

## HOUSE BILL No. 2380

By Representative Toplikar

2-7

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AN ACT concerning crimes, punishment and criminal procedure; relating to probation and postrelease supervision times; amending K.S.A. 2000 Supp. 21-4611 and 22-3717 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 21-4611 is hereby amended to read as follows: 21-4611. (a) The period of suspension of sentence, probation or assignment to community corrections fixed by the court shall not exceed five years in felony cases involving crimes committed prior to July 1, 1993, or two years in misdemeanor cases, subject to renewal and extension for additional fixed periods not exceeding five years in such felony cases, nor two years in misdemeanor cases. In no event shall the total period of probation, suspension of sentence or assignment to community corrections for a felony committed prior to July 1, 1993, exceed the greatest maximum term provided by law for the crime, except that where the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. Probation, suspension of sentence or assignment to community corrections may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation, suspension of sentence or assignment to community corrections, an order to this effect shall be entered by the court. The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The district court having jurisdiction of the offender may parole any misdemeanant sentenced to confinement in the county jail. The period of such parole shall be fixed by the court and shall not exceed two years and shall be terminated in the manner provided for termination of suspended sentence and probation.

(c) (1) For all crimes committed on or after July 1, 1993, *through June 30, 2001*, the duration of probation in felony cases sentenced for the following severity levels on the sentencing guidelines grid for nondrug crimes and the sentencing guidelines grid for drug crimes is as follows:

~~(1)~~ (A) For nondrug crimes the recommended duration of probations is:

1     ~~(A)~~ (i) Thirty-six months for crimes in crime severity levels 1 through  
2 5; and

3     ~~(B)~~ (ii) 24 months for crimes in crime severity levels 6 and 7.

4     ~~(2)~~ (B) For drug crimes the recommended duration of probation is  
5 36 months for crimes in crime severity levels 1 and 2.

6     ~~(3)~~ (C) In felony cases sentenced at severity levels 9 and 10 on the  
7 sentencing guidelines grid for nondrug crimes and severity level 4 on the  
8 sentencing guidelines grid for drug crimes, if a nonprison sanction is im-  
9 posed, the court shall order the defendant to serve a period of probation,  
10 or assignment to a community correctional services program as provided  
11 under K.S.A. 75-5291 *et seq.*, and amendments thereto, of up to 12  
12 months in length.

13     ~~(4)~~ (D) In felony cases sentenced at severity level 8 on the sentencing  
14 guidelines grid for nondrug crimes and severity level 3 on the sentencing  
15 guidelines grid for drug crimes, if a nonprison sanction is imposed, the  
16 court shall order the defendant to serve a period of probation, or assign-  
17 ment to a community correctional services program, as provided under  
18 K.S.A. 75-5291 *et seq.*, and amendments thereto, of up to 18 months in  
19 length.

20     (2) *For all crimes committed on or after July 1, 2001, the duration of*  
21 *probation in felony cases sentenced for the following severity levels on the*  
22 *sentencing guidelines grid for nondrug crimes and the sentencing guide-*  
23 *lines grid for drug crimes is as follows:*

24     (A) *For nondrug crimes the recommended duration of probation is:*

25     (i) *Thirty-six months for crimes in crime severity levels 1 through 5;*  
26 *and*

27     (ii) *24 months for crimes in crime severity levels 6 through 10; and*

28     (B) *for drug crimes the recommended duration of probation is:*

29     (i) *Thirty-six months for crimes in crime severity levels 1 through 3;*  
30 *and*

31     (ii) *24 months for crimes in crime severity level 4.*

32     ~~(5)~~ (3) If the court finds and sets forth with particularity the reasons  
33 for finding that the safety of the members of the public will be jeopardized  
34 or that the welfare of the inmate will not be served by the length of the  
35 probation terms provided in subsections ~~(e)(3)~~ (c)(1) and ~~(e)(4)~~ (c)(2), the  
36 court may impose a longer period of probation. Such an increase shall  
37 not be considered a departure and shall not be subject to appeal.

38     ~~(6)~~ (4) Except as provided in subsections ~~(e)(7)~~ (c)(5) and ~~(e)(8)~~ (c)(6),  
39 the total period in all cases shall not exceed 60 months, or the maximum  
40 period of the prison sentence that could be imposed whichever is longer.  
41 Nonprison sentences may be terminated by the court at any time.

42     ~~(7)~~ (5) If the defendant is convicted of nonsupport of a child, the  
43 period may be continued as long as the responsibility for support contin-

1 ues. If the defendant is ordered to pay full or partial restitution, the period  
2 may be continued as long as the amount of restitution ordered has not  
3 been paid.

4 ~~(8)~~ (6) The court may modify or extend the offender's period of su-  
5 pervision, pursuant to a modification hearing and a judicial finding of  
6 necessity. Such extensions may be made for a maximum period of five  
7 years or the maximum period of the prison sentence that could be im-  
8 posed, whichever is longer, inclusive of the original supervision term.

9 ~~(d) The provisions of subsection (c), as amended by this act, shall be~~  
10 ~~applied retroactively. The sentencing court shall direct that a review of~~  
11 ~~all persons serving a nonprison sanction for a crime in severity levels 8,~~  
12 ~~9 or 10 of the sentencing guidelines grid for nondrug crimes or a crime~~  
13 ~~in severity levels 3 or 4 of the sentencing guidelines grid for drug crimes~~  
14 ~~be conducted. On or before September 1, 2000, the duration of such~~  
15 ~~person's probation shall be modified in conformity with the provisions of~~  
16 ~~subsection (c).~~

17 Sec. 2. K.S.A. 2000 Supp. 22-3717 is hereby amended to read as  
18 follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A.  
19 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-  
20 4638 and amendments thereto, an inmate, including an inmate sentenced  
21 pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for  
22 parole after serving the entire minimum sentence imposed by the court,  
23 less good time credits.

24 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and  
25 amendments thereto, an inmate sentenced to imprisonment for the crime  
26 of capital murder, or an inmate sentenced for the crime of murder in the  
27 first degree based upon a finding of premeditated murder, committed on  
28 or after July 1, 1994, shall be eligible for parole after serving 25 years of  
29 confinement, without deduction of any good time credits.

30 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993  
31 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,  
32 and amendments thereto, an inmate sentenced to imprisonment for an  
33 off-grid offense committed on or after July 1, 1993, but prior to July 1,  
34 1999, shall be eligible for parole after serving 15 years of confinement,  
35 without deduction of any good time credits and an inmate sentenced to  
36 imprisonment for an off-grid offense committed on or after July 1, 1999,  
37 shall be eligible for parole after serving 20 years of confinement without  
38 deduction of any good time credits.

39 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its  
40 repeal, an inmate sentenced for a class A felony committed before July  
41 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and  
42 amendments thereto, shall be eligible for parole after serving 15 years of  
43 confinement, without deduction of any good time credits.

1 (4) An inmate sentenced to imprisonment for a violation of subsec-  
2 tion (a) of K.S.A. 21-3402 and amendments thereto committed on or after  
3 July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after  
4 serving 10 years of confinement without deduction of any good time  
5 credits.

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

9 (1) The aggregate minimum sentences, as determined pursuant to  
10 K.S.A. 21-4608 and amendments thereto, less good time credits for those  
11 crimes which are not class A felonies; and

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

14 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
15 committed on or after July 1, 1993, *through June 30, 2001*, will not be  
16 eligible for parole, but will be released to a mandatory period of post-  
17 release supervision upon completion of the prison portion of their sen-  
18 tence as follows:

19 (A) Except as provided in subparagraphs (D) and (E), persons sen-  
20 tenced for nondrug severity level 1 through 4 crimes and drug severity  
21 levels 1 and 2 crimes must serve 36 months, plus the amount of good  
22 time earned and retained pursuant to K.S.A. 21-4722 and amendments  
23 thereto, on postrelease supervision.

24 (B) Except as provided in subparagraphs (D) and (E), persons sen-  
25 tenced for nondrug severity levels 5 and 6 crimes and drug severity level  
26 3 crimes must serve 24 months, plus the amount of good time earned  
27 and retained pursuant to K.S.A. 21-4722, and amendments thereto, on  
28 postrelease supervision.

29 (C) Except as provided in subparagraphs (D) and (E), persons sen-  
30 tenced for nondrug severity level 7 through 10 crimes and drug severity  
31 level 4 crimes must serve 12 months, plus the amount of good time earned  
32 and retained pursuant to K.S.A. 21-4722 and amendments thereto, on  
33 postrelease supervision.

34 (D) (i) The sentencing judge shall impose the postrelease supervi-  
35 sion period provided in subparagraph (d)(1)(A), (d)(1)(B) ~~or~~, (d)(1)(C),  
36 (d)(3)(A) or (d)(3)(B) unless the judge finds substantial and compelling  
37 reasons to impose a departure based upon a finding that the current crime  
38 of conviction was sexually violent or sexually motivated. In that event,  
39 departure may be imposed to extend the postrelease supervision to a  
40 period of up to 60 months.

41 (ii) If the sentencing judge departs from the presumptive postrelease  
42 supervision period, the judge shall state on the record at the time of  
43 sentencing the substantial and compelling reasons for the departure. De-

1 partures in this section are subject to appeal pursuant to K.S.A. 21-4721  
2 and amendments thereto.

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

5 (a) Written briefs or oral arguments submitted by either the defend-  
6 ant or the state;

7 (b) any evidence received during the proceeding;

8 (c) the presentence report, the victim's impact statement and any  
9 psychological evaluation as ordered by the court pursuant to subsection  
10 (e) of K.S.A. 21-4714 and amendments thereto; and

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

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

16 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court  
17 shall refer to K.S.A. 21-4718 and amendments thereto.

18 (vi) Upon petition, the parole board may provide for early discharge  
19 from the postrelease supervision period upon completion of court or-  
20 dered programs and completion of the presumptive postrelease super-  
21 vision period, as determined by the crime of conviction, pursuant to sub-  
22 paragraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
23 postrelease supervision is at the discretion of the parole board.

24 (vii) Persons convicted of crimes deemed sexually violent or sexually  
25 motivated, shall be registered according to the habitual sex offender reg-  
26 istration act, K.S.A. 22-4901 through 22-4910 and amendments thereto.

27 (E) The period of postrelease supervision provided in subparagraphs  
28 (A) ~~and~~ (B), (3)(A) *and* (3)(B) may be reduced by up to 12 months and  
29 the period of postrelease supervision provided in subparagraph (C) may  
30 be reduced by up to six months based on the offender's compliance with  
31 conditions of supervision and overall performance while on postrelease  
32 supervision. The reduction in the supervision period shall be on an earned  
33 basis pursuant to rules and regulations adopted by the secretary of  
34 corrections.

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

40 (2) As used in this section, "sexually violent crime" means:

41 (A) Rape, K.S.A. 21-3502, and amendments thereto;

42 (B) indecent liberties with a child, K.S.A. 21-3503, and amendments  
43 thereto;

1 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and  
2 amendments thereto;

3 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505  
4 and amendments thereto;

5 (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments  
6 thereto;

7 (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments  
8 thereto;

9 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and  
10 amendments thereto;

11 (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments  
12 thereto;

13 (I) aggravated sexual battery, K.S.A. 21-3518, and amendments  
14 thereto;

15 (J) any conviction for a felony offense in effect at any time prior to  
16 the effective date of this act, that is comparable to a sexually violent crime  
17 as defined in subparagraphs (A) through (I), or any federal or other state  
18 conviction for a felony offense that under the laws of this state would be  
19 a sexually violent crime as defined in this section;

20 (K) an attempt, conspiracy or criminal solicitation, as defined in  
21 K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually  
22 violent crime as defined in this section; or

23 (L) any act which at the time of sentencing for the offense has been  
24 determined beyond a reasonable doubt to have been sexually motivated.  
25 As used in this subparagraph, "sexually motivated" means that one of the  
26 purposes for which the defendant committed the crime was for the pur-  
27 pose of the defendant's sexual gratification.

28 (3) *Persons sentenced for crimes, other than off-grid crimes, commit-*  
29 *ted on or after July 1, 2001, will not be eligible for parole, but will be*  
30 *released to a mandatory period of postrelease supervision upon comple-*  
31 *tion of the prison portion of their sentence as follows:*

32 (A) *Except as provided in subparagraphs (d)(1)(D) and (d)(1)(E),*  
33 *persons sentenced for nondrug severity level 1 through 6 crimes and drug*  
34 *severity levels 1 through 3 crimes must serve 36 months, plus the amount*  
35 *of good time earned and retained pursuant to K.S.A. 21-4722 and amend-*  
36 *ments thereto, on postrelease supervision.*

37 (B) *Except as provided in subparagraphs (d)(1)(D) and (d)(1)(E),*  
38 *persons sentenced for nondrug severity level 7 through 10 crimes and*  
39 *drug severity level 4 crimes must serve 24 months, plus the amount of*  
40 *good time earned and retained pursuant to K.S.A. 21-4722 and amend-*  
41 *ments thereto, on postrelease supervision.*

42 (e) If an inmate is sentenced to imprisonment for a crime committed  
43 while on parole or conditional release, the inmate shall be eligible for

1 parole as provided by subsection (c), except that the Kansas parole board  
2 may postpone the inmate's parole eligibility date by assessing a penalty  
3 not exceeding the period of time which could have been assessed if the  
4 inmate's parole or conditional release had been violated for reasons other  
5 than conviction of a crime.

6 (f) If a person is sentenced to prison for a crime committed on or  
7 after July 1, 1993, while on probation, parole, conditional release or in a  
8 community corrections program, for a crime committed prior to July 1,  
9 1993, and the person is not eligible for retroactive application of the  
10 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
11 4724 and amendments thereto, the new sentence shall not be aggregated  
12 with the old sentence, but shall begin when the person is paroled or  
13 reaches the conditional release date on the old sentence. If the offender  
14 was past the offender's conditional release date at the time the new of-  
15 fense was committed, the new sentence shall not be aggregated with the  
16 old sentence but shall begin when the person is ordered released by the  
17 Kansas parole board or reaches the maximum sentence expiration date  
18 on the old sentence, whichever is earlier. The new sentence shall then  
19 be served as otherwise provided by law. The period of postrelease su-  
20 pervision shall be based on the new sentence, except that those offenders  
21 whose old sentence is a term of imprisonment for life, imposed pursuant  
22 to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate  
23 sentence with a maximum term of life imprisonment, for which there is  
24 no conditional release or maximum sentence expiration date, shall remain  
25 on postrelease supervision for life or until discharged from supervision  
26 by the Kansas parole board.

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

42 (h) The Kansas parole board shall hold a parole hearing at least the  
43 month prior to the month an inmate will be eligible for parole under

1 subsections (a), (b) and (c). At least the month preceding the parole hear-  
2 ing, the county or district attorney of the county where the inmate was  
3 convicted shall give written notice of the time and place of the public  
4 comment sessions for the inmate to any victim of the inmate's crime who  
5 is alive and whose address is known to the county or district attorney or,  
6 if the victim is deceased, to the victim's family if the family's address is  
7 known to the county or district attorney. Except as otherwise provided,  
8 failure to notify pursuant to this section shall not be a reason to postpone  
9 a parole hearing. In the case of any inmate convicted of a class A felony  
10 the secretary of corrections shall give written notice of the time and place  
11 of the public comment session for such inmate at least one month pre-  
12 ceding the public comment session to any victim of such inmate's crime  
13 or the victim's family pursuant to K.S.A. 74-7338 and amendments  
14 thereto. If notification is not given to such victim or such victim's family  
15 in the case of any inmate convicted of a class A felony, the board shall  
16 postpone a decision on parole of the inmate to a time at least 30 days  
17 after notification is given as provided in this section. Nothing in this sec-  
18 tion shall create a cause of action against the state or an employee of the  
19 state acting within the scope of the employee's employment as a result  
20 of the failure to notify pursuant to this section. If granted parole, the  
21 inmate may be released on parole on the date specified by the board, but  
22 not earlier than the date the inmate is eligible for parole under subsec-  
23 tions (a), (b) and (c). At each parole hearing and, if parole is not granted,  
24 at such intervals thereafter as it determines appropriate, the Kansas parole  
25 board shall consider: (1) Whether the inmate has satisfactorily completed  
26 the programs required by any agreement entered under K.S.A. 75-5210a  
27 and amendments thereto, or any revision of such agreement; and (2) all  
28 pertinent information regarding such inmate, including, but not limited to,  
29 the circumstances of the offense of the inmate; the presentence report;  
30 the previous social history and criminal record of the inmate; the conduct,  
31 employment, and attitude of the inmate in prison; the reports of such  
32 physical and mental examinations as have been made; comments of the  
33 victim and the victim's family *including in person comments, contempo-*  
34 *aneous comments and prerecorded comments made by any technological*  
35 *means*; comments of the public; official comments; and capacity of state  
36 correctional institutions.

37 (i) In those cases involving inmates sentenced for a crime committed  
38 after July 1, 1993, the parole board will review the inmates proposed  
39 release plan. The board may schedule a hearing if they desire. The board  
40 may impose any condition they deem necessary to insure public safety,  
41 aid in the reintegration of the inmate into the community, or items not  
42 completed under the agreement entered into under K.S.A. 75-5210a and  
43 amendments thereto. The board may not advance or delay an inmate's



1 release date. Every inmate while on postrelease supervision shall remain  
2 in the legal custody of the secretary of corrections and is subject to the  
3 orders of the secretary.

4 (j) Before ordering the parole of any inmate, the Kansas parole board  
5 shall have the inmate appear before either in person or via a video con-  
6 ferencing format and shall interview the inmate unless impractical be-  
7 cause of the inmate's physical or mental condition or absence from the  
8 institution. Every inmate while on parole shall remain in the legal custody  
9 of the secretary of corrections and is subject to the orders of the secretary.  
10 Whenever the Kansas parole board formally considers placing an inmate  
11 on parole and no agreement has been entered into with the inmate under  
12 K.S.A. 75-5210a and amendments thereto, the board shall notify the in-  
13 mate in writing of the reasons for not granting parole. If an agreement  
14 has been entered under K.S.A. 75-5210a and amendments thereto and  
15 the inmate has not satisfactorily completed the programs specified in the  
16 agreement, or any revision of such agreement, the board shall notify the  
17 inmate in writing of the specific programs the inmate must satisfactorily  
18 complete before parole will be granted. If parole is not granted only  
19 because of a failure to satisfactorily complete such programs, the board  
20 shall grant parole upon the secretary's certification that the inmate has  
21 successfully completed such programs. If an agreement has been entered  
22 under K.S.A. 75-5210a and amendments thereto and the secretary of  
23 corrections has reported to the board in writing that the inmate has sat-  
24 isfactorily completed the programs required by such agreement, or any  
25 revision thereof, the board shall not require further program participa-  
26 tion. However, if the board determines that other pertinent information  
27 regarding the inmate warrants the inmate's not being released on parole,  
28 the board shall state in writing the reasons for not granting the parole. If  
29 parole is denied for an inmate sentenced for a crime other than a class A  
30 or class B felony or an off-grid felony, the board shall hold another parole  
31 hearing for the inmate not later than one year after the denial unless the  
32 parole board finds that it is not reasonable to expect that parole would  
33 be granted at a hearing if held in the next three years or during the interim  
34 period of a deferral. In such case, the parole board may defer subsequent  
35 parole hearings for up to three years but any such deferral by the board  
36 shall require the board to state the basis for its findings. If parole is denied  
37 for an inmate sentenced for a class A or class B felony or an off-grid  
38 felony, the board shall hold another parole hearing for the inmate not  
39 later than three years after the denial unless the parole board finds that  
40 it is not reasonable to expect that parole would be granted at a hearing if  
41 held in the next 10 years or during the interim period of a deferral. In  
42 such case, the parole board may defer subsequent parole hearings for up  
43 to 10 years but any such deferral shall require the board to state the basis

1 for its findings.

2 (k) Parolees and persons on postrelease supervision shall be assigned,  
3 upon release, to the appropriate level of supervision pursuant to the cri-  
4 teria established by the secretary of corrections.

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

13 (m) Whenever the Kansas parole board orders the parole of an in-  
14 mate or establishes conditions for an inmate placed on postrelease su-  
15 pervision, the board:

16 (1) Unless it finds compelling circumstances which would render a  
17 plan of payment unworkable, shall order as a condition of parole or post-  
18 release supervision that the parolee or the person on postrelease super-  
19 vision pay any transportation expenses resulting from returning the pa-  
20 rolee or the person on postrelease supervision to this state to answer  
21 criminal charges or a warrant for a violation of a condition of probation,  
22 assignment to a community correctional services program, parole, con-  
23 ditional release or postrelease supervision;

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

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

33 (4) may order the parolee or person on postrelease supervision to pay  
34 the administrative fee imposed pursuant to K.S.A. 2000 Supp. 22-4529  
35 unless the board finds compelling circumstances which would render pay-  
36 ment unworkable; and

37 (5) unless it finds compelling circumstances which would render a  
38 plan of payment unworkable, shall order that the parolee or person on  
39 postrelease supervision reimburse the state for all or part of the expend-  
40 itures by the state board of indigents' defense services to provide counsel  
41 and other defense services to the person. In determining the amount and  
42 method of payment of such sum, the parole board shall take account of  
43 the financial resources of the person and the nature of the burden that

1 the payment of such sum will impose. Such amount shall not exceed the  
2 amount claimed by appointed counsel on the payment voucher for indi-  
3 gents' defense services or the amount prescribed by the board of indi-  
4 gents' defense services reimbursement tables as provided in K.S.A. 22-  
5 4522 and amendments thereto, whichever is less, minus any previous  
6 payments for such services.

7 (n) If the court which sentenced an inmate specified at the time of  
8 sentencing the amount and the recipient of any restitution ordered as a  
9 condition of parole or postrelease supervision, the Kansas parole board  
10 shall order as a condition of parole or postrelease supervision that the  
11 inmate pay restitution in the amount and manner provided in the journal  
12 entry unless the board finds compelling circumstances which would ren-  
13 der a plan of restitution unworkable.

14 (o) Whenever the Kansas parole board grants the parole of an inmate,  
15 the board, within 10 days of the date of the decision to grant parole, shall  
16 give written notice of the decision to the county or district attorney of the  
17 county where the inmate was sentenced.

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

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

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

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

35 ~~(t) For offenders sentenced prior to the effective date of this act who~~  
36 ~~are eligible for modification of their postrelease supervision obligation,~~  
37 ~~the department of corrections shall modify the period of postrelease su-~~  
38 ~~per vision as provided for by this section for offenders convicted of severity~~  
39 ~~level 9 and 10 crimes on the sentencing guidelines grid for nondrug~~  
40 ~~crimes and severity level 4 crimes on the sentencing guidelines grid for~~  
41 ~~drug crimes on or before September 1, 2000; for offenders convicted of~~  
42 ~~severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug~~  
43 ~~crimes on or before November 1, 2000, and for offenders convicted of~~

1 ~~severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug~~  
2 ~~crimes and severity level 3 crimes on the sentencing guidelines grid for~~  
3 ~~drug crimes on or before January 1, 2001.~~

4 Sec. 3. K.S.A. 2000 Supp. 21-4611 and 22-3717 are hereby repealed.

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

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