

HOUSE BILL No. 2050

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to conditions of probation; sanctions for violation; amending K.S.A.
3 2018 Supp. 21-6604, 22-3716 and 22-3717 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 21-6604 is hereby amended to read as
8 follows: 21-6604. (a) Whenever any person has been found guilty of a
9 crime, the court may adjudge any of the following:

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

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

17 (3) release the defendant on probation if the current crime of
18 conviction and criminal history fall within a presumptive nonprison
19 category or through a departure for substantial and compelling reasons
20 subject to such conditions as the court may deem appropriate. In felony
21 cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments
22 thereto, the court may- include confinement in a county jail not to exceed
23 60 days, which need not be served consecutively, as a condition of an
24 original probation sentence;

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

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

35 (6) assign the defendant to a house arrest program pursuant to K.S.A.
36 2018 Supp. 21-6609, and amendments thereto;

1 (7) order the defendant to attend and satisfactorily complete an
2 alcohol or drug education or training program as provided by K.S.A. 2018
3 Supp. 21-6602(c), and amendments thereto;

4 (8) order the defendant to repay the amount of any reward paid by
5 any crime stoppers chapter, individual, corporation or public entity ~~which~~
6 *that* materially aided in the apprehension or conviction of the defendant;
7 repay the amount of any costs and expenses incurred by any law
8 enforcement agency in the apprehension of the defendant, if one of the
9 current crimes of conviction of the defendant includes escape from
10 custody or aggravated escape from custody, as defined in K.S.A. 2018
11 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire
12 district, fire department or fire company responding to a fire ~~which~~ *that*
13 has been determined to be arson or aggravated arson as defined in K.S.A.
14 2018 Supp. 21-5812, and amendments thereto, if the defendant is
15 convicted of such crime; repay the amount of any public funds utilized by
16 a law enforcement agency to purchase controlled substances from the
17 defendant during the investigation ~~which~~ *that* leads to the defendant's
18 conviction; or repay the amount of any medical costs and expenses
19 incurred by any law enforcement agency or county. Such repayment of the
20 amount of any such costs and expenses incurred by a county, law
21 enforcement agency, fire district, fire department or fire company or any
22 public funds utilized by a law enforcement agency shall be deposited and
23 credited to the same fund from which the public funds were credited to
24 prior to use by the county, law enforcement agency, fire district, fire
25 department or fire company;

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

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

30 (11) if the defendant is convicted of a misdemeanor or convicted of a
31 felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments
32 thereto, assign the defendant to work release program, other than a
33 program at a correctional institution under the control of the secretary of
34 corrections as defined in K.S.A. 75-5202, and amendments thereto,
35 provided such work release program requires such defendant to return to
36 confinement at the end of each day in the work release program. On a
37 second or subsequent conviction of K.S.A. 8-1567, and amendments
38 thereto, an offender placed into a work release program shall serve the
39 total number of hours of confinement mandated by that section;

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

43 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),

1 (7), (8), (9), (10), (11) and (12); or

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

3 (b) (1) In addition to or in lieu of any of the above, the court shall
4 order the defendant to pay restitution, which shall include, but not be
5 limited to, damage or loss caused by the defendant's crime, unless the
6 court finds compelling circumstances ~~which~~ *that* would render a plan of
7 restitution unworkable. In regard to a violation of K.S.A. 2018 Supp. 21-
8 6107, and amendments thereto, such damage or loss shall include, but not
9 be limited to, attorney fees and costs incurred to repair the credit history or
10 rating of the person whose personal identification documents were
11 obtained and used in violation of such section, and to satisfy a debt, lien or
12 other obligation incurred by the person whose personal identification
13 documents were obtained and used in violation of such section. In regard
14 to a violation of K.S.A. 2018 Supp. 21-5801, 21-5807 or 21-5813, and
15 amendments thereto, such damage or loss shall include the cost of repair or
16 replacement of the property that was damaged, the reasonable cost of any
17 loss of production, crops and livestock, reasonable labor costs of any kind,
18 reasonable material costs of any kind and any reasonable costs that are
19 attributed to equipment that is used to abate or repair the damage to the
20 property. If the court finds a plan of restitution unworkable, the court shall
21 state on the record in detail the reasons therefor.

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

34 (c) In addition to or in lieu of any of the above, the court shall order
35 the defendant to submit to and complete an alcohol and drug evaluation,
36 and pay a fee therefor, when required by K.S.A. 2018 Supp. 21-6602(d),
37 and amendments thereto.

38 (d) In addition to any of the above, the court shall order the defendant
39 to reimburse the county general fund for all or a part of the expenditures
40 by the county to provide counsel and other defense services to the
41 defendant. Any such reimbursement to the county shall be paid only after
42 any order for restitution has been paid in full. In determining the amount
43 and method of payment of such sum, the court shall take account of the

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

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

16 (f) (1) When a new felony is committed while the offender is
17 incarcerated and serving a sentence for a felony, or while the offender is on
18 probation, assignment to a community correctional services program,
19 parole, conditional release or postrelease supervision for a felony, a new
20 sentence shall be imposed consecutively pursuant to the provisions of
21 K.S.A. 2018 Supp. 21-6606, and amendments thereto, and the court may
22 sentence the offender to imprisonment for the new conviction, even when
23 the new crime of conviction otherwise presumes a nonprison sentence. In
24 this event, imposition of a prison sentence for the new crime does not
25 constitute a departure.

26 (2) When a new felony is committed during a period of time ~~during~~
27 ~~which~~ when the defendant would have been on probation, assignment to a
28 community correctional services program, parole, conditional release or
29 postrelease supervision for a felony had the defendant not been granted
30 release by the court pursuant to K.S.A. 2018 Supp. 21-6608(d), and
31 amendments thereto, or the prisoner review board pursuant to K.S.A. 22-
32 3717, and amendments thereto, the court may sentence the offender to
33 imprisonment for the new conviction, even when the new crime of
34 conviction otherwise presumes a nonprison sentence. In this event,
35 imposition of a prison sentence for the new crime does not constitute a
36 departure.

37 (3) When a new felony is committed while the offender is
38 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
39 prior to its repeal, or K.S.A. 2018 Supp. 38-2373, and amendments
40 thereto, for an offense, which if committed by an adult would constitute
41 the commission of a felony, upon conviction, the court shall sentence the
42 offender to imprisonment for the new conviction, even when the new
43 crime of conviction otherwise presumes a nonprison sentence. In this

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

6 (4) When a new felony is committed while the offender is on release
7 for a felony pursuant to the provisions of article 28 of chapter 22 of the
8 Kansas Statutes Annotated, and amendments thereto, or similar provisions
9 of the laws of another jurisdiction, a new sentence may be imposed
10 consecutively pursuant to the provisions of K.S.A. 2018 Supp. 21-6606,
11 and amendments thereto, and the court may sentence the offender to
12 imprisonment for the new conviction, even when the new crime of
13 conviction otherwise presumes a nonprison sentence. In this event,
14 imposition of a prison sentence for the new crime does not constitute a
15 departure.

16 (g) Prior to imposing a dispositional departure for a defendant whose
17 offense is classified in the presumptive nonprison grid block of either
18 sentencing guideline grid, prior to sentencing a defendant to incarceration
19 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
20 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
21 of the sentencing guidelines grid for drug crimes committed prior to July
22 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
23 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
24 sentencing a defendant to incarceration whose offense is classified in grid
25 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
26 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
27 the sentencing guidelines grid for drug crimes committed on or after July
28 1, 2012, and whose offense does not meet the requirements of K.S.A. 2018
29 Supp. 21-6824, and amendments thereto, prior to revocation of a
30 nonprison sanction of a defendant whose offense is classified in grid
31 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
32 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
33 the sentencing guidelines grid for drug crimes committed on or after July
34 1, 2012, and whose offense does not meet the requirements of K.S.A. 2018
35 Supp. 21-6824, and amendments thereto, or prior to revocation of a
36 nonprison sanction of a defendant whose offense is classified in the
37 presumptive nonprison grid block of either sentencing guideline grid or
38 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
39 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
40 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
41 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
42 crimes committed on or after July 1, 2012, the court shall consider
43 placement of the defendant in the Labette correctional conservation camp,

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

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

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

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

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

43 (l) The secretary of corrections is authorized to make direct

1 placement to the Labette correctional conservation camp or a conservation
2 camp established by the secretary pursuant to K.S.A. 75-52,127, and
3 amendments thereto, of an inmate sentenced to the secretary's custody if
4 the inmate:

5 (1) Has been sentenced to the secretary for a probation revocation, as
6 a departure from the presumptive nonimprisonment grid block of either
7 sentencing grid, for an offense ~~which~~ *that* is classified in grid blocks 5-H,
8 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid
9 blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug
10 crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H
11 or 4-I of the sentencing guidelines grid for drug crimes committed on or
12 after July 1, 2012, or for an offense ~~which~~ *that* is classified in grid blocks
13 4-E or 4-F of the sentencing guidelines grid for drug crimes committed
14 prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the
15 sentencing guidelines grid for drug crimes committed on or after July 1,
16 2012, and such offense does not meet the requirements of K.S.A. 2018
17 Supp. 21-6824, and amendments thereto; and

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

19 If the inmate successfully completes a conservation camp program, the
20 secretary of corrections shall report such completion to the sentencing
21 court and the county or district attorney. The inmate shall then be assigned
22 by the court to six months of follow-up supervision conducted by the
23 appropriate community corrections services program. The court may also
24 order that supervision continue thereafter for the length of time authorized
25 by K.S.A. 2018 Supp. 21-6608, and amendments thereto.

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

29 (n) (1) Except as provided by K.S.A. 2018 Supp. 21-6630 and 21-
30 6805(f), and amendments thereto, in addition to any of the above, for
31 felony violations of K.S.A. 2018 Supp. 21-5706, and amendments thereto,
32 the court shall require the defendant who meets the requirements
33 established in K.S.A. 2018 Supp. 21-6824, and amendments thereto, to
34 participate in a certified drug abuse treatment program, as provided in
35 K.S.A. 2018 Supp. 75-52,144, and amendments thereto, including, but not
36 limited to, an approved after-care plan. The amount of time spent
37 participating in such program shall not be credited as service on the
38 underlying prison sentence.

39 (2) If the defendant fails to participate in or has a pattern of
40 intentional conduct that demonstrates the defendant's refusal to comply
41 with or participate in the treatment program, as established by judicial
42 finding, the defendant shall be subject to sanction or revocation pursuant
43 to the provisions of K.S.A. 22-3716, and amendments thereto. If the

1 defendant's probation is revoked, the defendant shall serve the underlying
2 prison sentence as established in K.S.A. 2018 Supp. 21-6805, and
3 amendments thereto.

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

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

14 (o) (1) Except as provided in paragraph (3), in addition to any other
15 penalty or disposition imposed by law, upon a conviction for unlawful
16 possession of a controlled substance or controlled substance analog in
17 violation of K.S.A. 2018 Supp. 21-5706, and amendments thereto, in
18 which the trier of fact makes a finding that the unlawful possession
19 occurred while transporting the controlled substance or controlled
20 substance analog in any vehicle upon a highway or street, the offender's
21 driver's license or privilege to operate a motor vehicle on the streets and
22 highways of this state shall be suspended for one year.

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

33 (3) (A) In lieu of suspending the driver's license or privilege to
34 operate a motor vehicle on the highways of this state of any person as
35 provided in paragraph (1), the judge of the court in which such person was
36 convicted may enter an order—~~which~~ *that* places conditions on such
37 person's privilege of operating a motor vehicle on the highways of this
38 state, a certified copy of which such person shall be required to carry any
39 time such person is operating a motor vehicle on the highways of this
40 state. Any such order shall prescribe the duration of the conditions
41 imposed, which in no event shall be for a period of more than one year.

42 (B) Upon entering an order restricting a person's license hereunder,
43 the judge shall require such person to surrender such person's driver's

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

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

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

31 (p) In addition to any of the above, for any criminal offense that
32 includes the domestic violence designation pursuant to K.S.A. 2018 Supp.
33 22-4616, and amendments thereto, the court shall require the defendant to:
34 (1) Undergo a domestic violence offender assessment conducted by a
35 certified batterer intervention program; and (2) follow all
36 recommendations made by such program, unless otherwise ordered by the
37 court or the department of corrections. The court may order a domestic
38 violence offender assessment and any other evaluation prior to sentencing
39 if the assessment or evaluation would assist the court in determining an
40 appropriate sentence. The entity completing the assessment or evaluation
41 shall provide the assessment or evaluation and recommendations to the
42 court and the court shall provide the domestic violence offender
43 assessment to any entity responsible for supervising such defendant. A

1 defendant ordered to undergo a domestic violence offender assessment
2 shall be required to pay for the assessment and, unless otherwise ordered
3 by the court or the department of corrections, for completion of all
4 recommendations.

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

24 (r) In addition to any other penalty or disposition imposed by law, for
25 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
26 prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments
27 thereto, for crimes committed on or after July 1, 2006, the court shall order
28 that the defendant be electronically monitored upon release from
29 imprisonment for the duration of the defendant's natural life and that the
30 defendant shall reimburse the state for all or part of the cost of such
31 monitoring as determined by the prisoner review board.

32 (s) Whenever the court has released the defendant on probation
33 pursuant to subsection (a)(3), the defendant's supervising court services
34 officer, with the concurrence of the chief court services officer, may
35 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),
36 and amendments thereto, without further order of the court, unless:~~(1) —~~
37 ~~The court has specifically withheld this authority in its sentencing order; or~~

38 ~~(2) — the defendant, after being apprised of the right to a revocation~~
39 ~~hearing before the court pursuant to K.S.A. 22-3716(b), and amendments~~
40 ~~thereto, refuses to waive such right.~~

41 (t) Whenever the court has assigned the defendant to a community
42 correctional services program pursuant to subsection (a)(4), the defendant's
43 community corrections officer, with the concurrence of the community

1 corrections director, may impose the violation sanctions as provided in
2 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
3 of the court unless:

4 ~~(1) The court has specifically withheld this authority in its sentencing~~
5 ~~order; or~~

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

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

13 Sec. 2. K.S.A. 2018 Supp. 22-3716 is hereby amended to read as
14 follows: 22-3716. (a) At any time during probation, assignment to a
15 community correctional services program, suspension of sentence or
16 pursuant to subsection (e) for defendants who committed a crime prior to
17 July 1, 1993, and at any time ~~during which~~ *when* a defendant is serving a
18 nonprison sanction for a crime committed on or after July 1, 1993, or
19 pursuant to subsection (e), the court may issue a warrant for the arrest of a
20 defendant for violation of any of the conditions of release or assignment, a
21 notice to appear to answer to a charge of violation or a violation of the
22 defendant's nonprison sanction. The notice shall be personally served upon
23 the defendant. The warrant shall authorize all officers named in the
24 warrant to return the defendant to the custody of the court or to any
25 certified detention facility designated by the court. Any court services
26 officer or community correctional services officer may arrest the defendant
27 without a warrant or may deputize any other officer with power of arrest to
28 do so by giving the officer a written or verbal statement setting forth that
29 the defendant has, in the judgment of the court services officer or
30 community correctional services officer, violated the conditions of the
31 defendant's release or a nonprison sanction. A written statement delivered
32 to the official in charge of a county jail or other place of detention shall be
33 sufficient warrant for the detention of the defendant. After making an
34 arrest, the court services officer or community correctional services officer
35 shall present to the detaining authorities a similar statement of the
36 circumstances of violation. Provisions regarding release on bail of persons
37 charged with a crime shall be applicable to defendants arrested under these
38 provisions.

39 (b) (1) Upon arrest and detention pursuant to subsection (a), the court
40 services officer or community correctional services officer shall
41 immediately notify the court and shall submit in writing a report showing
42 in what manner the defendant has violated the conditions of release or
43 assignment or a nonprison sanction.

1 (2) Unless the defendant, after being apprised of the right to a hearing
2 by the supervising court services or community correctional services
3 officer, waives such hearing, the court shall cause the defendant to be
4 brought before it without unnecessary delay for a hearing on the violation
5 charged. The hearing shall be in open court and the state shall have the
6 burden of establishing the violation. The defendant shall have the right to
7 be represented by counsel and shall be informed by the judge that, if the
8 defendant is financially unable to obtain counsel, an attorney will be
9 appointed to represent the defendant. The defendant shall have the right to
10 present the testimony of witnesses and other evidence on the defendant's
11 behalf. Relevant written statements made under oath may be admitted and
12 considered by the court along with other evidence presented at the hearing.

13 (3) (A) Except as otherwise provided, if the original crime of
14 conviction was a felony, other than a felony specified in K.S.A. 2018
15 Supp. 21-6804(i), and amendments thereto, and a violation is established,
16 the court may impose the violation sanctions as provided in subsection (c)
17 (1).

18 (B) Except as otherwise provided, if the original crime of conviction
19 was a misdemeanor or a felony specified in K.S.A. 2018 Supp. 21-6804(i),
20 and amendments thereto, and a violation is established, the court may:

21 (i) Continue or modify the probation, assignment to a community
22 correctional services program, suspension of sentence or nonprison
23 sanction and impose confinement in a county jail not to exceed 60 days. If
24 an offender is serving multiple probation terms concurrently, any
25 confinement periods imposed shall be imposed concurrently;

26 (ii) impose an intermediate sanction of confinement in a county jail,
27 to be imposed as a two-day or three-day consecutive period. The total of
28 all such sanctions imposed pursuant to this subparagraph and ~~subsections~~
29 ~~subsection (b)(4)(A) and (b)(4)(B)~~ shall not exceed 18 total days during
30 the term of supervision, *except as provided in subsection (h)*; or

31 (iii) revoke the probation, assignment to a community correctional
32 services program, suspension of sentence or nonprison sanction and
33 require the defendant to serve the sentence imposed, or any lesser
34 sentence, and, if imposition of sentence was suspended, may impose any
35 sentence ~~which~~ *that* might originally have been imposed.

36 (4) ~~Except as otherwise provided, if the defendant waives the right to~~
37 ~~a hearing and the sentencing court has not specifically withheld the~~
38 ~~authority from court services or community correctional services to~~
39 ~~impose sanctions, the following sanctions may be imposed without further~~
40 ~~order of the court:~~

41 (A) If the defendant was on probation at the time of the violation, the
42 defendant's supervising court services officer, with the concurrence of the
43 chief court services officer, may impose an intermediate sanction of

1 confinement in a county jail, to be imposed as a two-day or three-day
2 consecutive period. The total of all such sanctions imposed pursuant to this
3 subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18
4 total days during the term of supervision, *except as provided in subsection*
5 *(h)*; and

6 (B) if the defendant was assigned to a community correctional
7 services program at the time of the violation, the defendant's community
8 corrections officer, with the concurrence of the community corrections
9 director, may impose an intermediate sanction of confinement in a county
10 jail, to be imposed as a two-day or three-day consecutive period. The total
11 of all such sanctions imposed pursuant to this subparagraph and
12 subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during
13 the term of supervision, *except as provided in subsection (h)*.

14 (c) (1) Except as otherwise provided, if the original crime of
15 conviction was a felony, other than a felony specified in K.S.A. 2018
16 Supp. 21-6804(i), and amendments thereto, and a violation is established,
17 the court may impose the following sanctions:

18 (A) Continuation or modification of the release conditions of the
19 probation, assignment to a community correctional services program,
20 suspension of sentence or nonprison sanction;

21 (B) continuation or modification of the release conditions of the
22 probation, assignment to a community correctional services program,
23 suspension of sentence or nonprison sanction and an intermediate sanction
24 of confinement in a county jail to be imposed as a two-day or three-day
25 consecutive period. The total of all such sanctions imposed pursuant to this
26 subparagraph and ~~subsections~~ *subsection (b)(4)(A) and (b)(4)(B)* shall not
27 exceed 18 total days during the term of supervision, *except as provided in*
28 *subsection (h)*;

29 (C) if the violator already had at least one intermediate sanction
30 imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to
31 the crime for which the original supervision was imposed, continuation or
32 modification of the release conditions of the probation, assignment to a
33 community correctional services program, suspension of sentence or
34 nonprison sanction and ~~remanding the defendant to the custody of the~~
35 ~~secretary of corrections for a period of 120 days, subject to a reduction of~~
36 ~~up to 60 days in the discretion of the secretary~~ *impose confinement in a*
37 *county jail not to exceed 60 days*. This sanction shall not be imposed more
38 than once during the term of supervision. The sanction imposed pursuant
39 to this subparagraph shall begin upon pronouncement by the court and
40 shall not be served by prior confinement credit, except as provided in
41 subsection (c)(~~7~~)(6); or

42 (D) ~~if the violator already had a sanction imposed pursuant to~~
43 ~~subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime~~

1 for which the original supervision was imposed, continuation or
2 modification of the release conditions of the probation, assignment to a
3 community correctional services program, suspension of sentence or
4 nonprison sanction and remanding the defendant to the custody of the
5 secretary of corrections for a period of 180 days, subject to a reduction of
6 up to 90 days in the discretion of the secretary. This sanction shall not be
7 imposed more than once during the term of supervision. The sanction
8 imposed pursuant to this subparagraph shall begin upon pronouncement by
9 the court and shall not be served by prior confinement credit, except as
10 provided in subsection (e)(7); or

11 (E)—if the violator already had a sanction imposed pursuant to
12 subsections *subsections (c)(1)(B) and (c)(1)(C)* or ~~(e)(1)(D)~~ related to the
13 crime for which the original supervision was imposed, revocation of the
14 probation, assignment to a community corrections services program,
15 suspension of sentence or nonprison sanction and requiring such violator
16 to serve the sentence imposed, or any lesser sentence and, if imposition of
17 sentence was suspended, imposition of any sentence ~~which~~ *that* might
18 originally have been imposed.

19 (2) Except as otherwise provided in subsections (c)(3), ~~(e)(8)~~ and (c)
20 ~~(9)(7)~~, no offender for whom a violation of conditions of release or
21 assignment or a nonprison sanction has been established as provided in
22 this section shall be required to serve any time for the sentence imposed or
23 which might originally have been imposed in a state facility in the custody
24 of the secretary of corrections for such violation, unless such person has
25 already had at least one prior assignment to a community correctional
26 services program related to the crime for which the original sentence was
27 imposed.

28 (3) The provisions of subsection (c)(2) shall not apply to adult felony
29 offenders as described in K.S.A. 75-5291(a)(3), and amendments thereto.

30 (4) The court may require an offender for whom a violation of
31 conditions of release or assignment or a nonprison sanction has been
32 established as provided in this section to serve any time for the sentence
33 imposed or which might originally have been imposed in a state facility in
34 the custody of the secretary of corrections without a prior assignment to a
35 community correctional services program if the court finds and sets forth
36 with particularity the reasons for finding that the safety of the members of
37 the public will be jeopardized or that the welfare of the inmate will not be
38 served by such assignment to a community correctional services program.

39 (5) When a new felony is committed while the offender is on
40 probation or assignment to a community correctional services program, the
41 new sentence shall be imposed consecutively pursuant to the provisions of
42 K.S.A. 2018 Supp. 21-6606, and amendments thereto, and the court may
43 sentence the offender to imprisonment for the new conviction, even when

1 the new crime of conviction otherwise presumes a nonprison sentence. In
 2 this event, imposition of a prison sentence for the new crime does not
 3 constitute a departure.

4 ~~(6) Except as provided in subsection (f), upon completion of a~~
 5 ~~violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D)~~
 6 ~~such offender shall return to community correctional services supervision.~~
 7 ~~The sheriff shall not be responsible for the return of the offender to the~~
 8 ~~county where the community correctional services supervision is assigned.~~

9 ~~(7)—A violation sanction imposed pursuant to subsection (c)(1)(B), (e)~~
 10 ~~(1)(C) or (e)(1)(D) shall not be longer than the amount of time remaining~~
 11 ~~on the offender's underlying prison sentence.~~

12 ~~(8) (A) If the offender commits a new felony or misdemeanor while~~
 13 ~~the offender is on probation, assignment to a community correctional~~
 14 ~~services program, suspension of sentence or nonprison sanction, the court~~
 15 ~~may revoke the probation, assignment to a community correctional~~
 16 ~~services program, suspension of sentence or nonprison sanction of an~~
 17 ~~offender pursuant to subsection (c)(1)(E) without having previously~~
 18 ~~imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).~~

19 ~~(B) If the offender absconds from supervision while the offender is on~~
 20 ~~probation, assignment to a community correctional services program,~~
 21 ~~suspension of sentence or nonprison sanction, the court may:~~(i) ~~Revoke~~
 22 ~~the probation, assignment to a community correctional services program,~~
 23 ~~suspension of sentence or nonprison sanction of an offender pursuant to~~
 24 ~~subsection (c)(1)(E) without having previously imposed a sanction~~
 25 ~~pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D); or~~

26 ~~(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)~~
 27 ~~(1)(D) without imposing a sanction under (c)(1)(B).~~

28 ~~(9)(7) The court may revoke the probation, assignment to a~~
 29 ~~community correctional services program, suspension of sentence or~~
 30 ~~nonprison sanction of an offender pursuant to subsection (c)(1)(E) without~~
 31 ~~having previously imposed a sanction pursuant to subsection (c)(1)(B), (e)~~
 32 ~~(1)(C) or (e)(1)(D) if:~~

33 ~~(A) The court finds and sets forth with particularity the reasons for~~
 34 ~~finding that the safety of members of the public will be jeopardized or that~~
 35 ~~the welfare of the offender will not be served by such sanction; or~~

36 ~~(B) the probation, assignment to a community correctional services~~
 37 ~~program, suspension of sentence or nonprison sanction was originally~~
 38 ~~granted as the result of a dispositional departure granted by the sentencing~~
 39 ~~court pursuant to K.S.A. 2018 Supp. 21-6815, and amendments thereto;~~

40 ~~(C) the offender commits a new felony or misdemeanor while the~~
 41 ~~offender is on probation, assignment to a community correctional services~~
 42 ~~program, suspension of sentence or nonprison sanction; or~~

43 ~~(D) the offender absconds from supervision while the offender is on~~

1 *probation, assignment to a community correctional services program,*
2 *suspension of sentence or nonprison sanction.*

3 ~~(H)(8)~~ If an offender is serving multiple probation terms
4 concurrently, any violation sanctions imposed pursuant to subsection (c)(1)
5 ~~(B), (c)(1)(C) or (c)(1)(D)~~, or any sanction imposed pursuant to subsection
6 ~~(c)(1)(9)~~, shall be imposed concurrently.

7 ~~(H)(9)~~ If the original crime of conviction was a felony, except for
8 violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, and the
9 court makes a finding that the offender has committed one or more
10 violations of the release conditions of the probation, assignment to a
11 community correctional services program, suspension of sentence or
12 nonprison sanction, the court may impose confinement in a county jail not
13 to exceed 60 days upon each such finding. Such confinement is separate
14 and distinct from the violation sanctions provided in subsection (c)(1)~~(B);~~
15 ~~(c)(1)(C), (c)(1)(D) and (c)(1)(E)~~ and shall not be imposed at the same
16 time as any such violation sanction.

17 ~~(H)(10)~~ The violation sanctions provided in this subsection shall
18 apply to any violation of conditions of release or assignment or a
19 nonprison sanction occurring on and after July 1, 2013, regardless of when
20 the offender was sentenced for the original crime or committed the original
21 crime for which sentenced.

22 (d) A defendant who is on probation, assigned to a community
23 correctional services program, under suspension of sentence or serving a
24 nonprison sanction and for whose return a warrant has been issued by the
25 court shall be considered a fugitive from justice if it is found that the
26 warrant cannot be served. If it appears that the defendant has violated the
27 provisions of the defendant's release or assignment or a nonprison
28 sanction, the court shall determine whether the time from the issuing of the
29 warrant to the date of the defendant's arrest, or any part of it, shall be
30 counted as time served on probation, assignment to a community
31 correctional services program, suspended sentence or pursuant to a
32 nonprison sanction.

33 (e) The court shall have 30 days following the date probation,
34 assignment to a community correctional service program, suspension of
35 sentence or a nonprison sanction was to end to issue a warrant for the
36 arrest or notice to appear for the defendant to answer a charge of a
37 violation of the conditions of probation, assignment to a community
38 correctional service program, suspension of sentence or a nonprison
39 sanction.

40 (f) For crimes committed on and after July 1, 2013, a felony offender
41 whose nonprison sanction is revoked pursuant to subsection (c) or whose
42 underlying prison term expires while serving a sanction pursuant to
43 subsection (c)(1)~~(C) or (c)(1)(D)~~ shall serve a period of postrelease

1 supervision upon the completion of the prison portion of the underlying
2 sentence.

3 (g) Offenders who have been sentenced pursuant to K.S.A. 2018
4 Supp. 21-6824, and amendments thereto, and who subsequently violate a
5 condition of the drug and alcohol abuse treatment program shall be subject
6 to an additional nonprison sanction for any such subsequent violation.
7 Such nonprison sanctions shall include, but not be limited to, up to 60 days
8 in a county jail, fines, community service, intensified treatment, house
9 arrest and electronic monitoring.

10 (h) *If the court continues or modifies the probation, assignment to a*
11 *community correctional services program, suspension of sentence or*
12 *nonprison sanction, pursuant to subsection (b) or (c), the court shall*
13 *authorize an additional 18 days of sanction time in a county jail to be*
14 *reserved for sanctions as set forth in subsection (b)(3), (b)(4) or (c)(1).*

15 Sec. 3. K.S.A. 2018 Supp. 22-3717 is hereby amended to read as
16 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
17 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
18 21-4638 and 21-4642, prior to their repeal; K.S.A. 2018 Supp. 21-6617,
19 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
20 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
21 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
22 K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall be eligible for
23 parole after serving the entire minimum sentence imposed by the court,
24 less good time credits.

25 (b) (1) An inmate sentenced to imprisonment for life without the
26 possibility of parole pursuant to K.S.A. 2018 Supp. 21-6617, and
27 amendments thereto, shall not be eligible for parole.

28 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
29 their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and 21-
30 6625, and amendments thereto, an inmate sentenced to imprisonment for
31 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
32 be eligible for parole after serving 25 years of confinement, without
33 deduction of any good time credits; (B) murder in the first degree based
34 upon a finding of premeditated murder committed on or after July 1, 1994,
35 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
36 of confinement, without deduction of any good time credits; and (C)
37 murder in the first degree as described in K.S.A. 2018 Supp. 21-5402(a)
38 (2), and amendments thereto, committed on or after July 1, 2014, shall be
39 eligible for parole after serving 25 years of confinement, without
40 deduction of any good time credits.

41 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
42 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
43 21-4638, prior to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623,

1 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to
2 imprisonment for an off-grid offense committed on or after July 1, 1993,
3 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
4 of confinement, without deduction of any good time credits and an inmate
5 sentenced to imprisonment for an off-grid offense committed on or after
6 July 1, 1999, shall be eligible for parole after serving 20 years of
7 confinement without deduction of any good time credits.

8 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
9 repeal, an inmate sentenced for a class A felony committed before July 1,
10 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
11 its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall
12 be eligible for parole after serving 15 years of confinement, without
13 deduction of any good time credits.

14 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
15 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
16 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
17 confinement without deduction of any good time credits.

18 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
19 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments
20 thereto, committed on or after July 1, 2006, shall be eligible for parole
21 after serving the mandatory term of imprisonment without deduction of
22 any good time credits.

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

27 (A) The aggregate minimum sentences, as determined pursuant to
28 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2018 Supp. 21-6606, and
29 amendments thereto, less good time credits for those crimes which are not
30 class A felonies; and

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

33 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
34 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments
35 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
36 eligible for parole after serving the mandatory term of imprisonment.

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

42 (A) Except as provided in subparagraphs (D) and (E), persons
43 sentenced for nondrug severity levels 1 through 4 crimes, drug severity

1 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
2 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
3 July 1, 2012, must serve 36 months on postrelease supervision.

4 (B) Except as provided in subparagraphs (D) and (E), persons
5 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
6 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
7 drug severity level 4 crimes committed on or after July 1, 2012, must serve
8 24 months on postrelease supervision.

9 (C) Except as provided in subparagraphs (D) and (E), persons
10 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
11 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
12 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
13 must serve 12 months on postrelease supervision.

14 (D) Persons sentenced to a term of imprisonment that includes a
15 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
16 amendments thereto, committed on or after July 1, 1993, but prior to July
17 1, 2006, a sexually motivated crime in which the offender has been
18 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
19 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
20 repeal, or K.S.A. 2018 Supp. 21-5509, and amendments thereto, or
21 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.
22 2018 Supp. 21-5512, and amendments thereto, shall serve the period of
23 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or
24 (d)(1)(C), plus the amount of good time and program credit earned and
25 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018
26 Supp. 21-6821, and amendments thereto, on postrelease supervision.

27 (i) If the sentencing judge finds substantial and compelling reasons to
28 impose a departure based upon a finding that the current crime of
29 conviction was sexually motivated, departure may be imposed to extend
30 the postrelease supervision to a period of up to 60 months.

31 (ii) If the sentencing judge departs from the presumptive postrelease
32 supervision period, the judge shall state on the record at the time of
33 sentencing the substantial and compelling reasons for the departure.
34 Departures in this section are subject to appeal pursuant to K.S.A. 21-
35 4721, prior to its repeal, or K.S.A. 2018 Supp. 21-6820, and amendments
36 thereto.

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

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

41 (b) any evidence received during the proceeding;

42 (c) the presentence report, the victim's impact statement and any
43 psychological evaluation as ordered by the court pursuant to K.S.A. 21-

1 4714(e), prior to its repeal, or K.S.A. 2018 Supp. 21-6813(e), and
2 amendments thereto; and

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

4 (iv) The sentencing judge may order that a psychological evaluation
5 be prepared and the recommended programming be completed by the
6 offender. The department of corrections or the prisoner review board shall
7 ensure that court ordered sex offender treatment be carried out.

8 (v) In carrying out the provisions of subsection (d)(1)(D), the court
9 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2018 Supp. 21-
10 6817, and amendments thereto.

11 (vi) Upon petition and payment of any restitution ordered pursuant to
12 K.S.A. 2018 Supp. 21-6604, and amendments thereto, the prisoner review
13 board may provide for early discharge from the postrelease supervision
14 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
15 court ordered programs and completion of the presumptive postrelease
16 supervision period, as determined by the crime of conviction, pursuant to
17 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
18 postrelease supervision is at the discretion of the board.

19 (vii) Persons convicted of crimes deemed sexually violent or sexually
20 motivated shall be registered according to the offender registration act,
21 K.S.A. 22-4901 through 22-4910, and amendments thereto.

22 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
23 repeal, or K.S.A. 2018 Supp. 21-5508, and amendments thereto, shall be
24 required to participate in a treatment program for sex offenders during the
25 postrelease supervision period.

26 (E) The period of postrelease supervision provided in subparagraphs
27 (A) and (B) may be reduced by up to 12 months and the period of
28 postrelease supervision provided in subparagraph (C) may be reduced by
29 up to six months based on the offender's compliance with conditions of
30 supervision and overall performance while on postrelease supervision. The
31 reduction in the supervision period shall be on an earned basis pursuant to
32 rules and regulations adopted by the secretary of corrections.

33 (F) In cases where sentences for crimes from more than one severity
34 level have been imposed, the offender shall serve the longest period of
35 postrelease supervision as provided by this section available for any crime
36 upon which sentence was imposed irrespective of the severity level of the
37 crime. Supervision periods will not aggregate.

38 (G) (i) Except as provided in subsection (u), persons sentenced to
39 imprisonment for a sexually violent crime committed on or after July 1,
40 2006, when the offender was 18 years of age or older, and who are
41 released from prison, shall be released to a mandatory period of
42 postrelease supervision for the duration of the person's natural life.

43 (ii) Persons sentenced to imprisonment for a sexually violent crime

1 committed on or after the effective date of this act, when the offender was
2 under 18 years of age, and who are released from prison, shall be released
3 to a mandatory period of postrelease supervision for 60 months, plus the
4 amount of good time and program credit earned and retained pursuant to
5 K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018 Supp. 21-6821, and
6 amendments thereto.

7 (2) Persons serving a period of postrelease supervision pursuant to
8 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
9 review board for early discharge. Upon payment of restitution, the prisoner
10 review board may provide for early discharge.

11 (3) Persons serving a period of incarceration for a supervision
12 violation shall not have the period of postrelease supervision modified
13 until such person is released and returned to postrelease supervision.

14 (4) Offenders whose crime of conviction was committed on or after
15 July 1, 2013, and whose probation, assignment to a community
16 correctional services program, suspension of sentence or nonprison
17 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
18 thereto, or whose underlying prison term expires while serving a sanction
19 pursuant to K.S.A. 22-3716(c)(1)(C) ~~or (e)(1)(D)~~, and amendments
20 thereto, shall serve a period of postrelease supervision upon the
21 completion of the underlying prison term.

22 (5) As used in this subsection, "sexually violent crime" means:

23 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018 Supp.
24 21-5503, and amendments thereto;

25 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
26 or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto;

27 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
28 to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto;

29 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
30 repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) and (a)(4), and amendments
31 thereto;

32 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
33 or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto;

34 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
35 or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto;

36 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
37 to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto;

38 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
39 or K.S.A. 2018 Supp. 21-5510, and amendments thereto;

40 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
41 K.S.A. 2018 Supp. 21-5505(b), and amendments thereto;

42 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
43 2018 Supp. 21-5604(b), and amendments thereto;

1 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
2 prior to its repeal, or K.S.A. 2018 Supp. 21-5426(b), and amendments
3 thereto, if committed in whole or in part for the purpose of the sexual
4 gratification of the defendant or another;

5 (L) internet trading in child pornography, as defined in K.S.A. 2018
6 Supp. 21-5514(a), and amendments thereto;

7 (M) aggravated internet trading in child pornography, as defined in
8 K.S.A. 2018 Supp. 21-5514(b), and amendments thereto;

9 (N) commercial sexual exploitation of a child, as defined in K.S.A.
10 2018 Supp. 21-6422, and amendments thereto; or

11 (O) an attempt, conspiracy or criminal solicitation, as defined in
12 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018
13 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
14 sexually violent crime as defined in this section.

15 (6) As used in this subsection, "sexually motivated" means that one of
16 the purposes for which the defendant committed the crime was for the
17 purpose of the defendant's sexual gratification.

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

25 (f) If a person is sentenced to prison for a crime committed on or after
26 July 1, 1993, while on probation, parole, conditional release or in a
27 community corrections program, for a crime committed prior to July 1,
28 1993, and the person is not eligible for retroactive application of the
29 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
30 4724, prior to its repeal, the new sentence shall not be aggregated with the
31 old sentence, but shall begin when the person is paroled or reaches the
32 conditional release date on the old sentence. If the offender was past the
33 offender's conditional release date at the time the new offense was
34 committed, the new sentence shall not be aggregated with the old sentence
35 but shall begin when the person is ordered released by the prisoner review
36 board or reaches the maximum sentence expiration date on the old
37 sentence, whichever is earlier. The new sentence shall then be served as
38 otherwise provided by law. The period of postrelease supervision shall be
39 based on the new sentence, except that those offenders whose old sentence
40 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
41 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
42 term of life imprisonment, for which there is no conditional release or
43 maximum sentence expiration date, shall remain on postrelease

1 supervision for life or until discharged from supervision by the prisoner
2 review board.

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

18 (h) The prisoner review board shall hold a parole hearing at least the
19 month prior to the month an inmate will be eligible for parole under
20 subsections (a), (b) and (c). At least one month preceding the parole
21 hearing, the county or district attorney of the county where the inmate was
22 convicted shall give written notice of the time and place of the public
23 comment sessions for the inmate to any victim of the inmate's crime who
24 is alive and whose address is known to the county or district attorney or, if
25 the victim is deceased, to the victim's family if the family's address is
26 known to the county or district attorney. Except as otherwise provided,
27 failure to notify pursuant to this section shall not be a reason to postpone a
28 parole hearing. In the case of any inmate convicted of an off-grid felony or
29 a class A felony, the secretary of corrections shall give written notice of the
30 time and place of the public comment session for such inmate at least one
31 month preceding the public comment session to any victim of such
32 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
33 amendments thereto. If notification is not given to such victim or such
34 victim's family in the case of any inmate convicted of an off-grid felony or
35 a class A felony, the board shall postpone a decision on parole of the
36 inmate to a time at least 30 days after notification is given as provided in
37 this section. Nothing in this section shall create a cause of action against
38 the state or an employee of the state acting within the scope of the
39 employee's employment as a result of the failure to notify pursuant to this
40 section. If granted parole, the inmate may be released on parole on the date
41 specified by the board, but not earlier than the date the inmate is eligible
42 for parole under subsections (a), (b) and (c). At each parole hearing and, if
43 parole is not granted, at such intervals thereafter as it determines

1 appropriate, the board shall consider: (1) Whether the inmate has
2 satisfactorily completed the programs required by any agreement entered
3 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
4 agreement; and (2) all pertinent information regarding such inmate,
5 including, but not limited to, the circumstances of the offense of the
6 inmate; the presentence report; the previous social history and criminal
7 record of the inmate; the conduct, employment, and attitude of the inmate
8 in prison; the reports of such physical and mental examinations as have
9 been made, including, but not limited to, risk factors revealed by any risk
10 assessment of the inmate; comments of the victim and the victim's family
11 including in person comments, contemporaneous comments and
12 prerecorded comments made by any technological means; comments of
13 the public; official comments; any recommendation by the staff of the
14 facility where the inmate is incarcerated; proportionality of the time the
15 inmate has served to the sentence a person would receive under the Kansas
16 sentencing guidelines for the conduct that resulted in the inmate's
17 incarceration; and capacity of state correctional institutions.

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

28 (j) (1) Before ordering the parole of any inmate, the prisoner review
29 board shall have the inmate appear either in person or via a video
30 conferencing format and shall interview the inmate unless impractical
31 because of the inmate's physical or mental condition or absence from the
32 institution. Every inmate while on parole shall remain in the legal custody
33 of the secretary of corrections and is subject to the orders of the secretary.
34 Whenever the board formally considers placing an inmate on parole and
35 no agreement has been entered into with the inmate under K.S.A. 75-
36 5210a, and amendments thereto, the board shall notify the inmate in
37 writing of the reasons for not granting parole. If an agreement has been
38 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
39 has not satisfactorily completed the programs specified in the agreement,
40 or any revision of such agreement, the board shall notify the inmate in
41 writing of the specific programs the inmate must satisfactorily complete
42 before parole will be granted. If parole is not granted only because of a
43 failure to satisfactorily complete such programs, the board shall grant

1 parole upon the secretary's certification that the inmate has successfully
2 completed such programs. If an agreement has been entered under K.S.A.
3 75-5210a, and amendments thereto, and the secretary of corrections has
4 reported to the board in writing that the inmate has satisfactorily
5 completed the programs required by such agreement, or any revision
6 thereof, the board shall not require further program participation.
7 However, if the board determines that other pertinent information
8 regarding the inmate warrants the inmate's not being released on parole,
9 the board shall state in writing the reasons for not granting the parole. If
10 parole is denied for an inmate sentenced for a crime other than a class A or
11 class B felony or an off-grid felony, the board shall hold another parole
12 hearing for the inmate not later than one year after the denial unless the
13 board finds that it is not reasonable to expect that parole would be granted
14 at a hearing if held in the next three years or during the interim period of a
15 deferral. In such case, the board may defer subsequent parole hearings for
16 up to three years but any such deferral by the board shall require the board
17 to state the basis for its findings. If parole is denied for an inmate
18 sentenced for a class A or class B felony or an off-grid felony, the board
19 shall hold another parole hearing for the inmate not later than three years
20 after the denial unless the board finds that it is not reasonable to expect
21 that parole would be granted at a hearing if held in the next 10 years or
22 during the interim period of a deferral. In such case, the board may defer
23 subsequent parole hearings for up to 10 years, but any such deferral shall
24 require the board to state the basis for its findings.

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

33 (k) (1) Parolees and persons on postrelease supervision shall be
34 assigned, upon release, to the appropriate level of supervision pursuant to
35 the criteria established by the secretary of corrections.

36 (2) Parolees and persons on postrelease supervision are, and shall
37 agree in writing to be, subject to searches of the person and the person's
38 effects, vehicle, residence and property by a parole officer or a department
39 of corrections enforcement, apprehension and investigation officer, at any
40 time of the day or night, with or without a search warrant and with or
41 without cause. Nothing in this subsection shall be construed to authorize
42 such officers to conduct arbitrary or capricious searches or searches for the
43 sole purpose of harassment.

1 (3) Parolees and persons on postrelease supervision are, and shall
2 agree in writing to be, subject to searches of the person and the person's
3 effects, vehicle, residence and property by any law enforcement officer
4 based on reasonable suspicion of the person violating conditions of parole
5 or postrelease supervision or reasonable suspicion of criminal activity. Any
6 law enforcement officer who conducts such a search shall submit a written
7 report to the appropriate parole officer no later than the close of the next
8 business day after such search. The written report shall include the facts
9 leading to such search, the scope of such search and any findings resulting
10 from such search.

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

19 (m) Whenever the prisoner review board orders the parole of an
20 inmate or establishes conditions for an inmate placed on postrelease
21 supervision, the board:

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

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

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

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

43 (5) unless it finds compelling circumstances ~~which~~ *that* would render

1 a plan of payment unworkable, shall order that the parolee or person on
2 postrelease supervision reimburse the state for all or part of the
3 expenditures by the state board of indigents' defense services to provide
4 counsel and other defense services to the person. In determining the
5 amount and method of payment of such sum, the prisoner review board
6 shall take account of the financial resources of the person and the nature of
7 the burden that the payment of such sum will impose. Such amount shall
8 not exceed the amount claimed by appointed counsel on the payment
9 voucher for indigents' defense services or the amount prescribed by the
10 board of indigents' defense services reimbursement tables as provided in
11 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
12 previous payments for such services;

13 (6) shall order that the parolee or person on postrelease supervision
14 agree in writing to be subject to searches of the person and the person's
15 effects, vehicle, residence and property by a parole officer or a department
16 of corrections enforcement, apprehension and investigation officer, at any
17 time of the day or night, with or without a search warrant and with or
18 without cause. Nothing in this subsection shall be construed to authorize
19 such officers to conduct arbitrary or capricious searches or searches for the
20 sole purpose of harassment; and

21 (7) shall order that the parolee or person on postrelease supervision
22 agree in writing to be subject to searches of the person and the person's
23 effects, vehicle, residence and property by any law enforcement officer
24 based on reasonable suspicion of the person violating conditions of parole
25 or postrelease supervision or reasonable suspicion of criminal activity.

26 (n) If the court ~~which~~ *that* sentenced an inmate specified at the time
27 of sentencing the amount and the recipient of any restitution ordered as a
28 condition of parole or postrelease supervision, the prisoner review board
29 shall order as a condition of parole or postrelease supervision that the
30 inmate pay restitution in the amount and manner provided in the journal
31 entry unless the board finds compelling circumstances ~~which~~ *that* would
32 render a plan of restitution unworkable.

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

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

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

1 (r) An inmate who is allocated regular good time credits as provided
2 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
3 good time credits in increments of not more than 90 days per meritorious
4 act. These credits may be awarded by the secretary of corrections when an
5 inmate has acted in a heroic or outstanding manner in coming to the
6 assistance of another person in a life-threatening situation, preventing
7 injury or death to a person, preventing the destruction of property or taking
8 actions ~~which~~ that result in a financial savings to the state.

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

11 (t) For offenders sentenced prior to July 1, 2014, who are eligible for
12 modification of their postrelease supervision obligation, the department of
13 corrections shall modify the period of postrelease supervision as provided
14 for by this section:

15 (1) On or before September 1, 2013, for offenders convicted of:

16 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
17 for nondrug crimes;

18 (B) severity level 4 crimes on the sentencing guidelines grid for drug
19 crimes committed prior to July 1, 2012; and

20 (C) severity level 5 crimes on the sentencing guidelines grid for drug
21 crimes committed on and after July 1, 2012;

22 (2) on or before November 1, 2013, for offenders convicted of:

23 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
24 grid for nondrug crimes;

25 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
26 committed prior to July 1, 2012; and

27 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
28 committed on or after July 1, 2012; and

29 (3) on or before January 1, 2014, for offenders convicted of:

30 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
31 guidelines grid for nondrug crimes;

32 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
33 for drug crimes committed at any time; and

34 (C) severity level 3 crimes on the sentencing guidelines grid for drug
35 crimes committed on or after July 1, 2012.

36 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
37 4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments
38 thereto, for crimes committed on or after July 1, 2006, shall be placed on
39 parole for life and shall not be discharged from supervision by the prisoner
40 review board. When the board orders the parole of an inmate pursuant to
41 this subsection, the board shall order as a condition of parole that the
42 inmate be electronically monitored for the duration of the inmate's natural
43 life.

1 (v) Whenever the prisoner review board orders a person to be
2 electronically monitored pursuant to this section, or the court orders a
3 person to be electronically monitored pursuant to K.S.A. 2018 Supp. 21-
4 6604(r), and amendments thereto, the board shall order the person to
5 reimburse the state for all or part of the cost of such monitoring. In
6 determining the amount and method of payment of such sum, the board
7 shall take account of the financial resources of the person and the nature of
8 the burden that the payment of such sum will impose.

9 (w) (1) On and after July 1, 2012, for any inmate who is a sex
10 offender, as defined in K.S.A. 22-4902, and amendments thereto,
11 whenever the prisoner review board orders the parole of such inmate or
12 establishes conditions for such inmate placed on postrelease supervision,
13 such inmate shall agree in writing to not possess pornographic materials.

14 (A) As used in this subsection, "pornographic materials" means any
15 obscene material or performance depicting sexual conduct, sexual contact
16 or a sexual performance; and any visual depiction of sexually explicit
17 conduct.

18 (B) As used in this subsection, all other terms have the meanings
19 provided by K.S.A. 2018 Supp. 21-5510, and amendments thereto.

20 (2) The provisions of this subsection shall be applied retroactively to
21 every sex offender, as defined in K.S.A. 22-4902, and amendments
22 thereto, who is on parole or postrelease supervision on July 1, 2012. The
23 prisoner review board shall obtain the written agreement required by this
24 subsection from such offenders as soon as practicable.

25 Sec. 4. K.S.A. 2018 Supp. 21-6604, 22-3716 and 22-3717 are hereby
26 repealed.

27 Sec. 5. This act shall take effect and be in force from and after its
28 publication in the statute book.