

**HOUSE BILL No. 2583**

By Representatives Hawkins and Owens

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes against the public morals; increasing the criminal penalty for  
3 harming or killing certain dogs and horses; requiring restitution for  
4 such crime to include veterinary medical treatment, funeral and burial  
5 expenses and replacement of such animal; amending K.S.A. 21-6416  
6 and 21-6604 and repealing the existing sections.  
7

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

9 Section 1. K.S.A. 21-6416 is hereby amended to read as follows: 21-  
10 6416. (a) Inflicting harm, disability or death to a police dog, arson dog,  
11 assistance dog, game warden dog ~~or~~, search and rescue dog *or police*  
12 *horse* is knowingly, and without lawful cause or justification, poisoning;  
13 *or* inflicting great bodily harm, permanent disability or death; upon a  
14 police dog, arson dog, assistance dog, game warden dog ~~or~~, search and  
15 rescue dog *or police horse*.

16 (b) ~~Inflicting harm, disability or death to an assistance dog or~~  
17 ~~inflicting harm that does not result in~~ disability or death to a police dog,  
18 ~~arson dog, assistance dog, game warden dog or, search and rescue dog or:~~  
19 ~~police horse~~ (1) *Except as provided in paragraphs (2) and (3), violation*  
20 *of subsection (a)* is a nonperson felony. ~~Upon conviction of this~~  
21 ~~subsection, A person convicted of a violation of this subsection (a)~~ shall be  
22 sentenced to not less than 30 days ~~or~~ *nor* more than one year's  
23 imprisonment and be fined not less than \$500 nor more than \$5,000. The  
24 person convicted shall not be eligible for release on probation, suspension  
25 or reduction of sentence or parole until the person has served ~~the a~~  
26 ~~minimum mandatory sentence as provided herein of 30 days. During the~~  
27 ~~mandatory 30 days imprisonment, such offender shall have a~~  
28 ~~psychological evaluation prepared for the court to assist the court in~~  
29 ~~determining conditions of probation. Such conditions shall include, but not~~  
30 ~~be limited to, the completion of an anger management program.~~

31 ~~(e) (1) (2) Except as provided in paragraph (2), inflicting harm (3),~~  
32 *violation of subsection (a)* that results in disability or death to a police  
33 dog, arson dog, ~~assistance dog, game warden dog, search and rescue dog~~  
34 *or police horse is a severity level 4, nonperson felony.*

1 ~~(2) Inflicting harm~~(3) **Violation of subsection (a)** that results in  
2 disability or death to a police dog, arson dog, ~~assistance dog~~, game  
3 warden dog, search and rescue dog or police horse during the commission  
4 of fleeing or attempting to elude a police officer as described in K.S.A. 8-  
5 1568, and amendments thereto, interference with law enforcement as  
6 described in K.S.A. 21-5904, and amendments thereto, or escape from  
7 custody or aggravated escape from custody as described in K.S.A. 21-  
8 5911, and amendments thereto, is a severity level 3, nonperson felony.

9 ~~(3)(4)~~ The following conditions shall apply to a sentence ~~for a~~  
10 ~~violation of this subsection~~ **imposed pursuant to paragraph (2) or (3)**:

11 (A) As a condition of any probation granted ~~under this subsection~~,  
12 the person shall serve at least 90 days of imprisonment;

13 (B) the person shall be required to pay a fine of at least \$10,000; and

14 (C) the person shall not be eligible for release on probation,  
15 suspension or reduction of sentence or parole until the person has served  
16 the mandatory sentence of 90 days.

17 ~~(4)(5)~~ During the mandatory period of imprisonment provided for in  
18 ~~subsections (b) and (c)~~ **this subsection**, the offender shall have a  
19 psychological evaluation prepared to assist the court in determining  
20 conditions of probation. Such conditions shall include, but not be limited  
21 to, the completion of an anger management program.

22 ~~(c)~~ As used in this section:

23 (1) "Arson dog" means any dog that is owned, or the service of which  
24 is employed, by the state fire marshal or a fire department for the principal  
25 purpose of aiding in the detection of liquid accelerants in the investigation  
26 of fires;

27 (2) "assistance dog" means the same as defined in K.S.A. 39-1113,  
28 and amendments thereto;

29 (3) "fire department" means a public fire department under the  
30 control of the governing body of a city, township, county, fire district or  
31 benefit district or a private fire department operated by a nonprofit  
32 corporation providing fire protection services for a city, township, county,  
33 fire district or benefit district under contract with the governing body of  
34 the city, township, county or district;

35 (4) "game warden dog" means any dog that is owned, or the service  
36 of which is employed, by the Kansas department of wildlife and parks for  
37 the purpose of aiding in detection of criminal activity, enforcement of  
38 laws, apprehension of offenders or location of persons or wildlife;

39 (5) "police dog" means any dog that is owned, or the service of which  
40 is employed, by a law enforcement agency ~~for the principal purpose of~~  
41 ~~aiding in the detection of criminal activity, enforcement of laws or~~  
42 ~~apprehension of offenders~~;

43 (6) "police horse" means any horse that is owned or the service of

1 *which is employed by a law enforcement agency* ~~*for the principal purpose*~~  
2 ~~*of aiding in the detection of criminal activity, enforcement of laws or*~~  
3 ~~*apprehension of offenders*~~; and

4 (6)(7) "search and rescue dog" means any dog that is owned or the  
5 service of which is employed, by a law enforcement or emergency  
6 response agency for the purpose of aiding in the location of persons  
7 missing in disasters or other times of need.

8 Sec. 2. K.S.A. 21-6604 is hereby amended to read as follows: 21-  
9 6604. (a) Whenever any person has been found guilty of a crime, the court  
10 may adjudge any of the following:

11 (1) Commit the defendant to the custody of the secretary of  
12 corrections if the current crime of conviction is a felony and the sentence  
13 presumes imprisonment, or the sentence imposed is a dispositional  
14 departure to imprisonment; or, if confinement is for a misdemeanor, to jail  
15 for the term provided by law;

16 (2) impose the fine applicable to the offense and may impose the  
17 provisions of subsection (q);

18 (3) release the defendant on probation if the current crime of  
19 conviction and criminal history fall within a presumptive nonprison  
20 category or through a departure for substantial and compelling reasons  
21 subject to such conditions as the court may deem appropriate. In felony  
22 cases, the court may include confinement in a county jail not to exceed 60  
23 days, which need not be served consecutively, as a condition of an original  
24 probation sentence;

25 (4) assign the defendant to a community correctional services  
26 program as provided in K.S.A. 75-5291, and amendments thereto, or  
27 through a departure for substantial and compelling reasons subject to such  
28 conditions as the court may deem appropriate, including orders requiring  
29 full or partial restitution;

30 (5) assign the defendant to a conservation camp for a period not to  
31 exceed six months as a condition of probation followed by a six-month  
32 period of follow-up through adult intensive supervision by a community  
33 correctional services program, if the offender successfully completes the  
34 conservation camp program;

35 (6) assign the defendant to a house arrest program pursuant to K.S.A.  
36 21-6609, and amendments thereto;

37 (7) order the defendant to attend and satisfactorily complete an  
38 alcohol or drug education or training program as provided by K.S.A. 21-  
39 6602(c), and amendments thereto;

40 (8) order the defendant to repay the amount of any reward paid by  
41 any crime stoppers chapter, individual, corporation or public entity that  
42 materially aided in the apprehension or conviction of the defendant; repay  
43 the amount of any costs and expenses incurred by any law enforcement

1 agency in the apprehension of the defendant, if one of the current crimes  
2 of conviction of the defendant includes escape from custody or aggravated  
3 escape from custody, as defined in K.S.A. 21-5911, and amendments  
4 thereto; repay expenses incurred by a fire district, fire department or fire  
5 company responding to a fire that has been determined to be arson or  
6 aggravated arson as defined in K.S.A. 21-5812, and amendments thereto,  
7 if the defendant is convicted of such crime; repay the amount of any public  
8 funds utilized by a law enforcement agency to purchase controlled  
9 substances from the defendant during the investigation that leads to the  
10 defendant's conviction; or repay the amount of any medical costs and  
11 expenses incurred by any law enforcement agency or county. Such  
12 repayment of the amount of any such costs and expenses incurred by a  
13 county, law enforcement agency, fire district, fire department or fire  
14 company or any public funds utilized by a law enforcement agency shall  
15 be deposited and credited to the same fund from which the public funds  
16 were credited to prior to use by the county, law enforcement agency, fire  
17 district, fire department or fire company;

18 (9) order the defendant to pay the administrative fee authorized by  
19 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

20 (10) order the defendant to pay a domestic violence special program  
21 fee authorized by K.S.A. 20-369, and amendments thereto;

22 (11) if the defendant is convicted of a misdemeanor or convicted of a  
23 felony specified in K.S.A. 21-6804(i), and amendments thereto, assign the  
24 defendant to work release program, other than a program at a correctional  
25 institution under the control of the secretary of corrections as defined in  
26 K.S.A. 75-5202, and amendments thereto, provided such work release  
27 program requires such defendant to return to confinement at the end of  
28 each day in the work release program. On a second or subsequent  
29 conviction of K.S.A. 8-1567, and amendments thereto, an offender placed  
30 into a work release program shall serve the total number of hours of  
31 confinement mandated by that section;

32 (12) order the defendant to pay the full amount of unpaid costs  
33 associated with the conditions of release of the appearance bond under  
34 K.S.A. 22-2802, and amendments thereto;

35 (13) order the defendant to participate in a specialty court program  
36 pursuant to K.S.A. 20-173, and amendments thereto;

37 (14) impose any appropriate combination of paragraphs (1) through  
38 (13); or

39 (15) suspend imposition of sentence in misdemeanor cases.

40 (b) (1) In addition to or in lieu of any of the above, the court shall  
41 order the defendant to pay restitution, which shall include, but not be  
42 limited to, damage or loss caused by the defendant's crime. ~~Restitution~~  
43 ~~shall be due immediately unless: (A) The court orders that the defendant~~

1 ~~be given a specified time to pay or be allowed to pay in specified~~  
2 ~~installments; or (B) the court finds compelling circumstances that would~~  
3 ~~render restitution unworkable, either in whole or in part.~~

4 (2) (A) ~~In regard to~~ For a violation of K.S.A. 21-6107, and  
5 amendments thereto, such damage or loss shall include, but not be limited to,  
6 attorney fees and costs incurred to repair the credit history or rating of  
7 the person whose personal identification documents were obtained and  
8 used in violation of such section, and to satisfy a debt, lien or other  
9 obligation incurred by the person whose personal identification documents  
10 were obtained and used in violation of such section. ~~In regard to~~

11 (B) For a violation of K.S.A. 21-5801, 21-5807, 21-5813 or 21-5818,  
12 and amendments thereto, such damage or loss shall include the cost of  
13 repair or replacement of the property that was damaged, the reasonable  
14 cost of any loss of production, crops and livestock, reasonable labor costs  
15 of any kind, reasonable material costs of any kind and any reasonable costs  
16 that are attributed to equipment that is used to abate or repair the damage  
17 to the property. ~~If the court finds restitution unworkable, either in whole or~~  
18 ~~in part, the court shall state on the record in detail the reasons therefor.~~

19 (C) For a violation of K.S.A. 21-6416, and amendments thereto, such  
20 damage or loss shall include the cost for veterinary medical treatment,  
21 reasonable funeral and burial expenses and replacement of the police dog,  
22 arson dog, assistance dog, game warden dog, search and rescue dog or  
23 police horse. **Replacement costs shall include, but not be limited to,**  
24 **training costs, personnel expenses and costs associated with boarding**  
25 **the animal during training.**

26 (2)(3) If the court orders restitution, the restitution shall be a  
27 judgment against the defendant that may be collected by the court by  
28 garnishment as provided in article 7 of chapter 60 of the Kansas Statutes  
29 Annotated, and amendments thereto, or other execution. If, after 60 days  
30 from the date restitution is ordered by the court, a defendant is found to be  
31 in noncompliance with the restitution order, the court shall assign an agent  
32 procured by the judicial administrator pursuant to K.S.A. 20-169, and  
33 amendments thereto, to collect the restitution on behalf of the victim. The  
34 chief judge of each judicial district may assign such cases to an  
35 appropriate division of the court for the conduct of collection proceedings.

36 (4) *Restitution shall be due immediately unless:*

37 (A) *The court orders that the defendant be given a specified time to*  
38 *pay or be allowed to pay in specified installments; or*

39 (B) *the court finds compelling circumstances that would render*  
40 *restitution unworkable, either in whole or in part.*

41 (5) *If the court finds restitution unworkable, either in whole or in*  
42 *part, the court shall state on the record in detail the reasons therefor.*

43 (3)(6) If a restitution order entered prior to June 11, 2020, does not

1 give the defendant a specified time to pay or set payment in specified  
2 installments, the defendant may file a motion with the court prior to  
3 December 31, 2020, proposing payment of restitution in specified  
4 installments. The court may recall the restitution order from the agent  
5 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the  
6 court rules on such motion. If the court does not order payment in  
7 specified installments or if the defendant does not file a motion prior to  
8 December 31, 2020, the restitution shall be due immediately.

9 (c) In addition to or in lieu of any of the above, the court shall order  
10 the defendant to submit to and complete an alcohol and drug evaluation,  
11 and pay a fee therefor, when required by K.S.A. 21-6602(d), and  
12 amendments thereto.

13 (d) In addition to any of the above, the court shall order the defendant  
14 to reimburse the county general fund for all or a part of the expenditures  
15 by the county to provide counsel and other defense services to the  
16 defendant. Any such reimbursement to the county shall be paid only after  
17 any order for restitution has been paid in full. In determining the amount  
18 and method of payment of such sum, the court shall take account of the  
19 financial resources of the defendant and the nature of the burden that  
20 payment of such sum will impose. A defendant who has been required to  
21 pay such sum and who is not willfully in default in the payment thereof  
22 may at any time petition the court that sentenced the defendant to waive  
23 payment of such sum or any unpaid portion thereof. If it appears to the  
24 satisfaction of the court that payment of the amount due will impose  
25 manifest hardship on the defendant or the defendant's immediate family,  
26 the court may waive payment of all or part of the amount due or modify  
27 the method of payment.

28 (e) In releasing a defendant on probation, the court shall direct that  
29 the defendant be under the supervision of a court services officer. If the  
30 court commits the defendant to the custody of the secretary of corrections  
31 or to jail, the court may specify in its order the amount of restitution to be  
32 paid and the person to whom it shall be paid if restitution is later ordered  
33 as a condition of parole, conditional release or postrelease supervision.

34 (f) (1) When a new felony is committed while the offender is  
35 incarcerated and serving a sentence for a felony, or while the offender is on  
36 probation, assignment to a community correctional services program,  
37 parole, conditional release or postrelease supervision for a felony, a new  
38 sentence shall be imposed consecutively pursuant to the provisions of  
39 K.S.A. 21-6606, and amendments thereto, and the court may sentence the  
40 offender to imprisonment for the new conviction, even when the new  
41 crime of conviction otherwise presumes a nonprison sentence. In this  
42 event, imposition of a prison sentence for the new crime does not  
43 constitute a departure.

1 (2) When a new felony is committed during a period of time when the  
2 offender would have been on probation, assignment to a community  
3 correctional services program, parole, conditional release or postrelease  
4 supervision for a felony had the offender not been granted release by the  
5 court pursuant to K.S.A. 21-6608(d), and amendments thereto, or the  
6 prisoner review board pursuant to K.S.A. 22-3717, and amendments  
7 thereto, the court may sentence the offender to imprisonment for the new  
8 conviction, even when the new crime of conviction otherwise presumes a  
9 nonprison sentence. In this event, imposition of a prison sentence for the  
10 new crime does not constitute a departure.

11 (3) When a new felony is committed while the offender is  
12 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,  
13 prior to its repeal, or K.S.A. 38-2373, and amendments thereto, for an  
14 offense, which if committed by an adult would constitute the commission  
15 of a felony, upon conviction, the court shall sentence the offender to  
16 imprisonment for the new conviction, even when the new crime of  
17 conviction otherwise presumes a nonprison sentence. In this event,  
18 imposition of a prison sentence for the new crime does not constitute a  
19 departure. The conviction shall operate as a full and complete discharge  
20 from any obligations, except for an order of restitution, imposed on the  
21 offender arising from the offense for which the offender was committed to  
22 a juvenile correctional facility.

23 (4) When a new felony is committed while the offender is on release  
24 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
25 Kansas Statutes Annotated, and amendments thereto, or similar provisions  
26 of the laws of another jurisdiction, a new sentence may be imposed  
27 consecutively pursuant to the provisions of K.S.A. 21-6606, and  
28 amendments thereto, and the court may sentence the offender to  
29 imprisonment for the new conviction, even when the new crime of  
30 conviction otherwise presumes a nonprison sentence. In this event,  
31 imposition of a prison sentence for the new crime does not constitute a  
32 departure.

33 (g) Prior to imposing a dispositional departure for a defendant whose  
34 offense is classified in the presumptive nonprison grid block of either  
35 sentencing guideline grid, prior to sentencing a defendant to incarceration  
36 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing  
37 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I  
38 of the sentencing guidelines grid for drug crimes committed prior to July  
39 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
40 guidelines grid for drug crimes committed on or after July 1, 2012, prior to  
41 sentencing a defendant to incarceration whose offense is classified in grid  
42 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
43 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of

1 the sentencing guidelines grid for drug crimes committed on or after July  
2 1, 2012, and whose offense does not meet the requirements of K.S.A. 21-  
3 6824, and amendments thereto, prior to revocation of a nonprison sanction  
4 of a defendant whose offense is classified in grid blocks 4-E or 4-F of the  
5 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
6 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for  
7 drug crimes committed on or after July 1, 2012, and whose offense does  
8 not meet the requirements of K.S.A. 21-6824, and amendments thereto, or  
9 prior to revocation of a nonprison sanction of a defendant whose offense is  
10 classified in the presumptive nonprison grid block of either sentencing  
11 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines  
12 grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the  
13 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
14 or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid  
15 for drug crimes committed on or after July 1, 2012, the court shall consider  
16 placement of the defendant in the Labette correctional conservation camp,  
17 conservation camps established by the secretary of corrections pursuant to  
18 K.S.A. 75-52,127, and amendments thereto, or a community intermediate  
19 sanction center. Pursuant to this subsection the defendant shall not be  
20 sentenced to imprisonment if space is available in a conservation camp or  
21 community intermediate sanction center and the defendant meets all of the  
22 conservation camp's or community intermediate sanction center's  
23 placement criteria unless the court states on the record the reasons for not  
24 placing the defendant in a conservation camp or community intermediate  
25 sanction center.

26 (h) In committing a defendant to the custody of the secretary of  
27 corrections, the court shall fix a term of confinement within the limits  
28 provided by law. In those cases where the law does not fix a term of  
29 confinement for the crime for which the defendant was convicted, the  
30 court shall fix the term of such confinement.

31 (i) In addition to any of the above, the court shall order the defendant  
32 to reimburse the state general fund for all or part of the expenditures by the  
33 state board of indigents' defense services to provide counsel and other  
34 defense services to the defendant. In determining the amount and method  
35 of payment of such sum, the court shall take account of the financial  
36 resources of the defendant and the nature of the burden that payment of  
37 such sum will impose. A defendant who has been required to pay such sum  
38 and who is not willfully in default in the payment thereof may at any time  
39 petition the court that sentenced the defendant to waive payment of such  
40 sum or any unpaid portion thereof. If it appears to the satisfaction of the  
41 court that payment of the amount due will impose manifest hardship on the  
42 defendant or the defendant's immediate family, the court may waive  
43 payment of all or part of the amount due or modify the method of



1 payment. The amount of attorney fees to be included in the court order for  
2 reimbursement shall be the amount claimed by appointed counsel on the  
3 payment voucher for indigents' defense services or the amount prescribed  
4 by the board of indigents' defense services reimbursement tables as  
5 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

6 (j) This section shall not deprive the court of any authority conferred  
7 by any other Kansas statute to decree a forfeiture of property, suspend or  
8 cancel a license, remove a person from office or impose any other civil  
9 penalty as a result of conviction of crime.

10 (k) An application for or acceptance of probation or assignment to a  
11 community correctional services program shall not constitute an  
12 acquiescence in the judgment for purpose of appeal, and any convicted  
13 person may appeal from such conviction, as provided by law, without  
14 regard to whether such person has applied for probation, suspended  
15 sentence or assignment to a community correctional services program.

16 (l) (1) The secretary of corrections is authorized to make direct  
17 placement to the Labette correctional conservation camp or a conservation  
18 camp established by the secretary pursuant to K.S.A. 75-52,127, and  
19 amendments thereto, of an inmate sentenced to the secretary's custody if  
20 the inmate:

21 (A) Has been sentenced to the secretary for a probation revocation, as  
22 a departure from the presumptive nonimprisonment grid block of either  
23 sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or  
24 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-  
25 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes  
26 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of  
27 the sentencing guidelines grid for drug crimes committed on or after July  
28 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the  
29 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
30 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for  
31 drug crimes committed on or after July 1, 2012, and such offense does not  
32 meet the requirements of K.S.A. 21-6824, and amendments thereto; and

33 (B) otherwise meets admission criteria of the camp.

34 (2) If the inmate successfully completes a conservation camp  
35 program, the secretary of corrections shall report such completion to the  
36 sentencing court and the county or district attorney. The inmate shall then  
37 be assigned by the court to six months of follow-up supervision conducted  
38 by the appropriate community corrections services program. The court  
39 may also order that supervision continue thereafter for the length of time  
40 authorized by K.S.A. 21-6608, and amendments thereto.

41 (m) When it is provided by law that a person shall be sentenced  
42 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions  
43 of this section shall not apply.

1 (n) (1) Except as provided by K.S.A. 21-6630 and 21-6805(f), and  
2 amendments thereto, in addition to any of the above, for felony violations  
3 of K.S.A. 21-5706, and amendments thereto, the court shall require the  
4 defendant who meets the requirements established in K.S.A. 21-6824, and  
5 amendments thereto, to participate in a certified drug abuse treatment  
6 program, as provided in K.S.A. 75-52,144, and amendments thereto,  
7 including, but not limited to, an approved after-care plan. The amount of  
8 time spent participating in such program shall not be credited as service on  
9 the underlying prison sentence.

10 (2) If the defendant fails to participate in or has a pattern of  
11 intentional conduct that demonstrates the defendant's refusal to comply  
12 with or participate in the treatment program, as established by judicial  
13 finding, the defendant shall be subject to sanction or revocation pursuant  
14 to the provisions of K.S.A. 22-3716, and amendments thereto. If the  
15 defendant's probation is revoked, the defendant shall serve the underlying  
16 prison sentence as established in K.S.A. 21-6805, and amendments  
17 thereto.

18 (A) Except as provided in subsection (n)(2)(B), for those offenders  
19 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon  
20 completion of the underlying prison sentence, the offender shall not be  
21 subject to a period of postrelease supervision.

22 (B) Offenders whose crime of conviction was committed on or after  
23 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-  
24 3716(c), and amendments thereto, or whose underlying prison term expires  
25 while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and  
26 amendments thereto, shall serve a period of postrelease supervision upon  
27 the completion of the underlying prison term.

28 (o) (1) Except as provided in paragraph (3), in addition to any other  
29 penalty or disposition imposed by law, upon a conviction for unlawful  
30 possession of a controlled substance or controlled substance analog in  
31 violation of K.S.A. 21-5706, and amendments thereto, in which the trier of  
32 fact makes a finding that the unlawful possession occurred while  
33 transporting the controlled substance or controlled substance analog in any  
34 vehicle upon a highway or street, the offender's driver's license or privilege  
35 to operate a motor vehicle on the streets and highways of this state shall be  
36 suspended for one year.

37 (2) Upon suspension of a license pursuant to this subsection, the court  
38 shall require the person to surrender the license to the court, which shall  
39 transmit the license to the division of motor vehicles of the department of  
40 revenue, to be retained until the period of suspension expires. At that time,  
41 the licensee may apply to the division for return of the license. If the  
42 license has expired, the person may apply for a new license, which shall be  
43 issued promptly upon payment of the proper fee and satisfaction of other

1 conditions established by law for obtaining a license unless another  
2 suspension or revocation of the person's privilege to operate a motor  
3 vehicle is in effect.

4 (3) (A) In lieu of suspending the driver's license or privilege to  
5 operate a motor vehicle on the highways of this state of any person as  
6 provided in paragraph (1), the judge of the court in which such person was  
7 convicted may enter an order that places conditions on such person's  
8 privilege of operating a motor vehicle on the highways of this state, a  
9 certified copy of which such person shall be required to carry any time  
10 such person is operating a motor vehicle on the highways of this state. Any  
11 such order shall prescribe the duration of the conditions imposed, which in  
12 no event shall be for a period of more than one year.

13 (B) Upon entering an order restricting a person's license hereunder,  
14 the judge shall require such person to surrender such person's driver's  
15 license to the judge who shall cause it to be transmitted to the division of  
16 vehicles, together with a copy of the order. Upon receipt thereof, the  
17 division of vehicles shall issue without charge a driver's license, which  
18 shall indicate on its face that conditions have been imposed on such  
19 person's privilege of operating a motor vehicle and that a certified copy of  
20 the order imposing such conditions is required to be carried by the person  
21 for whom the license was issued any time such person is operating a motor  
22 vehicle on the highways of this state. If the person convicted is a  
23 nonresident, the judge shall cause a copy of the order to be transmitted to  
24 the division and the division shall forward a copy of it to the motor vehicle  
25 administrator of such person's state of residence. Such judge shall furnish  
26 to any person whose driver's license has had conditions imposed on it  
27 under this paragraph a copy of the order, which shall be recognized as a  
28 valid Kansas driver's license until such time as the division shall issue the  
29 restricted license provided for in this paragraph.

30 (C) Upon expiration of the period of time for which conditions are  
31 imposed pursuant to this subsection, the licensee may apply to the division  
32 for the return of the license previously surrendered by such licensee. In the  
33 event such license has expired, such person may apply to the division for a  
34 new license, which shall be issued immediately by the division upon  
35 payment of the proper fee and satisfaction of the other conditions  
36 established by law, unless such person's privilege to operate a motor  
37 vehicle on the highways of this state has been suspended or revoked prior  
38 thereto. If any person shall violate any of the conditions imposed under  
39 this paragraph, such person's driver's license or privilege to operate a  
40 motor vehicle on the highways of this state shall be revoked for a period of  
41 not less than 60 days nor more than one year by the judge of the court in  
42 which such person is convicted of violating such conditions.

43 (4) As used in this subsection, "highway" and "street" mean the same

1 as *defined* in K.S.A. 8-1424 and 8-1473, and amendments thereto.

2 (p) In addition to any of the above, for any criminal offense that  
3 includes the domestic violence designation pursuant to K.S.A. 22-4616,  
4 and amendments thereto, the court shall require the defendant to: (1)  
5 Undergo a domestic violence offender assessment conducted by a certified  
6 batterer intervention program; and (2) follow all recommendations made  
7 by such program, unless otherwise ordered by the court or the department  
8 of corrections. The court may order a domestic violence offender  
9 assessment and any other evaluation prior to sentencing if the assessment  
10 or evaluation would assist the court in determining an appropriate  
11 sentence. The entity completing the assessment or evaluation shall provide  
12 the assessment or evaluation and recommendations to the court and the  
13 court shall provide the domestic violence offender assessment to any entity  
14 responsible for supervising such defendant. A defendant ordered to  
15 undergo a domestic violence offender assessment shall be required to pay  
16 for the assessment and, unless otherwise ordered by the court or the  
17 department of corrections, for completion of all recommendations.

18 (q) In imposing a fine, the court may authorize the payment thereof in  
19 installments. In lieu of payment of any fine imposed, the court may order  
20 that the person perform community service specified by the court. The  
21 person shall receive a credit on the fine imposed in an amount equal to \$5  
22 for each full hour spent by the person in the specified community service.  
23 The community service ordered by the court shall be required to be  
24 performed by the later of one year after the fine is imposed or one year  
25 after release from imprisonment or jail, or by an earlier date specified by  
26 the court. If by the required date the person performs an insufficient  
27 amount of community service to reduce to zero the portion of the fine  
28 required to be paid by the person, the remaining balance shall become due  
29 on that date. If conditional reduction of any fine is rescinded by the court  
30 for any reason, then pursuant to the court's order the person may be  
31 ordered to perform community service by one year after the date of such  
32 rescission or by an earlier date specified by the court. If by the required  
33 date the person performs an insufficient amount of community service to  
34 reduce to zero the portion of the fine required to be paid by the person, the  
35 remaining balance of the fine shall become due on that date. All credits for  
36 community service shall be subject to review and approval by the court.

37 (r) In addition to any other penalty or disposition imposed by law, for  
38 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,  
39 prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes  
40 committed on or after July 1, 2006, the court shall order that the defendant  
41 be electronically monitored upon release from imprisonment for the  
42 duration of the defendant's natural life and that the defendant shall  
43 reimburse the state for all or part of the cost of such monitoring as

1 determined by the prisoner review board.

2 (s) Whenever the court has released the defendant on probation  
3 pursuant to subsection (a)(3), the defendant's supervising court services  
4 officer, with the concurrence of the chief court services officer, may  
5 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),  
6 and amendments thereto, without further order of the court, unless the  
7 defendant, after being apprised of the right to a revocation hearing before  
8 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses  
9 to waive such right.

10 (t) Whenever the court has assigned the defendant to a community  
11 correctional services program pursuant to subsection (a)(4), the defendant's  
12 community corrections officer, with the concurrence of the community  
13 corrections director, may impose the violation sanctions as provided in  
14 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order  
15 of the court unless the defendant, after being apprised of the right to a  
16 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and  
17 amendments thereto, refuses to waive such right.

18 (u) In addition to any of the above, the court shall authorize an  
19 additional 18 days of confinement in a county jail to be reserved for  
20 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and  
21 amendments thereto.

22 (v) The amendments made to this section by section 1 of chapter 9 of  
23 the 2020 Session Laws of Kansas are procedural in nature and shall be  
24 construed and applied retroactively.

25 Sec. 3. K.S.A. 21-6416 and 21-6604 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its  
27 publication in the statute book.