24 months for crimes in crime severity levels 6 and 7;**

30 **(2) for drug crimes the recommended duration of probation is 36**
31 **months for crimes in crime severity levels 1 and 2 committed prior to**
32 **July 1, 2012, and crimes in crime severity levels 1~~, and 2~~ and 3**
33 **committed on or after July 1, 2012;**

34 **(3) for drug crimes the recommended duration of probation is 24**
35 **months for crimes in severity level 3 committed on or after July 1, 2012;**

36 **(~~3~~)4) except as provided further, in felony cases sentenced at**

1 severity levels 9 and 10 on the sentencing guidelines grid for nondrug
2 crimes, severity level 4 on the sentencing guidelines grid for drug
3 crimes committed prior to July 1, 2012, and severity level 5 of the
4 sentencing guidelines grid for drug crimes committed on or after July
5 1, 2012, if a nonprison sanction is imposed, the court shall order the
6 defendant to serve a period of probation of up to 12 months in length;

7 ~~(4)~~(5) in felony cases sentenced at severity level 8 on the
8 sentencing guidelines grid for nondrug crimes, severity level 3 on the
9 sentencing guidelines grid for drug crimes committed prior to July 1,
10 2012, and severity level 4 of the sentencing guidelines grid for drug
11 crimes committed on or after July 1, 2012, and felony cases sentenced
12 pursuant to K.S.A. 2015 Supp. 21-6824, and amendments thereto, if a
13 nonprison sanction is imposed, the court shall order the defendant to
14 serve a period of probation, or assignment to a community
15 correctional services program, as provided under K.S.A. 75-5291 et
16 seq., and amendments thereto, of up to 18 months in length;

17 ~~(5)~~(6) if the court finds and sets forth with particularity the
18 reasons for finding that the safety of the members of the public will be
19 jeopardized or that the welfare of the inmate will not be served by the
20 length of the probation terms provided in subsections (c)~~(3)~~(4) and (c)
21 ~~(4)~~(5), the court may impose a longer period of probation. Such an
22 increase shall not be considered a departure and shall not be subject
23 to appeal;

24 ~~(6)~~(7) except as provided in subsections (c)~~(7)~~(8) and (c)~~(8)~~(9), the
25 total period in all cases shall not exceed 60 months, or the maximum
26 period of the prison sentence that could be imposed whichever is
27 longer. Nonprison sentences may be terminated by the court at any
28 time;

29 ~~(7)~~(8) if the defendant is convicted of nonsupport of a child, the
30 period may be continued as long as the responsibility for support
31 continues. If the defendant is ordered to pay full or partial restitution,
32 the period may be continued as long as the amount of restitution
33 ordered has not been paid; and

34 ~~(8)~~(9) the court may modify or extend the offender's period of
35 supervision, pursuant to a modification hearing and a judicial finding
36 of necessity. Such extensions may be made for a maximum period of
37 five years or the maximum period of the prison sentence that could be
38 imposed, whichever is longer, inclusive of the original supervision
39 term.

40 (d) In addition to the provisions of subsection (a), a defendant
41 who has a risk assessment of low risk, has paid all restitution and has
42 been compliant with the terms of probation, assignment to a
43 community correctional services program, suspension of sentence or

1 **nonprison sanction for a period of 12 months shall be eligible for**
2 **discharge from such period of supervision by the court. The court**
3 **shall grant such discharge unless the court finds by clear and**
4 **convincing evidence that denial of such discharge will serve**
5 **community safety interests.**

6 ~~Section 1.~~ **Sec. 2.** K.S.A. 2015 Supp. 22-3717 is hereby amended to
7 read as 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, 21-4635
9 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2015 Supp. 21-
10 6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
11 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
12 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
13 K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall be eligible for
14 parole after serving the entire minimum sentence imposed by the court,
15 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. 2015 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 to
20 their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-
21 6625, and amendments thereto, an inmate sentenced to imprisonment for
22 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
23 be eligible for parole after serving 25 years of confinement, without
24 deduction of any good time credits; (B) murder in the first degree based
25 upon a finding of premeditated murder committed on or after July 1, 1994,
26 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
27 of confinement, without deduction of any good time credits; and (C)
28 murder in the first degree as described in ~~subsection (a)(2)~~ of K.S.A. 2015
29 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July
30 1, 2014, shall be eligible for parole after serving 25 years of confinement,
31 without deduction of any good time credits.

32 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
33 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
34 21-4638, prior to their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623,
35 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to
36 imprisonment for an off-grid offense committed on or after July 1, 1993,
37 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
38 of confinement, without deduction of any good time credits and an inmate
39 sentenced to imprisonment for an off-grid offense committed on or after
40 July 1, 1999, shall be eligible for parole after serving 20 years of
41 confinement without deduction of any good time credits.

42 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
43 repeal, an inmate sentenced for a class A felony committed before July 1,

1 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
2 its repeal, or K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall
3 be eligible for parole after serving 15 years of confinement, without
4 deduction of any good time credits.

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

10 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
11 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments
12 thereto, committed on or after July 1, 2006, shall be eligible for parole
13 after serving the mandatory term of imprisonment without deduction of
14 any good time credits.

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

19 (A) The aggregate minimum sentences, as determined pursuant to
20 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2015 Supp. 21-6606, and
21 amendments thereto, less good time credits for those crimes which are not
22 class A felonies; and

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

25 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
26 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments
27 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
28 eligible for parole after serving the mandatory term of imprisonment.

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

34 (A) Except as provided in subparagraphs (D) and (E), persons
35 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
36 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
37 1, 2012, and drug severity levels ~~1 and 2 and 3~~ crimes committed on or
38 after July 1, 2012, *and drug severity level 3 crimes committed on or after*
39 *July 1, 2012, but prior to July 1, 2016*, must serve 36 months on
40 postrelease supervision.

41 (B) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
43 crimes committed on or after July 1, 1993, but prior to July 1, 2012, ~~and~~

1 drug severity level 4 crimes committed on or after July 1, 2012, *and drug*
2 *severity level 3 crimes committed on or after July 1, 2016*, must serve 24
3 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 severity
6 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
7 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
8 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, a sexually motivated crime in which the offender has
12 been ordered to register pursuant to ~~subsection (d)(1)(D)(vii)~~ of K.S.A. 22-
13 ~~3717(d)(1)(D)(vii)~~, and amendments thereto, electronic solicitation, K.S.A.
14 21-3523, prior to its repeal, or K.S.A. 2015 Supp. 21-5509, and
15 amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to
16 its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall
17 serve the period of postrelease supervision as provided in subsections (d)
18 (1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program
19 credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal,
20 or K.S.A. 2015 Supp. 21-6821, and amendments thereto, on postrelease
21 supervision.

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

26 (ii) If the sentencing judge departs from the presumptive postrelease
27 supervision period, the judge shall state on the record at the time of
28 sentencing the substantial and compelling reasons for the departure.
29 Departures in this section are subject to appeal pursuant to K.S.A. 21-
30 4721, prior to its repeal, or K.S.A. 2015 Supp. 21-6820, and amendments
31 thereto.

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

34 (a) Written briefs or oral arguments submitted by either the defendant
35 or the state;

36 (b) any evidence received during the proceeding;

37 (c) the presentence report, the victim's impact statement and any
38 psychological evaluation as ordered by the court pursuant to ~~subsection (e)~~
39 ~~of K.S.A. 21-4714(e)~~, prior to its repeal, or ~~subsection (e)~~ of K.S.A. 2015
40 Supp. 21-6813(e), and amendments thereto; and

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

42 (iv) The sentencing judge may order that a psychological evaluation
43 be prepared and the recommended programming be completed by the

1 offender. The department of corrections or the prisoner review board shall
2 ensure that court ordered sex offender treatment be carried out.

3 (v) In carrying out the provisions of subsection (d)(1)(D), the court
4 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2015 Supp. 21-
5 6817, and amendments thereto.

6 (vi) Upon petition and payment of any restitution ordered pursuant to
7 K.S.A. 2015 Supp. 21-6604, and amendments thereto, the prisoner review
8 board may provide for early discharge from the postrelease supervision
9 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
10 court ordered programs and completion of the presumptive postrelease
11 supervision period, as determined by the crime of conviction, pursuant to
12 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
13 postrelease supervision is at the discretion of the board.

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

17 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
18 repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto, shall be
19 required to participate in a treatment program for sex offenders during the
20 postrelease supervision period.

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

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

33 (G) Except as provided in subsection (u), persons convicted of a
34 sexually violent crime committed on or after July 1, 2006, and who are
35 released from prison, shall be released to a mandatory period of
36 postrelease supervision for the duration of the person's natural life.

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

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

1 (4) Offenders whose crime of conviction was committed on or after
2 July 1, 2013, and whose probation, assignment to a community
3 correctional services program, suspension of sentence or nonprison
4 sanction is revoked pursuant to ~~subsection (e)~~ of K.S.A. 22-3716(c), and
5 amendments thereto, or whose underlying prison term expires while
6 serving a sanction pursuant to ~~subsection (e)(1)(C) or (e)(1)(D)~~ of K.S.A.
7 22-3716(c)(1)(C) or (c)(1)(D), and amendments thereto, shall serve a
8 period of postrelease supervision upon the completion of the underlying
9 prison term.

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

11 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp.
12 21-5503, and amendments thereto;

13 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
14 or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5506(a), and amendments
15 thereto;

16 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
17 to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5506(b), and
18 amendments thereto;

19 (D) criminal sodomy, ~~subsection (a)(2) and (a)(3)~~ of K.S.A. 21-
20 3505(a)(2) and (a)(3), prior to its repeal, or ~~subsection (a)(3) and (a)(4)~~ of
21 K.S.A. 2015 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

22 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
23 or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5504(b), and amendments
24 thereto;

25 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
26 or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5508(a), and amendments
27 thereto;

28 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
29 to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5508(b), and
30 amendments thereto;

31 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
32 or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

33 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
34 ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505(b), and amendments thereto;

35 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or
36 ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5604(b), and amendments thereto;

37 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
38 prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426(b), and
39 amendments thereto, if committed in whole or in part for the purpose of
40 the sexual gratification of the defendant or another;

41 (L) commercial sexual exploitation of a child, as defined in K.S.A.
42 2015 Supp. 21-6422, and amendments thereto; or

43 (M) an attempt, conspiracy or criminal solicitation, as defined in

1 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015
2 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
3 sexually violent crime as defined in this section.

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

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

14 (f) If a person is sentenced to prison for a crime committed on or after
15 July 1, 1993, while on probation, parole, conditional release or in a
16 community corrections program, for a crime committed prior to July 1,
17 1993, and the person is not eligible for retroactive application of the
18 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
19 4724, prior to its repeal, the new sentence shall not be aggregated with the
20 old sentence, but shall begin when the person is paroled or reaches the
21 conditional release date on the old sentence. If the offender was past the
22 offender's conditional release date at the time the new offense was
23 committed, the new sentence shall not be aggregated with the old sentence
24 but shall begin when the person is ordered released by the prisoner review
25 board or reaches the maximum sentence expiration date on the old
26 sentence, whichever is earlier. The new sentence shall then be served as
27 otherwise provided by law. The period of postrelease supervision shall be
28 based on the new sentence, except that those offenders whose old sentence
29 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
30 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
31 term of life imprisonment, for which there is no conditional release or
32 maximum sentence expiration date, shall remain on postrelease
33 supervision for life or until discharged from supervision by the prisoner
34 review board.

35 (g) Subject to the provisions of this section, the prisoner review board
36 may release on parole those persons confined in institutions who are
37 eligible for parole when: (1) The board believes that the inmate should be
38 released for hospitalization, deportation or to answer the warrant or other
39 process of a court and is of the opinion that there is reasonable probability
40 that the inmate can be released without detriment to the community or to
41 the inmate; or (2) the secretary of corrections has reported to the board in
42 writing that the inmate has satisfactorily completed the programs required
43 by any agreement entered under K.S.A. 75-5210a, and amendments

1 thereto, or any revision of such agreement, and the board believes that the
2 inmate is able and willing to fulfill the obligations of a law abiding citizen
3 and is of the opinion that there is reasonable probability that the inmate
4 can be released without detriment to the community or to the inmate.
5 Parole shall not be granted as an award of clemency and shall not be
6 considered a reduction of sentence or a pardon.

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

1 prerecorded comments made by any technological means; comments of
2 the public; official comments; any recommendation by the staff of the
3 facility where the inmate is incarcerated; proportionality of the time the
4 inmate has served to the sentence a person would receive under the Kansas
5 sentencing guidelines for the conduct that resulted in the inmate's
6 incarceration; and capacity of state correctional institutions.

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

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

1 hearing for the inmate not later than one year after the denial unless the
2 board finds that it is not reasonable to expect that parole would be granted
3 at a hearing if held in the next three years or during the interim period of a
4 deferral. In such case, the board may defer subsequent parole hearings for
5 up to three years but any such deferral by the board shall require the board
6 to state the basis for its findings. If parole is denied for an inmate
7 sentenced for a class A or class B felony or an off-grid felony, the board
8 shall hold another parole hearing for the inmate not later than three years
9 after the denial unless the board finds that it is not reasonable to expect
10 that parole would be granted at a hearing if held in the next 10 years or
11 during the interim period of a deferral. In such case, the board may defer
12 subsequent parole hearings for up to 10 years, but any such deferral shall
13 require the board to state the basis for its findings.

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

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

25 (2) Parolees and persons on postrelease supervision are, and shall
26 agree in writing to be, subject to search or seizure by a parole officer or a
27 department of corrections enforcement, apprehension and investigation
28 officer, at any time of the day or night, with or without a search warrant
29 and with or without cause. Nothing in this subsection shall be construed to
30 authorize such officers to conduct arbitrary or capricious searches or
31 searches for the sole purpose of harassment.

32 (3) Parolees and persons on postrelease supervision are, and shall
33 agree in writing to be, subject to search or seizure by any law enforcement
34 officer based on reasonable suspicion of the person violating conditions of
35 parole or postrelease supervision or reasonable suspicion of criminal
36 activity. Any law enforcement officer who conducts such a search shall
37 submit a written report to the appropriate parole officer no later than the
38 close of the next business day after such search. The written report shall
39 include the facts leading to such search, the scope of such search and any
40 findings resulting from such search.

41 (1) The prisoner review board shall promulgate rules and regulations
42 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
43 inconsistent with the law and as it may deem proper or necessary, with

1 respect to the conduct of parole hearings, postrelease supervision reviews,
2 revocation hearings, orders of restitution, reimbursement of expenditures
3 by the state board of indigents' defense services and other conditions to be
4 imposed upon parolees or releasees. Whenever an order for parole or
5 postrelease supervision is issued it shall recite the conditions thereof.

6 (m) Whenever the prisoner review board orders the parole of an
7 inmate or establishes conditions for an inmate placed on postrelease
8 supervision, the board:

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

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

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

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

30 (5) unless it finds compelling circumstances which would render a
31 plan of payment unworkable, shall order that the parolee or person on
32 postrelease supervision reimburse the state for all or part of the
33 expenditures by the state board of indigents' defense services to provide
34 counsel and other defense services to the person. In determining the
35 amount and method of payment of such sum, the prisoner review board
36 shall take account of the financial resources of the person and the nature of
37 the burden that the payment of such sum will impose. Such amount shall
38 not exceed the amount claimed by appointed counsel on the payment
39 voucher for indigents' defense services or the amount prescribed by the
40 board of indigents' defense services reimbursement tables as provided in
41 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
42 previous payments for such services;

43 (6) shall order that the parolee or person on postrelease supervision

1 agree in writing to be subject to search or seizure by a parole officer or a
2 department of corrections enforcement, apprehension and investigation
3 officer, at any time of the day or night, with or without a search warrant
4 and with or without cause. Nothing in this subsection shall be construed to
5 authorize such officers to conduct arbitrary or capricious searches or
6 searches for the sole purpose of harassment; and

7 (7) shall order that the parolee or person on postrelease supervision
8 agree in writing to be subject to search or seizure by any law enforcement
9 officer based on reasonable suspicion of the person violating conditions of
10 parole or postrelease supervision or reasonable suspicion of criminal
11 activity.

12 (n) If the court which sentenced an inmate specified at the time of
13 sentencing the amount and the recipient of any restitution ordered as a
14 condition of parole or postrelease supervision, the prisoner review board
15 shall order as a condition of parole or postrelease supervision that the
16 inmate pay restitution in the amount and manner provided in the journal
17 entry unless the board finds compelling circumstances which would render
18 a plan of restitution unworkable.

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

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

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

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

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

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

- 1 (1) On or before September 1, 2013, for offenders convicted of:
- 2 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
- 3 for nondrug crimes;
- 4 (B) severity level 4 crimes on the sentencing guidelines grid for drug
- 5 crimes committed prior to July 1, 2012; and
- 6 (C) severity level 5 crimes on the sentencing guidelines grid for drug
- 7 crimes committed on and after July 1, 2012;
- 8 (2) on or before November 1, 2013, for offenders convicted of:
- 9 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
- 10 grid for nondrug crimes;
- 11 (B) *severity* level 3 crimes on the sentencing guidelines grid for drug
- 12 crimes committed prior to July 1, 2012; and
- 13 (C) *severity* level 4 crimes on the sentencing guidelines grid for drug
- 14 crimes committed on or after July 1, 2012; and
- 15 (3) on or before January 1, 2014, for offenders convicted of:
- 16 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
- 17 guidelines grid for nondrug crimes;
- 18 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
- 19 for drug crimes committed at any time; and
- 20 (C) severity level 3 crimes on the sentencing guidelines grid for drug
- 21 crimes committed on or after July 1, 2012.
- 22 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
- 23 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments
- 24 thereto, for crimes committed on or after July 1, 2006, shall be placed on
- 25 parole for life and shall not be discharged from supervision by the prisoner
- 26 review board. When the board orders the parole of an inmate pursuant to
- 27 this subsection, the board shall order as a condition of parole that the
- 28 inmate be electronically monitored for the duration of the inmate's natural
- 29 life.
- 30 (v) Whenever the prisoner review board orders a person to be
- 31 electronically monitored pursuant to this section, or the court orders a
- 32 person to be electronically monitored pursuant to ~~subsection (r)~~ of K.S.A.
- 33 2015 Supp. 21-6604(r), and amendments thereto, the board shall order the
- 34 person to reimburse the state for all or part of the cost of such monitoring.
- 35 In determining the amount and method of payment of such sum, the board
- 36 shall take account of the financial resources of the person and the nature of
- 37 the burden that the payment of such sum will impose.
- 38 (w) (1) On and after July 1, 2012, for any inmate who is a sex
- 39 offender, as defined in K.S.A. 22-4902, and amendments thereto,
- 40 whenever the prisoner review board orders the parole of such inmate or
- 41 establishes conditions for such inmate placed on postrelease supervision,
- 42 such inmate shall agree in writing to not possess pornographic materials.
- 43 (A) As used in this subsection, "pornographic materials" means: Any

1 obscene material or performance depicting sexual conduct, sexual contact
2 or a sexual performance; and any visual depiction of sexually explicit
3 conduct.

4 (B) As used in this subsection, all other terms have the meanings
5 provided by K.S.A. 2015 Supp. 21-5510, and amendments thereto.

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

11 ~~Sec.-2: 3.~~ K.S.A. 2015 Supp. **21-6608 and 22-3717** ~~is-are~~ hereby
12 repealed.

13 ~~Sec.-3: 4.~~ This act shall take effect and be in force from and after its
14 publication in the statute book.