

HOUSE BILL No. 2666

By Committee on Corrections and Juvenile Justice

2-10

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the secretary of corrections; good time credits; amending K.S.A.
3 2015 Supp. 21-6821 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 21-6821 is hereby amended to read as
7 follows: 21-6821. (a) The secretary of corrections is hereby authorized to
8 adopt rules and regulations providing for a system of good time
9 calculations. Such rules and regulations shall provide circumstances upon
10 which an inmate may earn good time credits and for the forfeiture of
11 earned credits. Such circumstances may include factors related to program
12 and work participation and conduct and the inmate's willingness to
13 examine and confront past behavioral patterns that resulted in the
14 commission of the inmate's crimes.

15 (b) For purposes of determining release of an inmate, the following
16 shall apply with regard to good time calculations:

17 (1) Good behavior by inmates is the expected norm and negative
18 behavior will be punished; and

19 (2) the amount of good time which can be earned by an inmate and
20 subtracted from any sentence is limited to:

21 (A) For a crime committed on or after July 1, 1993, an amount equal
22 to 15% of the prison part of the sentence;

23 (B) for a nondrug severity level 7 through 10, *person* crime
24 committed on or after January 1, 2008, an amount equal to 20% of the
25 prison part of the sentence; ~~or~~

26 (C) *for a nondrug severity level 7 through 10, nonperson crime*
27 *committed on or after January 1, 2017, an amount equal to 25% of the*
28 *prison part of the sentence; or*

29 ~~(C)(D)~~ (D) for a drug severity level 3 or 4 crime committed on or after
30 January 1, 2008, but prior to July 1, 2012, or a drug severity level 3
31 through 5 crime committed on or after July 1, 2012, an amount equal to
32 20% of the prison part of the sentence.

33 (c) The postrelease supervision term of a person sentenced to a term
34 of imprisonment that includes a sentence for a sexually violent crime as
35 defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated
36 crime in which the offender has been ordered to register pursuant to

1 K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic
2 solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2015 Supp. 21-
3 5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-
4 3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments
5 thereto, shall have any time which is earned and subtracted from the prison
6 part of such sentence and any other consecutive or concurrent sentence
7 pursuant to good time calculation added to such inmate's postrelease
8 supervision term.

9 (d) An inmate shall not be awarded good time credits pursuant to this
10 section for any review period established by the secretary of corrections in
11 which a court finds that the inmate has done any of the following while in
12 the custody of the secretary of corrections:

13 (1) Filed a false or malicious action or claim with the court;

14 (2) brought an action or claim with the court solely or primarily for
15 delay or harassment;

16 (3) testified falsely or otherwise submitted false evidence or
17 information to the court;

18 (4) attempted to create or obtain a false affidavit, testimony or
19 evidence; or

20 (5) abused the discovery process in any judicial action or proceeding.

21 (e) (1) For purposes of determining release of an inmate who is
22 serving only a sentence for a nondrug severity level 4 through 10 crime or
23 a drug severity level 3 or 4 crime committed on or after January 1, 2008,
24 but prior to July 1, 2012, or an inmate who is serving only a sentence for a
25 nondrug severity level 4 through 10 crime or a drug severity level 3
26 through 5 crime committed on or after July 1, 2012, the secretary of
27 corrections is hereby authorized to adopt rules and regulations regarding
28 program credit calculations. Such rules and regulations shall provide
29 circumstances upon which an inmate may earn program credits and for the
30 forfeiture of earned credits and such circumstances may include factors
31 substantially related to program participation and conduct. In addition to
32 any good time credits earned and retained, the following shall apply with
33 regard to program credit calculations:

34 (A) A system shall be developed whereby program credits may be
35 earned by inmates for the successful completion of requirements for a
36 general education diploma, a technical or vocational training program, a
37 substance abuse treatment program or any other program designated by the
38 secretary which has been shown to reduce offender's risk after release; and

39 (B) the amount of time which can be earned and retained by an
40 inmate for the successful completion of programs and subtracted from any
41 sentence is limited to not more than 90 days.

42 (2) Any time which is earned and subtracted from the prison part of
43 the sentence of any inmate pursuant to program credit calculation shall not

1 be added to such inmate's postrelease supervision term, if applicable,
2 except that the postrelease supervision term of a person sentenced to a
3 term of imprisonment that includes a sentence for a sexually violent crime
4 as defined in K.S.A. 22-3717, and amendments thereto, a sexually
5 motivated crime in which the offender has been ordered to register
6 pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto,
7 electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2015
8 Supp. 21-5509, and amendments thereto, or unlawful sexual relations,
9 K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and
10 amendments thereto, shall have any time which is earned and subtracted
11 from the prison part of such sentence and any other consecutive or
12 concurrent sentence pursuant to program credit calculation added to such
13 inmate's postrelease supervision term.

14 (3) When separate sentences of imprisonment for different crimes are
15 imposed on a defendant on the same date, a defendant shall only be
16 eligible for program credits if such crimes are a nondrug severity level 4
17 through 10, a drug severity level 3 or 4 committed prior to July 1, 2012, or
18 a drug severity level 3 through 5 committed on or after July 1, 2012.

19 (4) Program credits shall not be earned by any offender successfully
20 completing a sex offender treatment program.

21 (5) The secretary of corrections shall report to the Kansas sentencing
22 commission and the Kansas reentry policy council the data on the program
23 credit calculations.

24 (f) The state of Kansas, the secretary of corrections and the
25 secretary's agents or employees shall not be liable for damages caused by
26 any negligent or wrongful act or omission in making the good time and
27 program credit calculations authorized by this section.

28 (g) (1) The secretary of corrections shall make the good time and
29 program credit calculations authorized by ~~the amendments to this section~~
30 ~~by this act~~ *section 1 of chapter 54 of the 2015 Session Laws of Kansas* no
31 later than January 1, 2016.

32 (2) *The secretary of corrections shall make the good time credit*
33 *calculations authorized by the amendments to this section by this act no*
34 *later than January 1, 2017.*

35 (h) The amendments to this section by *section 1 of chapter 54 of the*
36 *2015 Session Laws of Kansas* and this act shall be construed and applied
37 retroactively.

38 Sec. 2. K.S.A. 2015 Supp. 21-6821 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.