

than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

History: L. 1970, ch. 129, § 22-3717; L. 1972, ch. 317, § 90; L. 1973, ch. 339, § 88; L. 1974, ch. 403, § 10; L. 1975, ch. 203, § 1; L. 1976, ch. 168, § 2; L. 1978, ch. 120, § 13; L. 1979, ch. 94, § 2; L. 1981, ch. 156, § 1; L. 1982, ch. 137, § 3; L. 1982, ch. 150, § 2; L. 1983, ch. 116, § 1; L. 1984, ch. 131, § 1; L. 1985, ch. 111, § 2; L. 1986, ch. 128, § 3; L. 1986, ch. 123, § 25; L. 1986, ch. 136, § 3; L. 1987, ch. 118, § 1; L. 1988, ch. 115, § 1; L. 1989, ch. 103, § 1; L. 1990, ch. 99, § 13; L. 1990, ch. 113, § 2; Jan. 1, 1991.

Attorney General's Opinions:

Good time credits for sentences prior to July 1, 1982. 88-107.

Conviction for second and subsequent felonies; class A felonies. 88-151A.

Code; release procedures parole eligibility; program agreement. 89-9.

CASE ANNOTATIONS

29. Statute does not create liberty interest in parole; notices

furnished on denial of parole not constitutionally deficient. *Gilmore v.*

Kansas Parole Board, 243 K. 173, 180, 756 P.2d 410 (1988).

30. Cited; discretion in sentencing examined where court misunderstood parole eligibility at time sentence imposed. *State v. Glover*, 243 K. 689, 690, 763 P.2d 605 (1988).

31. Applicability of 77-201 Fourth to statutory authority governing Kansas parole board's power to grant or deny parole determined. *Haney v. Hamilton*, 13 K.A.2d 269, 271, 768 P.2d 832 (1989).

22-3718. Conditional release; notice. An inmate who has served the inmate's maximum term or terms, less such work and good behavior credits as have been earned, shall, upon release, be subject to such written rules and conditions as the Kansas parole board may impose, until the expiration of the maximum term or terms for which the inmate was sentenced or until the inmate is otherwise discharged. If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board shall order as a condition of release that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling cir-

cumstances which would render a plan of restitution unworkable. If the inmate was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release, the parole board shall order as a condition of release that the inmate make restitution for the damage or loss caused by the inmate's crime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the inmate was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board shall not order restitution as a condition of release unless the board finds compelling circumstances which justify such an order. Prior to the release of any inmate on parole, conditional release or expiration of sentence, if an inmate is released into the community under a program under the supervision of the secretary of corrections, the secretary shall give written notice of such release to any victim of the inmate's crime who is alive and whose address is known to the secretary or, if the victim is deceased, to the victim's family if the family's address is known to the secretary. Such notice shall be required to be given to the victim or the victim's family only if the inmate was convicted of any crime in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated. Failure to notify shall not be a reason for postponement of parole, conditional release or other forms of release. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

History: L. 1970, ch. 129, § 22-3718; L. 1972, ch. 317, § 91; L. 1986, ch. 128, § 4; L. 1989, ch. 103, § 2; July 1.

Law Review and Bar Journal References:

"Survey of Kansas Tort Law," William E. Westerbeke and Reginald L. Robinson, 37 K.L.R. 1005, 1071 (1989).

22-3719. Information from correctional institution officials. It shall be the duty of all correctional institution officials to grant to the members of the Kansas parole board, or its properly accredited representatives, access at all reasonable times to any inmate, to provide for the parole board or such representative fa-

cilities for communicating with and observing such inmate, and to furnish to the parole board such reports as the parole board shall require concerning the conduct and character of any inmate in their custody and any other facts deemed by the parole board to be pertinent in determining any issue before the parole board.

History: L. 1970, ch. 129, § 22-3719; L. 1972, ch. 317, § 92; L. 1973, ch. 339, § 66; L. 1990, ch. 309, § 20; May 24.

22-3720. Subpoena power. The Kansas parole board shall have power to issue subpoenas requiring the attendance of any witnesses and the production of any records, books, papers and documents that it considers necessary for the investigation of the issues before it. Subpoenas may be signed and oaths administered by any member of the parole board. Subpoenas so issued may be served by any law enforcement officer, in the same manner as similar process in the district court. Any person who testifies falsely, fails to appear when subpoenaed or fails or refuses to produce material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any district court of this state, upon application of the parole board, may in its discretion compel the attendance of witnesses, the production of material and the giving of testimony before the parole board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before the district court.

History: L. 1970, ch. 129, § 22-3720; L. 1972, ch. 317, § 93; L. 1973, ch. 339, § 67; L. 1984, ch. 112, § 10; L. 1990, ch. 309, § 21; May 24.

22-3722. Discharge; restoration of civil rights. The period served on parole or conditional release shall be deemed service of the term of confinement, and, subject to the provisions contained in K.S.A. 75-5217 and amendments thereto relating to an inmate who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence.

When an inmate on parole or conditional release has performed the obligations of the release for such time as shall satisfy the Kansas parole board that final release is not incompatible with the best interest of society and the welfare of the individual, the parole board may make a final order of discharge and issue a certificate of discharge to the inmate but no such order of discharge shall be made in any case within a period of less than one year after the date of release except where the sentence expires earlier thereto. Such discharge, and the discharge of an inmate who has served the inmate's term of imprisonment, shall have the effect of restoring all civil rights lost by operation of law upon commitment, and the certification of discharge shall so state. Nothing herein contained shall be held to impair the power of the governor to grant a pardon or commutation of sentence in any case.

History: L. 1970, ch. 129, § 22-3722; L. 1972, ch. 317, § 95; L. 1973, ch. 339, § 68; L. 1990, ch. 309, § 22; May 24.

22-3725. Good time credits. (a) For the purpose of determining an inmate's eligibility for parole or conditional release, regardless of when the inmate was sentenced or committed the crime for which sentenced, good time credits shall be allocated as follows:

GOOD TIME TABLE
(Assumed 360-Day Years, 30-Day Months)

SENTENCE Minimum (or) Maximum	GOOD TIME EARNED		MUST SERVE	
	Years	Months	Years	Months
1	0	4	0	8
2	1	0	1	0
3	1	6	1	6
4	2	0	2	0
5	2	6	2	6
6	3	0	3	0
7	3	6	3	6
8	4	0	4	0
9	4	6	4	6
10	5	0	5	0
11	5	6	5	6
12	6	0	6	0

13	6	6	6	6
14	7	0	7	0
15	7	6	7	6
16	8	0	8	0
17	8	6	8	6
18	9	0	9	0
19	9	6	9	6
20	10	0	10	0
21	10	6	10	6
22	11	0	11	0
23	11	6	11	6
24	12	0	12	0
25	12	6	12	6
26	13	0	13	0
27	13	6	13	6
28	14	0	14	0
29	14	6	14	6
30	15	0	15	0
31	15	6	15	6
32	16	0	16	0
33	16	6	16	6
34	17	0	17	0
35	17	6	17	6
36	18	0	18	0
37	18	6	18	6
38	19	0	19	0
39	19	6	19	6
40	20	0	20	0
41	20	6	20	6
42	21	0	21	0
43	21	6	21	6
44	22	0	22	0
45	22	6	22	6
46	23	0	23	0
47	23	6	23	6
48	24	0	24	0
49	24	6	24	6
50	25	0	25	0
51	25	6	25	6
52	26	0	26	0
53	26	6	26	6
54	27	0	27	0
55	27	6	27	6
56	28	0	28	0
57	28	6	28	6
58	29	0	29	0
59	29	6	29	6
60	30	0	30	0
61	30	6	30	6
62	31	0	31	0
63	31	6	31	6
64	32	0	32	0
65	32	6	32	6
66	33	0	33	0
67	33	6	33	6
68	34	0	34	0

69	34	6	34	6
70	35	0	35	0
71	35	6	35	6
72	36	0	36	0
73	36	6	36	6
74	37	0	37	0
75	37	6	37	6
76	38	0	38	0
77	38	6	38	6
78	39	0	39	0
79	39	6	39	6
80	40	0	40	0
81	40	6	40	6
82	41	0	41	0
83	41	6	41	6
84	42	0	42	0
85	42	6	42	6
86	43	0	43	0
87	43	6	43	6
88	44	0	44	0
89	44	6	44	6
90	45	0	45	0
91	45	6	45	6
92	46	0	46	0
93	46	6	46	6
94	47	0	47	0
95	47	6	47	6
96	48	0	48	0
97	48	6	48	6
98	49	0	49	0
99	49	6	49	6
100	50	0	50	0

(b) Maximum good time credits for sentences of less than two years shall be computed as follows: One day for every two days served and one month for every year served.

(c) Maximum good time credits for sentences two years or greater shall be computed as follows: One-half of the sentence.

(d) Good time credits shall be awarded on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

History: L. 1988, ch. 115, § 2; L. 1989, ch. 92, § 28; Aug. 1.

Article 38.—COSTS IN CRIMINAL CASES

22-3801.

CASE ANNOTATIONS

4. Extradition costs as mandatory court costs taxable to defendant (22-2724) determined. State v. Garrett, 14 K.A.2d 8, 9, 780 P.2d 168 (1989).

22-3803.

CASE ANNOTATIONS

2. Phrase "at the conclusion of the criminal case" as not yet determined, noted. State v. Garrett, 14 K.A.2d 8, 10, 780 P.2d 168 (1989).

Article 39.—ABATEMENT OF COMMON NUISANCES

22-3901. Scope. The following unlawful activities and the use of real and personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

- (a) Commercial gambling;
- (b) dealing in gambling devices;
- (c) possession of gambling devices;
- (d) promoting obscenity;
- (e) promoting prostitution;
- (f) habitually promoting prostitution;
- (g) violations of any law regulating controlled substances;
- (h) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages, by any person not licensed pursuant to chapter 41 of the Kansas Statutes Annotated; or
- (i) habitual violations of any law regulating the sale or exchange of cigarettes or tobacco products, by any person not licensed pursuant