

Senate Substitute for HOUSE BILL No. 2655

By Committee on Judiciary

3-18

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the sentencing of veterans; interference with law enforcement; giving
3 a false alarm; amending K.S.A. 2013 Supp. 21-5904, 21-6207, 21-6604
4 and 73-1209 and repealing the existing sections.
5

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

7 New Section 1. (a) Upon motion of the defendant at the time of
8 conviction or prior to sentencing, a defendant convicted of a criminal
9 offense may assert that such defendant committed such offense as a result
10 of mental illness, including posttraumatic stress disorder, stemming from
11 service in a combat zone in the United States armed forces. The court shall
12 hold a hearing to determine whether the defendant:

13 (1) Has served in the armed forces of the United States of America in
14 a combat zone, as defined in section 112 of the federal internal revenue
15 code of 1986. Proof of such service shall consist of a certification by the
16 executive director of the Kansas commission on veterans affairs in
17 accordance with K.S.A. 73-1209, and amendments thereto;

18 (2) has separated from such armed forces with an honorable discharge
19 or general discharge under honorable conditions;

20 (3) suffers from mental illness; and

21 (4) such mental illness was caused or exacerbated by events
22 occurring during such defendant's service in a combat zone.

23 (b) (1) Except as provided in subsection (b)(2), if the court
24 determines that such defendant meets the criteria provided in subsection
25 (a) and such defendant's current crime of conviction and criminal history
26 fall within a presumptive nonprison category under the sentencing
27 guidelines, the court may order such defendant to undergo inpatient or
28 outpatient treatment from any treatment facility or program operated by
29 the United States department of defense, the federal veterans'
30 administration or the Kansas national guard with the consent of the
31 defendant.

32 (2) If the court determines that such defendant meets the criteria
33 provided in subsection (a) and such defendant meets the requirements
34 established in K.S.A. 2013 Supp. 21-6824, and amendments thereto, the
35 provisions of K.S.A. 2013 Supp. 21-6824, and amendments thereto, shall
36 apply, except that in lieu of requiring such defendant to participate in a

1 certified drug abuse treatment program as provided in K.S.A. 2013 Supp.
2 75-52,144, and amendments thereto, the court may order such defendant to
3 undergo drug abuse treatment from any treatment facility or program
4 operated by the United States department of defense, the federal veterans'
5 administration or the Kansas national guard with the consent of the
6 defendant.

7 (c) Nothing in this section shall be construed to limit the court's
8 authority to:

9 (1) Order any other sanction pursuant to K.S.A. 2013 Supp. 21-6602
10 or 21-6604, and amendments thereto;

11 (2) order a mental examination pursuant to K.S.A. 22-3429, and
12 amendments thereto;

13 (3) order commitment pursuant to K.S.A. 22-3430 et seq., and
14 amendments thereto; or

15 (4) determine that a person is a mentally ill person subject to
16 involuntary commitment for care and treatment as defined in K.S.A. 59-
17 2946, and amendments thereto.

18 (d) As used in this section:

19 (1) "Mental illness" means a mental disorder manifested by a
20 clinically significant behavioral or psychological syndrome or pattern and
21 associated with either a painful symptom or an impairment in one or more
22 important areas of functioning, and involving substantial behavioral,
23 psychological or biological dysfunction, to the extent that the person is in
24 need of treatment; and

25 (2) "posttraumatic stress disorder" means posttraumatic stress
26 disorder as defined in the diagnostic and statistical manual of mental
27 disorders, fifth edition (DSM-5, 2013), of the American psychiatric
28 association and that occurred as a result of events during the person's
29 service in one or more combat zones.

30 (e) This section shall be a part of and supplemental to the Kansas
31 criminal code.

32 Sec. 2. K.S.A. 2013 Supp. 21-5904 is hereby amended to read as
33 follows: 21-5904. (a) Interference with law enforcement is:

34 (1) Falsely reporting to a law enforcement officer, law enforcement
35 agency or state investigative agency:

36 (A) That a particular person has committed a crime, knowing that
37 such information is false and intending that the officer or agency shall act
38 in reliance upon such information;

39 (B) *that a law enforcement officer has committed a crime or*
40 *committed misconduct in the performance of such officer's duties, knowing*
41 *that such information is false and intending that the officer or agency shall*
42 *act in reliance upon such information;*

43 (~~B~~) (C) any information, knowing that such information is false and

1 intending to influence, impede or obstruct such officer's or agency's duty;
2 *or*

3 ~~(C) that a crime has been committed or any information concerning a~~
4 ~~crime or suspected crime, knowing that such information is false and~~
5 ~~intending that the officer or agency shall act in reliance upon such~~
6 ~~information; or~~

7 (D) any information concerning the death, disappearance or potential
8 death or disappearance of a child under the age of 13, knowing that such
9 information is false and intending that the officer or agency shall act in
10 reliance upon such information;

11 (2) concealing, destroying or materially altering evidence with the
12 intent to prevent or hinder the apprehension or prosecution of any person;
13 *or*

14 (3) knowingly obstructing, resisting or opposing any person
15 authorized by law to serve process in the service or execution or in the
16 attempt to serve or execute any writ, warrant, process or order of a court,
17 *or* in the discharge of any official duty.

18 (b) Interference with law enforcement as defined in:

19 (1) Subsection (a)(1)(A) *and* (a)(1)(B) is a:

20 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
21 *except as provided in subsection (b)(1)(B); and*

22 (B) severity level 8, nonperson felony in the case of a felony;

23 (2) ~~subsection (a)(1)(B)~~ (a)(1)(C) is a:

24 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
25 *except as provided in subsection (b)(2)(B); and*

26 (B) severity level 9, nonperson felony in the case of a felony;

27 ~~(3) subsection (a)(1)(C) is a class A misdemeanor;~~

28 ~~(4)~~ (3) subsection (a)(1)(D) is a severity level 8, nonperson felony;

29 ~~(5)~~ (4) subsection (a)(2) is a:

30 (A) Class A nonperson misdemeanor ~~in the case of a misdemeanor,~~
31 *except as provided in subsection (b)(4)(B); and*

32 (B) severity level 8, nonperson felony in the case of a felony; and

33 ~~(6)~~ (5) subsection (a)(3) is a:

34 (A) Severity level 9, nonperson felony in the case of a felony, *or*
35 *resulting from parole or any authorized disposition for a felony; and*

36 (B) class A nonperson misdemeanor in the case of a misdemeanor, *or*
37 *resulting from any authorized disposition for a misdemeanor, or a civil*
38 *case.*

39 Sec. 3. K.S.A. 2013 Supp. 21-6207 is hereby amended to read as
40 follows: 21-6207. (a) Giving a false alarm is:

41 (1) Transmitting in any manner to the fire department of any city,
42 township or other municipality a false alarm of fire, knowing at the time of
43 such transmission that there is no reasonable ground for believing that

1 such fire exists; or

2 (2) making a call in any manner for emergency service assistance
3 including police, fire, medical or other emergency service provided under
4 K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of
5 such call that there is no reasonable ground for believing such assistance is
6 needed.

7 (b) Giving a false alarm:

8 (1) Is a class A nonperson misdemeanor, *except as provided in*
9 *subsections (b)(2) and (b)(3);*

10 (2) *is a severity level 10, nonperson felony when the person uses an*
11 *electronic device or software to alter, conceal or disguise the identity of*
12 *the person making such transmission or such call, except as provided in*
13 *subsection (b)(3); and*

14 (3) *as defined in subsection (a)(2) is a severity level 7, nonperson*
15 *felony when the request for emergency service assistance made by the*
16 *person includes false information that violent criminal activity or*
17 *immediate threat to a person's life or safety is taking place.*

18 (c) *An offender who violates the provisions of this section may also*
19 *be prosecuted for, convicted of, and punished for interference with law*
20 *enforcement, K.S.A. 2013 Supp. 21-5904, and amendments thereto.*

21 Sec. 4. K.S.A. 2013 Supp. 21-6604 is hereby amended to read as
22 follows: 21-6604. (a) Whenever any person has been found guilty of a
23 crime, the court may adjudge any of the following:

24 (1) Commit the defendant to the custody of the secretary of
25 corrections if the current crime of conviction is a felony and the sentence
26 presumes imprisonment, or the sentence imposed is a dispositional
27 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
28 for the term provided by law;

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

31 (3) release the defendant on probation if the current crime of
32 conviction and criminal history fall within a presumptive nonprison
33 category or through a departure for substantial and compelling reasons
34 subject to such conditions as the court may deem appropriate. In felony
35 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2013
36 Supp. 8-1025, and amendments thereto, the court may include
37 confinement in a county jail not to exceed 60 days, which need not be
38 served consecutively, as a condition of an original probation sentence and
39 up to 60 days in a county jail upon each revocation of the probation
40 sentence, or community corrections placement;

41 (4) assign the defendant to a community correctional services
42 program as provided in K.S.A. 75-5291, and amendments thereto, or
43 through a departure for substantial and compelling reasons subject to such

1 conditions as the court may deem appropriate, including orders requiring
2 full or partial restitution;

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

8 (6) assign the defendant to a house arrest program pursuant to K.S.A.
9 2013 Supp. 21-6609, and amendments thereto;

10 (7) order the defendant to attend and satisfactorily complete an
11 alcohol or drug education or training program as provided by subsection
12 (c) of K.S.A. 2013 Supp. 21-6602, and amendments thereto;

13 (8) order the defendant to repay the amount of any reward paid by
14 any crime stoppers chapter, individual, corporation or public entity which
15 materially aided in the apprehension or conviction of the defendant; repay
16 the amount of any costs and expenses incurred by any law enforcement
17 agency in the apprehension of the defendant, if one of the current crimes
18 of conviction of the defendant includes escape from custody or aggravated
19 escape from custody, as defined in K.S.A. 2013 Supp. 21-5911, and
20 amendments thereto; repay expenses incurred by a fire district, fire
21 department or fire company responding to a fire which has been
22 determined to be arson or aggravated arson as defined in K.S.A. 2013
23 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
24 such crime; repay the amount of any public funds utilized by a law
25 enforcement agency to purchase controlled substances from the defendant
26 during the investigation which leads to the defendant's conviction; or repay
27 the amount of any medical costs and expenses incurred by any law
28 enforcement agency or county. Such repayment of the amount of any such
29 costs and expenses incurred by a county, law enforcement agency, fire
30 district, fire department or fire company or any public funds utilized by a
31 law enforcement agency shall be deposited and credited to the same fund
32 from which the public funds were credited to prior to use by the county,
33 law enforcement agency, fire district, fire department or fire company;

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

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

38 (11) if the defendant is convicted of a misdemeanor or convicted of a
39 felony specified in subsection (i) of K.S.A. 2013 Supp. 21-6804, and
40 amendments thereto, assign the defendant to work release program, other
41 than a program at a correctional institution under the control of the
42 secretary of corrections as defined in K.S.A. 75-5202, and amendments
43 thereto, provided such work release program requires such defendant to

1 return to confinement at the end of each day in the work release program.
2 On a second or subsequent conviction of K.S.A. 8-1567, and amendments
3 thereto, an offender placed into a work release program shall serve the
4 total number of hours of confinement mandated by that section;

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

8 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
9 (7), (8), (9), (10), (11) and (12); or

10 (14) suspend imposition of sentence in misdemeanor cases.

11 (b) (1) In addition to or in lieu of any of the above, the court shall
12 order the defendant to pay restitution, which shall include, but not be
13 limited to, damage or loss caused by the defendant's crime, unless the
14 court finds compelling circumstances which would render a plan of
15 restitution unworkable. In regard to a violation of K.S.A. 2013 Supp. 21-
16 6107, and amendments thereto, such damage or loss shall include, but not
17 be limited to, attorney fees and costs incurred to repair the credit history or
18 rating of the person whose personal identification documents were
19 obtained and used in violation of such section, and to satisfy a debt, lien or
20 other obligation incurred by the person whose personal identification
21 documents were obtained and used in violation of such section. If the court
22 finds a plan of restitution unworkable, the court shall state on the record in
23 detail the reasons therefor.

24 (2) If the court orders restitution, the restitution shall be a judgment
25 against the defendant which may be collected by the court by garnishment
26 or other execution as on judgments in civil cases. If, after 60 days from the
27 date restitution is ordered by the court, a defendant is found to be in
28 noncompliance with the plan established by the court for payment of
29 restitution, and the victim to whom restitution is ordered paid has not
30 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
31 amendments thereto, the court shall assign an agent procured by the
32 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
33 collect the restitution on behalf of the victim. The chief judge of each
34 judicial district may assign such cases to an appropriate division of the
35 court for the conduct of civil collection proceedings.

36 (c) In addition to or in lieu of any of the above, the court shall order
37 the defendant to submit to and complete an alcohol and drug evaluation,
38 and pay a fee therefor, when required by subsection (d) of K.S.A. 2013
39 Supp. 21-6602, and amendments thereto.

40 (d) In addition to any of the above, the court shall order the defendant
41 to reimburse the county general fund for all or a part of the expenditures
42 by the county to provide counsel and other defense services to the
43 defendant. Any such reimbursement to the county shall be paid only after

1 any order for restitution has been paid in full. In determining the amount
2 and method of payment of such sum, the court shall take account of the
3 financial resources of the defendant and the nature of the burden that
4 payment of such sum will impose. A defendant who has been required to
5 pay such sum and who is not willfully in default in the payment thereof
6 may at any time petition the court which sentenced the defendant to waive
7 payment of such sum or any unpaid portion thereof. If it appears to the
8 satisfaction of the court that payment of the amount due will impose
9 manifest hardship on the defendant or the defendant's immediate family,
10 the court may waive payment of all or part of the amount due or modify
11 the method of payment.

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

18 (f) (1) When a new felony is committed while the offender is
19 incarcerated and serving a sentence for a felony, or while the offender is on
20 probation, assignment to a community correctional services program,
21 parole, conditional release or postrelease supervision for a felony, a new
22 sentence shall be imposed consecutively pursuant to the provisions of
23 K.S.A. 2013 Supp. 21-6606, and amendments thereto, and the court may
24 sentence the offender to imprisonment for the new conviction, even when
25 the new crime of conviction otherwise presumes a nonprison sentence. In
26 this event, imposition of a prison sentence for the new crime does not
27 constitute a departure.

28 (2) When a new felony is committed during a period of time during
29 which the defendant would have been on probation, assignment to a
30 community correctional services program, parole, conditional release or
31 postrelease supervision for a felony had the defendant not been granted
32 release by the court pursuant to subsection (d) of K.S.A. 2013 Supp. 21-
33 6608, and amendments thereto, or the prisoner review board pursuant to
34 K.S.A. 22-3717, and amendments thereto, the court may sentence the
35 offender to imprisonment for the new conviction, even when the new
36 crime of conviction otherwise presumes a nonprison sentence. In this
37 event, imposition of a prison sentence for the new crime does not
38 constitute a departure.

39 (3) When a new felony is committed while the offender is
40 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
41 prior to its repeal, or K.S.A. 2013 Supp. 38-2373, and amendments
42 thereto, for an offense, which if committed by an adult would constitute
43 the commission of a felony, upon conviction, the court shall sentence the

1 offender to imprisonment for the new conviction, even when the new
2 crime of conviction otherwise presumes a nonprison sentence. In this
3 event, imposition of a prison sentence for the new crime does not
4 constitute a departure. The conviction shall operate as a full and complete
5 discharge from any obligations, except for an order of restitution, imposed
6 on the offender arising from the offense for which the offender was
7 committed to a juvenile correctional facility.

8 (4) When a new felony is committed while the offender is on release
9 for a felony pursuant to the provisions of article 28 of chapter 22 of the
10 Kansas Statutes Annotated, and amendments thereto, or similar provisions
11 of the laws of another jurisdiction, a new sentence may be imposed
12 consecutively pursuant to the provisions of K.S.A. 2013 Supp. 21-6606,
13 and amendments thereto, and the court may sentence the offender to
14 imprisonment for the new conviction, even when the new crime of
15 conviction otherwise presumes a nonprison sentence. In this event,
16 imposition of a prison sentence for the new crime does not constitute a
17 departure.

18 (g) Prior to imposing a dispositional departure for a defendant whose
19 offense is classified in the presumptive nonprison grid block of either
20 sentencing guideline grid, prior to sentencing a defendant to incarceration
21 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
22 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
23 of the sentencing guidelines grid for drug crimes committed prior to July
24 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
25 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
26 sentencing a defendant to incarceration whose offense is classified in grid
27 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
28 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
29 the sentencing guidelines grid for drug crimes committed on or after July
30 1, 2012, and whose offense does not meet the requirements of K.S.A. 2013
31 Supp. 21-6824, and amendments thereto, prior to revocation of a
32 nonprison sanction of a defendant whose offense is classified in grid
33 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
34 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
35 the sentencing guidelines grid for drug crimes committed on or after July
36 1, 2012, and whose offense does not meet the requirements of K.S.A. 2013
37 Supp. 21-6824, and amendments thereto, or prior to revocation of a
38 nonprison sanction of a defendant whose offense is classified in the
39 presumptive nonprison grid block of either sentencing guideline grid or
40 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
41 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
42 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
43 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug

1 crimes committed on or after July 1, 2012, the court shall consider
2 placement of the defendant in the Labette correctional conservation camp,
3 conservation camps established by the secretary of corrections pursuant to
4 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
5 sanction center. Pursuant to this subsection the defendant shall not be
6 sentenced to imprisonment if space is available in a conservation camp or
7 community intermediate sanction center and the defendant meets all of the
8 conservation camp's or community intermediate sanction center's
9 placement criteria unless the court states on the record the reasons for not
10 placing the defendant in a conservation camp or community intermediate
11 sanction center.

12 (h) In committing a defendant to the custody of the secretary of
13 corrections, the court shall fix a term of confinement within the limits
14 provided by law. In those cases where the law does not fix a term of
15 confinement for the crime for which the defendant was convicted, the
16 court shall fix the term of such confinement.

17 (i) In addition to any of the above, the court shall order the defendant
18 to reimburse the state general fund for all or part of the expenditures by the
19 state board of indigents' defense services to provide counsel and other
20 defense services to the defendant. In determining the amount and method
21 of payment of such sum, the court shall take account of the financial
22 resources of the defendant and the nature of the burden that payment of
23 such sum will impose. A defendant who has been required to pay such sum
24 and who is not willfully in default in the payment thereof may at any time
25 petition the court which sentenced the defendant to waive payment of such
26 sum or any unpaid portion thereof. If it appears to the satisfaction of the
27 court that payment of the amount due will impose manifest hardship on the
28 defendant or the defendant's immediate family, the court may waive
29 payment of all or part of the amount due or modify the method of
30 payment. The amount of attorney fees to be included in the court order for
31 reimbursement shall be the amount claimed by appointed counsel on the
32 payment voucher for indigents' defense services or the amount prescribed
33 by the board of indigents' defense services reimbursement tables as
34 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

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

39 (k) An application for or acceptance of probation or assignment to a
40 community correctional services program shall not constitute an
41 acquiescence in the judgment for purpose of appeal, and any convicted
42 person may appeal from such conviction, as provided by law, without
43 regard to whether such person has applied for probation, suspended

1 sentence or assignment to a community correctional services program.

2 (l) The secretary of corrections is authorized to make direct
3 placement to the Labette correctional conservation camp or a conservation
4 camp established by the secretary pursuant to K.S.A. 75-52,127, and
5 amendments thereto, of an inmate sentenced to the secretary's custody if
6 the inmate:

7 (1) Has been sentenced to the secretary for a probation revocation, as
8 a departure from the presumptive nonimprisonment grid block of either
9 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I
10 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks
11 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
12 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
13 the sentencing guidelines grid for drug crimes committed on or after July
14 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of
15 the sentencing guidelines grid for drug crimes committed prior to July 1,
16 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines
17 grid for drug crimes committed on or after July 1, 2012, and such offense
18 does not meet the requirements of K.S.A. 2013 Supp. 21-6824, and
19 amendments thereto; and

20 (2) otherwise meets admission criteria of the camp.

21 If the inmate successfully completes a conservation camp program, the
22 secretary of corrections shall report such completion to the sentencing
23 court and the county or district attorney. The inmate shall then be assigned
24 by the court to six months of follow-up supervision conducted by the
25 appropriate community corrections services program. The court may also
26 order that supervision continue thereafter for the length of time authorized
27 by K.S.A. 2013 Supp. 21-6608, and amendments thereto.

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

31 (n) (1) Except as provided by *section 1, and amendments thereto, and*
32 *subsection (f) of K.S.A. 2013 Supp. 21-6805, and amendments thereto, in*
33 *addition to any of the above, for felony violations of K.S.A. 2013 Supp.*
34 *21-5706, and amendments thereto, the court shall require the defendant*
35 *who meets the requirements established in K.S.A. 2013 Supp. 21-6824,*
36 *and amendments thereto, to participate in a certified drug abuse treatment*
37 *program, as provided in K.S.A. 2013 Supp. 75-52,144, and amendments*
38 *thereto, including, but not limited to, an approved after-care plan. The*
39 *amount of time spent participating in such program shall not be credited as*
40 *service on the underlying prison sentence.*

41 (2) If the defendant fails to participate in or has a pattern of
42 intentional conduct that demonstrates the defendant's refusal to comply
43 with or participate in the treatment program, as established by judicial

1 finding, the defendant shall be subject to sanction or revocation pursuant
2 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
3 defendant's probation is revoked, the defendant shall serve the underlying
4 prison sentence as established in K.S.A. 2013 Supp. 21-6805, and
5 amendments thereto.

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

10 (B) Offenders whose crime of conviction was committed on or after
11 July 1, 2013, and whose probation is revoked pursuant to subsection (c) of
12 K.S.A. 22-3716, and amendments thereto, or whose underlying prison
13 term expires while serving a sanction pursuant to subsection (c)(1)(C) or
14 (c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period
15 of postrelease supervision upon the completion of the underlying prison
16 term.

17 (o) (1) Except as provided in paragraph (3), in addition to any other
18 penalty or disposition imposed by law, upon a conviction for unlawful
19 possession of a controlled substance or controlled substance analog in
20 violation of K.S.A. 2013 Supp. 21-5706, and amendments thereto, in
21 which the trier of fact makes a finding that the unlawful possession
22 occurred while transporting the controlled substance or controlled
23 substance analog in any vehicle upon a highway or street, the offender's
24 driver's license or privilege to operate a motor vehicle on the streets and
25 highways of this state shall be suspended for one year.

26 (2) Upon suspension of a license pursuant to this subsection, the court
27 shall require the person to surrender the license to the court, which shall
28 transmit the license to the division of motor vehicles of the department of
29 revenue, to be retained until the period of suspension expires. At that time,
30 the licensee may apply to the division for return of the license. If the
31 license has expired, the person may apply for a new license, which shall be
32 issued promptly upon payment of the proper fee and satisfaction of other
33 conditions established by law for obtaining a license unless another
34 suspension or revocation of the person's privilege to operate a motor
35 vehicle is in effect.

36 (3) (A) In lieu of suspending the driver's license or privilege to
37 operate a motor vehicle on the highways of this state of any person as
38 provided in paragraph (1), the judge of the court in which such person was
39 convicted may enter an order which places conditions on such person's
40 privilege of operating a motor vehicle on the highways of this state, a
41 certified copy of which such person shall be required to carry any time
42 such person is operating a motor vehicle on the highways of this state. Any
43 such order shall prescribe the duration of the conditions imposed, which in

1 no event shall be for a period of more than one year.

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

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

32 (4) As used in this subsection, "highway" and "street" mean the same
33 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

34 (p) In addition to any of the above, for any criminal offense that
35 includes the domestic violence designation pursuant to K.S.A. 2013 Supp.
36 22-4616, and amendments thereto, the court shall require the defendant to:
37 (1) Undergo a domestic violence offender assessment conducted by a
38 certified batterer intervention program; and (2) follow all
39 recommendations made by such program, unless otherwise ordered by the
40 court or the department of corrections. The court may order a domestic
41 violence offender assessment and any other evaluation prior to sentencing
42 if the assessment or evaluation would assist the court in determining an
43 appropriate sentence. The entity completing the assessment or evaluation

1 shall provide the assessment or evaluation and recommendations to the
2 court and the court shall provide the domestic violence offender
3 assessment to any entity responsible for supervising such defendant. A
4 defendant ordered to undergo a domestic violence offender assessment
5 shall be required to pay for the assessment and, unless otherwise ordered
6 by the court or the department of corrections, for completion of all
7 recommendations.

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

27 (r) In addition to any other penalty or disposition imposed by law, for
28 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
29 prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments
30 thereto, for crimes committed on or after July 1, 2006, the court shall order
31 that the defendant be electronically monitored upon release from
32 imprisonment for the duration of the defendant's natural life and that the
33 defendant shall reimburse the state for all or part of the cost of such
34 monitoring as determined by the prisoner review board.

35 (s) Whenever the court has released the defendant on probation
36 pursuant to subsection (a)(3), the defendant's supervising court services
37 officer, with the concurrence of the chief court services officer, may
38 impose the violation sanctions as provided in subsection (c)(1)(B) of
39 K.S.A. 22-3716, and amendments thereto, without further order of the
40 court, unless:

41 (1) The court has specifically withheld this authority in its sentencing
42 order; or

43 (2) the defendant, after being apprised of the right to a revocation

1 hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and
2 amendments thereto, refuses to waive such right.

3 (t) Whenever the court has assigned the defendant to a community
4 correctional services program pursuant to subsection (a)(4), the defendant's
5 community corrections officer, with the concurrence of the community
6 corrections director, may impose the violation sanctions as provided in
7 subsection (c)(1)(B) of K.S.A. 22-3716, and amendments thereto, without
8 further order of the court unless:

9 (1) The court has specifically withheld this authority in its sentencing
10 order; or

11 (2) the defendant, after being apprised of the right to a revocation
12 hearing before the court pursuant to subsection (b) of K.S.A. 22-3716, and
13 amendments thereto, refuses to waive such right.

14 Sec. 5. K.S.A. 2013 Supp. 73-1209 is hereby amended to read as
15 follows: 73-1209. The executive director of the Kansas veterans'
16 commission, in accordance with general policies established by the
17 commission, shall:

18 ~~(1)-(a)~~ Collect data and information as to the facilities, benefits and
19 services now or hereafter available to veterans and ~~their~~ relatives and
20 dependents *of veterans*, and furnish such information to veterans and ~~their~~
21 relatives and dependents *of veterans* and local service officers of veterans'
22 organizations.

23 ~~(2)-(b)~~ Prepare plans for a comprehensive statewide veterans' service
24 program.

25 ~~(3)-(c)~~ Coordinate the program of state agencies which may properly
26 be utilized in the administration of various aspects of the problems of
27 veterans, and relatives and dependents of veterans, such as the ~~department~~
28 ~~of social and rehabilitation services~~ *Kansas department for children and*
29 *families*, the department of labor, the state board of education, the board of
30 regents and any other state office, department, board or commission
31 furnishing service to veterans or ~~their~~ relatives or dependents *of veterans*.

32 ~~(4)-(d)~~ Provide a central contact between federal and state agencies
33 dealing with the problems of veterans and ~~their~~ relatives and dependents *of*
34 *veterans*.

35 ~~(5)-(e)~~ Maintain records of cases handled by the executive director
36 which shall show at least the following information: ~~(a)-(1)~~ The name of
37 the veteran; ~~(b)-(2)~~ the claim or case number of the veteran; and ~~(c)-(3)~~ the
38 amount of monthly benefit received by the veteran, so as to facilitate the
39 necessary interchange of case histories among state administrative
40 agencies and provide a clearinghouse of information.

41 ~~(6)-(f)~~ Provide such services to veterans and ~~their~~ relatives and
42 dependents *of veterans* as are not otherwise offered by federal agencies.

43 ~~(7)-(g)~~ Provide a central agency to which veterans and ~~their~~ relatives

1 and dependents *of veterans* may turn for information and assistance.

2 (8)-(h) Provide and maintain such field services as shall be necessary
3 to properly care for the needs of veterans and ~~their~~ relatives and
4 dependents *of veterans* which shall not be operated in connection with the
5 ~~social and rehabilitation services~~ *Kansas department for children and*
6 *families.*

7 (i) *Provide certification of service of a veteran of the armed forces of*
8 *the United States of America in a combat zone to any sentencing judge*
9 *requesting such certification pursuant to section 1, and amendments*
10 *thereto.*

11 Sec. 6. K.S.A. 2013 Supp. 21-5904, 21-6207, 21-6604 and 73-1209
12 are hereby repealed.

13 Sec. 7. This act shall take effect and be in force from and after its
14 publication in the statute book.