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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 16, 2022

Subject: Bill Brief on HB 2658

HB 2658 replaces the current list of standard conditions of probation and allows for special conditions of probation.

The bill amends K.S.A. 21-6607, which is the statute that provides for the conditions of probation, suspended sentence or assignment to a community correctional services program. The statute is amended to remove the current list of standard terms and replace it with the following list:

1. Obey all laws and ordinances and report any law enforcement contact within 24 hours to the defendant's supervision officer;
2. not engage in physical violence or threats of violence;
3. not use, purchase or possess a dangerous weapon, including a firearm, if the defendant has been convicted of a felony or is otherwise prohibited by law from possessing such dangerous weapon;
4. report to the defendant's supervision officer as directed and be truthful in all matters;
5. remain within the state of Kansas and other specified areas as defined by the defendant's supervision officer;
6. reside at the defendant's approved residence unless the defendant's supervision officer has authorized the defendant to relocate and notify such supervision officer of any emergency changes in residence or contact information within 24 hours;
7. not possess, use or distribute any illegal drugs or controlled substances, except that a defendant may possess and use medications prescribed by a licensed healthcare provider;
8. not possess or consume any form of alcohol or intoxicating substance and not enter any establishment where alcohol is sold or consumed as the primary business;

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9. submit to any form of alcohol or substance use testing at the direction of the defendant's supervision officer and not alter or tamper with the specimen or test;
10. participate in assessments, treatment, programming or other directives by the court or the defendant's supervision officer;
11. pay restitution, court costs, supervision fees and other costs as directed by the court or the defendant's supervision officer; and
12. submit to searches of the defendant's person, effects, vehicle, residence and property by the defendant's supervision officer or a law enforcement officer based on reasonable suspicion that the defendant violated conditions of supervision or engaged in criminal activity;

It also keeps in place the current requirements to pay restitution and the correctional supervision fee and to reimburse the state general fund for the expenditures by the state board of indigents' defense services for defense counsel. The bill also allows the court to impose special conditions of supervision in addition to the general conditions provided for above.