AN ACT establishing the prisoner review board and transferring powers and duties from the Kansas parole board; relating to individuals in the custody of the secretary of corrections; amending K.S.A. 22-3706, 22-3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-4701, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 22-3717, 74-9101, 75-4318, 75-5210a, 75-5217, 75-5266 and 77-603 and repealing the existing sections; also repealing K.S.A. 21-4602, 21-4603b, 21-4614, 21-4703 and 46-3201 and K.S.A. 2010 Supp. 21-4608, 21-4619, 22-3707 and 22-3717c.

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

New Section 1. The Kansas parole board established by K.S.A. 22-3707 is hereby abolished. On July 1, 2011, the new Kansas parole board is hereby established. The new Kansas parole board shall be a continuation of the Kansas parole board. Except for revocation hearings and determinations made by the prisoner review board, as provided in section 8, and amendments thereto, all of the powers, duties and functions of the existing Kansas parole board are hereby transferred to and imposed upon the new Kansas parole board.

New Sec. 2. (a) Except for revocation hearings and determinations made by the prisoner review board, as provided in section 8, and amendments thereto, the Kansas parole board shall be the successor in every way to the powers, duties and functions of the Kansas parole board in which the same were vested prior to July 1, 2011. Every act performed in the exercise of such powers, duties and functions by or under the authority of the new Kansas parole board shall be deemed to have the same force and effect as if performed by the Kansas parole board in which such powers, duties and functions were vested prior to July 1, 2011.

(b) Whenever the Kansas parole board, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the new Kansas parole board established pursuant to section 1, et seq., and amendments thereto.

(c) All rules and regulations, orders and directives of the Kansas parole board that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations,
orders and directives of the new Kansas parole board until revised, amended, revoked or nullified pursuant to law.

New Sec. 3. The new Kansas parole board shall succeed to all property, property rights and records of the Kansas parole board. Any conflict as to the proper disposition of property or records arising under this section, and resulting from any abolition or transfer of powers, duties and functions effected by or under authority of this act, shall be determined by the governor, whose decision shall be final.

New Sec. 4. On July 1, 2011, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas parole board are hereby transferred within the state treasury to the new Kansas parole board and shall be used only for the purpose for which the appropriation was originally made.

New Sec. 5. (a) Except as provided in subsection (c), the Kansas parole board shall consist of three members appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person shall exercise any power, duty or function as a member of the board until confirmed by the senate. The governor shall appoint one member of the board to serve as chairperson. No appointment to the board shall be made that would result in more than two members of the board being members of the same political party. The term of office of the members of the board shall be four years and until their successors are appointed and confirmed. If a vacancy occurs in the membership of the board before the expiration of the term of office, a successor shall be appointed for the remainder of the unexpired term in the same manner that original appointments are made. Each member of the board shall devote the member's full time to the duties of membership on the board.

(b) The governor may not remove any member of the Kansas parole board except for disability, neglect of duty or malfeasance in office. Before removal, the governor shall give the member a written copy of the charges against the member and shall fix the time when the member can be heard at a public hearing, which shall not be less than 14 days thereafter. Upon removal, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon, with a complete record of the proceedings.

(c) Any member of the Kansas parole board abolished in section 1, and amendments thereto, whose term expires after June 30, 2011, may elect to serve the remainder of such member's term as a member of the new Kansas parole board established in section 1, et seq., and amendments thereto, and pursuant to the provisions of this act. Any member who chooses to serve the remainder of such member's term shall notify the
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1 governor prior to June 15, 2011, of such member's intention to serve the
2 remainder of such term. Such member shall not be subject to senate
3 confirmation pursuant to K.S.A. 75-4315b, and amendments thereto. The
4 governor shall appoint any vacancy in the new Kansas parole board
5 occurring on July 1, 2011, pursuant to subsection (a).

6 New Sec. 6. No suit, action or other proceeding, judicial or
7 administrative, lawfully commenced, or which could have been
8 commenced, by or against the Kansas parole board or any officer of the
9 state in such officer's official duties, shall abate by reason of the
10 governmental reorganization effected under the provisions of this act. The
11 court may allow any such suit, action or other proceeding to be maintained
12 by or against the successors of the Kansas parole board or any officer
13 affected.

14 New Sec. 7. On July 1, 2011, the prisoner review board is hereby
15 established. The prisoner review board shall be administered under the
16 supervision of the secretary of corrections. The prisoner review board
17 shall consist of four members appointed by the secretary of corrections and
18 all members shall serve at the pleasure of the secretary. The members of
19 the prisoner review board shall be existing employees of the department
20 of corrections.

21 New Sec. 8. (a) Except as provided in subsection (b), the prisoner
22 review board shall have the duty and authority to review and determine all
23 cases concerning the revocation of an inmate's parole, conditional release
24 or postrelease supervision.
25 (b) The Kansas parole board shall have authority over any revocation
26 of parole, conditional release or postrelease supervision. Hearings and
determinations concerning such revocations shall only come before the
27 parole board upon:
28 (1) Request by the parole board to the prisoner review board to hear
29 and determine such revocation; or
30 (2) deferral of the revocation hearing and determination to the parole
31 board by the prisoner review board.

32 Sec. 9. K.S.A. 22-3706 is hereby amended to read as follows: 22-
33 3706. No person acting as agent or representative for an individual before
34 the Kansas parole board for pardon, commutation of sentence, parole or
35 revocation of parole, conditional release or postrelease supervision, or
36 before the prisoner review board for revocation of parole, conditional
37 release or postrelease supervision, shall contract for or receive a fee
38 contingent upon a certain decision by the either board. Such agent or
39 representative shall submit a statement on the applicant's behalf to the
40 Kansas parole board or prisoner review board, whichever is applicable, in
41 writing and shall submit therewith an affidavit stating such agent's
42 representative's name; place of residence; the name of the applicant being
represented or has been represented; the fee, if any, paid to or to be paid to
such agent or representative by any person for such services; that such fee
is not or was not a contingent fee. If any person representing any applicant
for pardon, commutation of sentence, or parole shall fail to file such
affidavit the application shall not be considered. Any affidavit filed as
provided in this section shall be a public record.

Sec. 10. K.S.A. 22-3708 is hereby amended to read as follows: 22-
3708. (a) (1) The annual salary of the chairperson each member of the
Kansas parole board shall be an amount equal to the annual salary paid by
the state to a district judge designated as chief judge; and

(2) the annual salary of each other member of the Kansas parole-
board shall be an amount which is $2,465 less than the annual salary of the
chairperson. $75,000.

(b) Members of the Kansas parole board shall be allowed all actual
travel and necessary expenses incurred while in the discharge of official
duties.

Sec. 11. K.S.A. 22-3709 is hereby amended to read as follows: 22-
3709. The chairperson and vice-chairperson of the Kansas parole board
shall be designated by the governor. The chairperson of the Kansas parole
board shall have the authority to organize and administer the activities of
the board, subject to the provisions of section 8, and amendments thereto.
The chairperson of the board may designate panels, consisting of two
members of the board, which shall have the full authority and power of the
board to order the denial, grant or revocation of an inmate's parole or
conditional release, or for crimes committed on or after July 1, 1993, grant
parole for off-grid crimes or revocation of postrelease supervision or to
order the revocation of an inmate's conditional release, upon hearing by
one or more members of the panel, and by a majority vote of the board.

Sec. 12. K.S.A. 22-3711 is hereby amended to read as follows: 22-
3711. The presentence report, the preparole report, the pre-postrelease
supervision report and the supervision history, obtained in the discharge of
official duty by any member or employee of the Kansas parole board, the prisoner review board or any employee of the department of corrections,
shall be privileged and shall not be disclosed directly or indirectly to
anyone other than the parole board, the prisoner review board, the judge,
the attorney general or others entitled to receive the information, except
that the parole board, the prisoner review board, secretary of corrections or
court may permit the inspection of the report or parts of it by the
defendant, inmate, defendant's or inmate's attorney or other person having
a proper interest in it, whenever the best interest or welfare of a particular
defendant or inmate makes the action desirable or helpful.

Sec. 13. K.S.A. 22-3713 is hereby amended to read as follows: 22-
3713. (a) The Kansas parole board may authorize one or more of its
members to conduct hearings on behalf of the parole board.

(b) The secretary of corrections shall provide the Kansas parole board with necessary personnel and accounting services.

(c) The prisoner review board shall assist the Kansas parole board in the gathering and analysis of information regarding an inmate.

Sec. 14. K.S.A. 2010 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638, prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642, prior to its repeal; sections 260, 263, 264 and 265 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; K.S.A. 8-1567, and amendments thereto; K.S.A. 21-4642 section 266 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and K.S.A. 21-4624 section 257 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or section 276 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b)(1) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628, prior to its repeal, and K.S.A. 21-4635 through 21-4638, prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or section 276 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be eligible for parole after serving
15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, prior to its repeal, or subsection (a) of section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

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

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

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

(2) (A) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, for crimes committed on or after July 1, 2006, but prior to July 1, 2011, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(B) If an inmate is sentenced to imprisonment pursuant to section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, for crimes committed on or after July 1, 2011, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

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

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity level 1 through 4 crimes and drug severity levels 1 and 2 crimes must serve 36 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or section 302 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes and drug severity
level 3 crimes must serve 24 months, plus the amount of good time and
program credit earned and retained pursuant to K.S.A. 21-4722, prior to its
repeal, or section 302 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons
sentenced for nondrug severity level 7 through 10 crimes and drug severity
level 4 crimes must serve 12 months, plus the amount of good time and
program credit earned and retained pursuant to K.S.A. 21-4722, prior to its
repeal, or section 302 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, on postrelease supervision.

(D) (i) The sentencing judge shall impose the postrelease supervision
period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C), unless
the judge finds substantial and compelling reasons to impose a departure
based upon a finding that the current crime of conviction was sexually
motivated. In that event, departure may be imposed to extend the
postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease
supervision period, the judge shall state on the record at the time of
sentencing the substantial and compelling reasons for the departure.
Departures in this section are subject to appeal pursuant to K.S.A. 21-
4721, prior to its repeal, or section 301 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto.

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

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

(b) any evidence received during the proceeding;

(c) the presentence report, the victim’s impact statement and any
psychological evaluation as ordered by the court pursuant to subsection (e)
of K.S.A. 21-4714, prior to its repeal, or subsection (e) of section 294 of
chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

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

(iv) The sentencing judge may order that a psychological evaluation
be prepared and the recommended programming be completed by the
offender. The department secretary of corrections or the Kansas parole
board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subparagraph (d)(1)(D), the court
shall refer to K.S.A. 21-4718, prior to its repeal, or section 298 of chapter
136 of the 2010 Session Laws of Kansas, and amendments thereto.

(vi) Upon petition, the parole board may provide for early discharge
from the postrelease supervision period upon completion of court ordered
programs and completion of the presumptive postrelease supervision
period, as determined by the crime of conviction, pursuant to subparagraph
(d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease
supervision is at the discretion of the parole board.
(vii) Persons convicted of crimes deemed sexually violent or sexually
motivated, shall be registered according to the offender registration act,
K.S.A. 22-4901 through 22-4910, and amendments thereto.
(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, shall be required to participate in a treatment
program for sex offenders during the postrelease supervision period.
(E) The period of postrelease supervision provided in subparagraphs
(A) and (B) may be reduced by up to 12 months and the period of
postrelease supervision provided in subparagraph (C) may be reduced by
up to six months based on the offender's compliance with conditions of
supervision and overall performance while on postrelease supervision. The
reduction in the supervision period shall be on an earned basis pursuant to
rules and regulations adopted by the secretary of corrections.
(F) In cases where sentences for crimes from more than one severity
level have been imposed, the offender shall serve the longest period of
postrelease supervision as provided by this section available for any crime
upon which sentence was imposed irrespective of the severity level of the
crime. Supervision periods will not aggregate.
(G) Except as provided in subsection (u), persons convicted of a
sexually violent crime committed on or after July 1, 2006, and who are
released from prison, shall be released to a mandatory period of
postrelease supervision for the duration of the person's natural life.
(2) As used in this section, "sexually violent crime" means:
(A) Rape, K.S.A. 21-3502, prior to its repeal, or section 67 of
chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(B) indecent liberties with a child, K.S.A. 21-3503, prior to its
repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto;
(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto;
(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,
prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of chapter
136 of the 2010 Session Laws of Kansas, and amendments thereto;
(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto;
(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its
repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session
Laws of Kansas, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or sections 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of a sexually violent crime as defined in this section.

"Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

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

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

(g) Subject to the provisions of this section, the Kansas parole board
may release on parole those persons confined in institutions who are
eligible for parole when: (1) The board believes that the inmate should be
released for hospitalization, for deportation or to answer the warrant or
other process of a court and is of the opinion that there is reasonable
probability that the inmate can be released without detriment to the
community or to the inmate; or (2) the secretary of corrections has
reported to the board in writing that the inmate has satisfactorily
completed the programs required by any agreement entered under K.S.A.
75-5210a, and amendments thereto, or any revision of such agreement, and
the board believes that the inmate is able and willing to fulfill the
obligations of a law abiding citizen and is of the opinion that there is
reasonable probability that the inmate can be released without detriment to
the community or to the inmate. Parole shall not be granted as an award of
clemency and shall not be considered a reduction of sentence or a pardon.

(h) The Kansas parole board shall hold a parole hearing at least the
month prior to the month an inmate will be eligible for parole under
subsections (a), (b) and (c). At least the month preceding the parole
hearing, the county or district attorney of the county where the inmate was
convicted shall give written notice of the time and place of the public
comment sessions for the inmate to any victim of the inmate's crime who
is alive and whose address is known to the county or district attorney or, if
the victim is deceased, to the victim's family if the family's address is
known to the county or district attorney. Except as otherwise provided,
failure to notify pursuant to this section shall not be a reason to postpone a
parole hearing. In the case of any inmate convicted of an off-grid felony or
a class A felony the secretary of corrections shall give written notice of the
time and place of the public comment session for such inmate at least one
month preceding the public comment session to any victim of such
inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
amendments thereto. If notification is not given to such victim or such
victim's family in the case of any inmate convicted of an off-grid felony or
a class A felony, the board shall postpone a decision on parole of the
inmate to a time at least 30 days after notification is given as provided in
this section. 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. If granted parole, the inmate may be released on parole on the date
specified by the board, but not earlier than the date the inmate is eligible
for parole under subsections (a), (b) and (c). At each parole hearing and, if
parole is not granted, at such intervals thereafter as it determines
appropriate, the Kansas parole board shall consider: (1) (A) Whether the
inmate has satisfactorily completed the programs required by any
agreement entered under K.S.A. 75-5210a, and amendments thereto, or
any revision of such agreement; and (2) (B) all pertinent information
regarding such inmate, including, but not limited to, the circumstances of
the offense of the inmate; the presentence report; the previous social
history and criminal record of the inmate; the conduct, employment, and
attitude of the inmate in prison; the reports of such physical and mental
examinations as have been made, including, but not limited to, risk factors
revealed by any risk assessment of the inmate; comments of the victim and
the victim's family including in person comments, contemporaneous
comments and prerecorded comments made by any technological means;
comments of the public; official comments; any recommendation by the
staff of the facility where the inmate is incarcerated; proportionality of the
time the inmate has served to the sentence a person would receive under
the Kansas sentencing guidelines for the conduct that resulted in the
inmate's incarceration; and capacity of state correctional institutions.

(2) The prisoner review board shall assist the Kansas parole board in
the gathering and analysis of information described in subsection (h)(1)
and may make recommendations to the parole board concerning the
parole of such inmate.

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

(j) (1) Before ordering the parole of any inmate, the Kansas parole
board shall have the inmate appear either in person or via a video
conferencing format and shall interview the inmate unless impractical
because of the inmate's physical or mental condition or absence from the
institution. Every inmate while on parole shall remain in the legal custody
of the secretary of corrections and is subject to the orders of the secretary.
Whenever the Kansas parole board formally considers placing an inmate
on parole and no agreement has been entered into with the inmate under
K.S.A. 75-5210a, and amendments thereto, the board shall notify the
inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to three years, but any such deferral shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.

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

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

(l) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

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

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

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

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

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

(n) 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 parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

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

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

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

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more 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.

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

(t) For offenders sentenced prior to the effective date of this act who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section for offenders convicted of severity level 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes and severity level 4 crimes on the sentencing guidelines grid for drug crimes on or before September 1, 2000; for offenders convicted of severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or before November 1, 2000; and for offenders convicted of severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug crimes and severity level 3 crimes on the sentencing guidelines grid for drug crimes on or before January 1, 2001.
(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the Kansas parole board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the Kansas parole board or the court orders a person to be electronically monitored, the board or court shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board or court shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) The prisoner review board shall assist the Kansas parole board in the gathering and analysis of information as described in this section and may make recommendations to the parole board concerning the release of an inmate.

Sec. 15. K.S.A. 22-3718 is hereby amended to read as follows: 22-3718. (a) Upon release, an inmate who has served the inmate's maximum term or terms, less such work and good behavior credits as have been earned, shall 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 may set aside restitution as a condition of release payment of restitution, if the board finds compelling circumstances which would render a plan of restitution unworkable. If the court which sentenced an inmate specified reimbursement of all or part of the expenditures by the state board of indigents' defense services as a condition of release, the parole board may set aside such reimbursement, if the board finds compelling circumstances which would render a plan of reimbursement unworkable. 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 or victim's family as provided in K.S.A. 22-3727, and amendments thereto.

(b) The prisoner review board shall assist the Kansas parole board in the gathering and analysis of information and may make recommendations to the parole board concerning the conditions of release of such inmates.

Sec. 16. K.S.A. 22-3719 is hereby amended to read as follows: 22-
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3719. It shall be the duty of all correctional institution officials to grant to the members of the Kansas parole board, and the prisoner review board, or its properly accredited representatives, access at all reasonable times to any inmate, to provide for the parole board such boards, or such representative representatives of such boards, facilities for communicating with and observing such inmate, and to furnish to the parole board such reports as the parole board such boards shall require concerning the conduct and character of any inmate in their custody and any other facts deemed by the parole board such boards to be pertinent in determining any issue before the parole board such boards.

Sec. 17. K.S.A. 22-3720 is hereby amended to read as follows: 22-3720. The Kansas parole board and the prisoner review 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 the respective board. Subpoenas may be signed and oaths administered by any member of the Kansas parole board or prisoner review 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.

Sec. 18. K.S.A. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 2007 Supp. 38-2326, and amendments thereto.

(b) "Criminal history record information" means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. The term does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;

(3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(4) presentence investigation and other reports prepared for use by a
court in the exercise of criminal jurisdiction or by the governor in the
exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or
subdivision of any such agency which is authorized by law to exercise the
power of arrest, detention, prosecution, adjudication, correctional
supervision, rehabilitation or release of persons suspected, charged or
convicted of a crime and which allocates a substantial portion of its annual
budget to any of these functions. The term includes, but is not limited to,
the following agencies, when exercising jurisdiction over criminal matters
or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission;

(5) the Kansas parole board; and

(6) the juvenile justice authority.

(d) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investigation.

(f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

(g) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.

Sec. 19. K.S.A. 60-4305 is hereby amended to read as follows: 60-4305. Records or information in the custody of the Kansas parole board, the prisoner review board, any community correctional service program or any district court regarding the financial assets, income or employment of a criminal offender shall be subject to disclosure to any victim to whom such offender has been ordered to pay restitution, or to anyone acting on
behalf of such victim to collect the ordered restitution, until such time as 
all restitution is paid in full.
Sec. 20. K.S.A. 2010 Supp. 74-9101 is hereby amended to read as 
follows: 74-9101. (a) There is hereby established the Kansas sentencing 
commission.
(b) The commission shall:
(1) Develop a sentencing guideline model or grid based on fairness 
and equity and shall provide a mechanism for linking justice and 
corrections policies. The sentencing guideline model or grid shall establish 
rational and consistent sentencing standards which reduce sentence 
disparity, to include, but not be limited to, racial and regional biases which 
may exist under current sentencing practices. The guidelines shall specify 
the circumstances under which imprisonment of an offender is appropriate 
and a presumed sentence for offenders for whom imprisonment is 
appropriate, based on each appropriate combination of reasonable offense 
and offender characteristics. In developing its recommended sentencing 
guidelines, the commission shall take into substantial consideration current 
sentencing and release practices and correctional resources, including but 
not limited to the capacities of local and state correctional facilities. In its 
report, the commission shall make recommendations regarding whether 
there is a continued need for and what is the projected role of, if any, the 
Kansas parole board and the prisoner review board and whether the policy 
of allocating good time credits for the purpose of determining an inmate's 
eligibility for parole or conditional release should be continued;
(2) consult with and advise the legislature with reference to the 
implementation, management, monitoring, maintenance and operations of 
the sentencing guidelines system;
(3) direct implementation of the sentencing guidelines system;
(4) assist in the process of training judges, county and district 
attorneys, court services officers, state parole officers, correctional 
officers, law enforcement officials and other criminal justice groups. For 
these purposes, the sentencing commission shall develop an 
implementation policy and shall construct an implementation manual for 
use in its training activities;
(5) receive presentence reports and journal entries for all persons who 
are sentenced for crimes committed on or after July 1, 1993, to develop 
post-implementation monitoring procedures and reporting methods to 
evaluate guideline sentences. In developing the evaluative criteria, the 
commission shall take into consideration rational and consistent 
sentencing standards which reduce sentence disparity to include, but not be 
limited to, racial and regional biases;
(6) advise and consult with the secretary of corrections and members 
of the legislature in developing a mechanism to link guidelines sentence
practices with correctional resources and policies, including, but not limited to, the capacities of local and state correctional facilities. Such linkage shall include a review and determination of the impact of the sentencing guidelines on the state’s prison population, review of corrections programs and a study of ways to more effectively utilize correction dollars and to reduce prison population;

(7) make recommendations relating to modification to the sentencing guidelines as provided in K.S.A. 21-4725, section 303 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) prepare and submit fiscal impact and correctional resource statement as provided in K.S.A. 74-9106, and amendments thereto;

(9) make recommendations to those responsible for developing a working philosophy of sentencing guideline consistency and rationality;

(10) develop prosecuting standards and guidelines to govern the conduct of prosecutors when charging persons with crimes and when engaging in plea bargaining;

(11) analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes;

(12) perform such other criminal justice studies or tasks as may be assigned by the governor or specifically requested by the legislature, department of corrections, the chief justice or the attorney general;

(13) develop a program plan which includes involvement of business and industry in the public or other social or fraternal organizations for admitting back into the mainstream those offenders who demonstrate both the desire and ability to reconstruct their lives during their incarceration or during conditional release;

(14) appoint a task force to make recommendations concerning the consolidation of probation, parole and community corrections services;

(15) produce official inmate population projections annually on or before six weeks following the date of receipt of the data from the department of corrections. When the commission’s projections indicate that the inmate population will exceed available prison capacity within two years of the date of the projection, the commission shall identify and analyze the impact of specific options for: (A) Reducing the number of prison admissions; or (B) adjusting sentence lengths for specific groups of offenders. Options for reducing the number of prison admissions shall include, but not be limited to, possible modification of both sentencing grids to include presumptive intermediate dispositions for certain categories of offenders. Intermediate sanction dispositions shall include,
but not be limited to: intensive supervision; short-term jail sentences; halfway houses; community-based work release; electronic monitoring and house arrest; substance abuse treatment; and pre-revocation incarceration.

Intermediate sanction options shall include, but not be limited to, mechanisms to explicitly target offenders that would otherwise be placed in prison. Analysis of each option shall include an assessment of such options impact on the overall size of the prison population, the effect on public safety and costs. In preparing the assessment, the commission shall review the experience of other states and shall review available research regarding the effectiveness of such option. The commission's findings relative to each sentencing policy option shall be presented to the governor and the joint committee on corrections and juvenile justice oversight no later than November 1;

(16) at the request of the governor or the joint committee on corrections and juvenile justice oversight, initiate and complete an analysis of other sentencing policy adjustments not otherwise evaluated by the commission;

(17) develop information relating to the number of offenders on postrelease supervision and subject to electronic monitoring for the duration of the person's natural life;

(18) determine the effect the mandatory sentencing established in K.S.A. 21-4642 and 21-4643, prior to their repeal, and sections 266 and 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, would have on the number of offenders civilly committed to a treatment facility as a sexually violent predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments thereto;

(19) assume the designation and functions of the state statistical analysis center. All criminal justice agencies, as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, and the juvenile justice authority shall provide any data or information, including juvenile offender information, requested by the commission to facilitate the function of the state statistical analysis center; and

(20) subject to the provisions of appropriation acts and the availability of funds therefor, produce official juvenile correctional facility population projections annually on or before November 1, not more than six weeks following the receipt of the data from the juvenile justice authority and develop bed impacts regarding legislation that may affect juvenile correctional facility population.

Sec. 21. K.S.A. 2010 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions,
authorities, councils, committees, subcommittees and other subordinate
groups thereof, receiving or expending and supported in whole or in part
by public funds shall be open to the public and no binding action by such
bodies shall be by secret ballot. Meetings of task forces, advisory
committees or subcommittees of advisory committees created pursuant to
a governor's executive order shall be open to the public in accordance with
this act.

(b) Notice of the date, time and place of any regular or special
meeting of a public body designated hereinabove shall be furnished to any
person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one
person to receive notice on behalf of all persons named in the petition, and
notice to such person shall constitute notice to all persons named in the
petition;

(2) if notice is furnished to an executive officer of an employees'
organization or trade association, such notice shall be deemed to have been
furnished to the entire membership of such organization or association;
and

(3) the public body may require that a request to receive notice must
be submitted again to the body prior to the commencement of any
subsequent fiscal year of the body during which the person wishes to
continue receiving notice, but, prior to discontinuing notice to any person,
the public body must notify the person that notice will be discontinued
unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling
the meeting, if the meeting is not called by the presiding officer, to furnish
the notice required by subsection (b).

(d) Prior to any meeting hereinabove mentioned, any agenda relating
to the business to be transacted at such meeting shall be made available to
any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices
shall not be prohibited at any meeting mentioned by subsection (a), but
such use shall be subject to reasonable rules designed to insure the orderly
conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of
the state of Kansas, interactive communications in a series shall be open if
they collectively involve a majority of the membership of the body or
agency, share a common topic of discussion concerning the business or
affairs of the body or agency, and are intended by any or all of the
participants to reach agreement on a matter that would require binding
action to be taken by the body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise
quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the Kansas parole board or the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

Sec. 22. K.S.A. 75-5202 is hereby amended to read as follows: 75-5202. As used in K.S.A. 75-5201 et seq., and amendments thereto, unless the context clearly requires otherwise:

(a) "Secretary" means the secretary of corrections.

(b) "Parole board" means the Kansas parole board established by K.S.A. 22-3707 section 1 et seq., and amendments thereto.

(c) "Prisoner review board" means the prisoner review board established by section 7, et seq., and amendments thereto.

(d) (e) "Inmate" means any person incarcerated in any correctional institution of the state of Kansas.

(e) (f) "Correctional institution" means the Lansing correctional facility, Hutchinson correctional facility, Topeka correctional facility, Norton correctional facility, Ellsworth correctional facility, Winfield correctional facility, Osawatomie correctional facility, Larned correctional mental health facility, Toronto correctional work facility, Stockton correctional facility, Wichita work release facility, El Dorado correctional facility, and any other correctional institution established by the state for the confinement of offenders under control of the secretary of corrections.

(f) (g) "Warden" means the person in charge of the operation and supervision of a correctional institution.

(g) (h) "Corrections officer" means a full-time, salaried officer or employee under the jurisdiction of the secretary, whose duties include the receipt, custody, control, maintenance, discipline, security and apprehension of persons convicted of criminal offenses in this state and sentenced to a term of imprisonment under the custody of the secretary.

(h) (i) "Parole officer" means a full-time salaried officer or employee under the jurisdiction of the secretary whose duties include:

(1) Investigation, supervision, arrest and control of persons on parole or postrelease supervision and the enforcement of the conditions of parole or postrelease supervision; and

(2) Services which relate to probationers, parolees or persons on postrelease supervision and are required by the uniform act for out-of-state parolee supervision.
Sec. 23. K.S.A. 2010 Supp. 75-5210a is hereby amended to read as follows: 75-5210a. (a) Within a reasonable time after a defendant is committed to the custody of the secretary of corrections, for service of a sentence for an indeterminate or off grid crime, the secretary shall enter into a written agreement with the inmate specifying those educational, vocational, mental health or other programs which the secretary determines the inmate must satisfactorily complete in order to be prepared for release on parole supervision. To the extent practicable, the agreement shall require the inmate to have made progress towards or to have successfully completed the equivalent of a secondary education before release on parole if the inmate has not previously completed such educational equivalent and is capable of doing so. The agreement shall be conditioned on the inmate's satisfactory conduct, employment and attitude while incarcerated. If the secretary determines that the inmate's conduct, employment, attitude or needs require modifications or additions to those programs which are set forth in the agreement, the secretary shall revise the requirements. The secretary shall agree that, when the inmate satisfactorily completes the programs required by the agreement, or any revision thereof, the secretary shall report that fact in writing to the Kansas parole board. If the inmate becomes eligible for parole before satisfactorily completing such programs, the secretary shall report in writing to the Kansas parole board the programs which are not completed.

(b) A copy of any agreement and any revisions thereof shall be entered into the inmate's record.

(c) The prisoner review board shall assist the Kansas parole board in the gathering and analysis of information regarding the inmate's conduct, employment and attitude and may make recommendations to the parole board concerning the release of such inmate.

Sec. 24. K.S.A. 2010 Supp. 75-5217 is hereby amended to read as follows: 75-5217. (a) At any time during release on parole, conditional release or postrelease supervision, the secretary of corrections may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the released inmate. The warrant shall authorize any law enforcement officer to arrest and deliver the released inmate to a place as provided by subsection (g). Any parole officer may arrest such released inmate without a warrant, or may deputize any other officer with power of arrest to do so by giving such officer a written or verbal arrest and detain order setting forth that the released inmate, in the judgment of the parole officer, has violated the conditions of the inmate's release. A written arrest and detain order delivered to the official in charge of the institution or place to which the released inmate is brought for detention shall be sufficient warrant for
detaining the inmate. After making an arrest the parole officer shall present
to the detaining authorities a similar arrest and detain order and statement
of the circumstances of violation. Pending a hearing, as provided in this
section, upon any charge of violation the released inmate shall remain
incarcerated in the institution or place to which the inmate is taken for
detention.

(b) Upon such arrest and detention, the parole officer shall notify the
secretary of corrections, or the secretary's designee, within five days and
shall submit in writing a report showing in what manner the released
inmate had violated the conditions of release. After such notification is
given to the secretary of corrections, or upon an arrest by warrant as herein
provided, and the finding of probable cause pursuant to procedures
established by the secretary of a violation of the released inmate's
conditions of release, the secretary or the secretary's designee may cause
the released inmate to be brought before the Kansas parole board, prisoner
review board or if requested by the Kansas parole board or deferred by the
prisoner review board to the Kansas parole board, as provided in section
8, and amendments thereto, its designee or designees, for a hearing on the
violation charged. The prisoner review board or, if applicable, the Kansas
parole board shall hold a hearing under such rules and regulations as the
secretary or, if applicable, the Kansas parole board may adopt, or may
dismiss the charges that the released inmate has violated the conditions of
release and order the released inmate to remain on parole, conditional
release or post-release postrelease supervision. It is within the discretion of
the Kansas parole board prisoner review board or, if applicable, the
Kansas parole board, whether such hearing requires the released inmate to
appear personally before the respective board when such inmate's violation
results from a conviction for a new felony or misdemeanor. An offender
under determinant sentencing whose violation does not result from a
conviction of a new felony or misdemeanor may waive the right to a final
revocation hearing before the Kansas parole board prisoner review board
or, if applicable, the Kansas parole board, under such conditions and terms
as may be prescribed by rules and regulations promulgated by the Kansas
parole board secretary or, if applicable, the Kansas parole board.
Relevant written statements made under oath shall be admitted and
considered by the Kansas parole board prisoner review board or, if
applicable, the Kansas parole board, its designee or designees, along with
other evidence presented at the hearing. If the violation is established to
the satisfaction of the Kansas parole board prisoner review board or, if
applicable, the Kansas parole board, the respective board may continue or
revoke the parole or conditional release, or enter such other order as the
prisoner review board or, if applicable, the Kansas parole board may see
fit. The revocation of release of inmates who are on a specified period of
postrelease supervision shall be for a six-month period of confinement from the date of: (1) The revocation hearing before the prisoner review board or, if applicable, the Kansas parole board; or (2) the effective date of waiver of such hearing by the offender, pursuant to rules and regulations promulgated by the Kansas parole board secretary or, if applicable, the Kansas parole board, if the violation does not result from a conviction for a new felony or misdemeanor. Such period of confinement may be reduced by not more than three months based on the inmate's conduct, work and program participation during the incarceration period. The reduction in the incarceration period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(c) If the violation results from a conviction for a new felony, upon revocation, the inmate shall serve the entire remaining balance of the period of postrelease supervision even if the new conviction did not result in the imposition of a new term of imprisonment.

(d) If the violation results from a conviction for a new misdemeanor, upon revocation, the inmate shall serve a period of confinement, to be determined by the Kansas parole board prisoner review board or, if applicable, the Kansas parole board, which shall not exceed the remaining balance of the period of postrelease supervision.

(e) In the event the released inmate reaches conditional release date as provided by K.S.A. 22-3718, and amendments thereto, after a finding of probable cause, pursuant to procedures established by the secretary of corrections, of a violation of the released inmate's conditions of release, but prior to a hearing before the Kansas parole board prisoner review board or, if applicable, the Kansas parole board, the secretary of corrections shall be authorized to detain the inmate until the time of such hearing by the Kansas parole board. The secretary shall then enforce the order issued by the Kansas parole board prisoner review board or, if applicable, the Kansas parole board.

(f) If the secretary of corrections issues a warrant for the arrest of a released inmate for violation of any of the conditions of release and the released inmate is subsequently arrested in the state of Kansas, either pursuant to the warrant issued by the secretary of corrections or for any other reason, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest.

If a released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state, and the released inmate has been authorized as a condition of such inmate's release to reside in or travel to the state in which the released inmate was arrested, and the released inmate has not absconded from supervision, the released inmate's sentence
shall not be credited with the period of time from the date of the issuance of the warrant to the date of the released inmate's arrest. If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state for reasons other than the secretary's warrant and the released inmate does not have authorization to be in the other state or if authorized to be in the other state has been charged by the secretary with having absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant by the secretary to the date the released inmate is first available to be returned to the state of Kansas. If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of a condition of release is subsequently arrested in another state pursuant only to the secretary's warrant, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest, regardless of whether the released inmate's presence in the other state was authorized or the released inmate had absconded from supervision.

The secretary may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release and may direct that all reasonable means to serve the warrant and detain such released inmate be employed including, but not limited to, notifying the federal bureau of investigation of such violation and issuance of warrant and requesting from the federal bureau of investigation any pertinent information it may possess concerning the whereabouts of the released inmate.

(g) Law enforcement officers shall execute warrants issued by the secretary of corrections, and shall deliver the inmate named in the warrant to the jail used by the county where the inmate is arrested unless some other place is designated by the secretary, in the same manner as for the execution of any arrest warrant.

(h) For the purposes of this section, an inmate or released inmate is an individual under the supervision of the secretary of corrections, including, but not limited to, an individual on parole, conditional release, postrelease supervision, probation granted by another state or an individual supervised under any interstate compact in accordance with the provisions of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et seq., and amendments thereto.

Sec. 25. K.S.A. 2010 Supp. 75-5266 is hereby amended to read as follows: 75-5266. Psychiatric evaluation reports of correctional facilities shall be privileged and shall not be disclosed directly or indirectly to anyone except as provided herein. The court, the district or county attorney, the attorney for the defendant or inmate, the Kansas parole board and its staff, the prisoner review board, the wardens and classification
committees of the state correctional institutions and those persons
authorized by the secretary shall have access to such reports. Such reports
may be disclosed to: (1) The defendant or inmate or members of the
defendant's or inmate's family; (2) the defendant's or inmate's friends when
authorized by the defendant or inmate or the defendant's or inmate's
family; or (3) the superintendent or director of any other state institution
when authorized by the warden, or secretary of corrections. Employees of
the correctional institutions under the supervision of the secretary are
expressly forbidden from disclosing the contents of such reports to anyone
except as provided herein. Nothing in this section shall be construed as
preventing the attorney for the defendant or inmate from discussing such
reports with the defendant or inmate.

Sec. 26. K.S.A. 2010 Supp. 77-603 is hereby amended to read as
follows: 77-603. (a) This act applies to all agencies and all proceedings for
judicial review and civil enforcement of agency actions not specifically
exempted by statute from the provisions of this act.
(b) This act creates only procedural rights and imposes only
procedural duties. They are in addition to those created and imposed by
other statutes.
(c) This act does not apply to agency actions:
(1) Of the Kansas parole board or the prisoner review board
concerning inmates or persons under parole or conditional release
supervision;
(2) concerning the management, discipline or release of persons in
the custody of the secretary of corrections;
(3) concerning the management, discipline or release of persons in
the custody of the commissioner of juvenile justice;
(4) under the election laws contained in chapter 25 of the Kansas
Statutes Annotated, and amendments thereto, except as provided by K.S.A.
25-4185, and amendments thereto;
(5) concerning pardon, commutation of sentence, clemency or
extradition;
(6) concerning military or naval affairs other than actions relating to
armories;
(7) governed by the provisions of the open records act and subject to
an action for enforcement pursuant to K.S.A. 45-222, and amendments
thereto;
(8) governed by the provisions of K.S.A. 75-4317 et seq., and
amendments thereto, relating to open public meetings, and subject to an
action for civil penalties or enforcement pursuant to K.S.A. 75-4320 or 75-
4320a, and amendments thereto; or
(9) concerning the civil commitment of sexually violent predators
pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.
Sec. 27. K.S.A. 21-4602, 21-4603b, 21-4614, 21-4703, 22-3706, 22-
3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-4701,
46-3201, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 21-4608, 21-4619,
22-3707, 22-3717, 22-3717c, 74-9101, 75-4318, 75-5210a, 75-5217, 75-
5266 and 77-603 are hereby repealed.

Sec. 28. This act shall take effect and be in force from and after its
publication in the statute book.