

HOUSE BILL No. 2969

By Committee on Judiciary

2-15

AN ACT concerning crimes, punishment and criminal procedure; relating to postrelease supervision for misdemeanors; amending K.S.A. 2001 Supp. 21-4502 and repealing the existing section.

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

New Section 1. Persons sentenced for misdemeanor crimes committed on or after July 1, 2002, will be released to a period of postrelease supervision for up to 12 months upon completion of their sentence. The sentencing judge shall determine the terms and conditions of the postrelease supervision period. Technical violations of the terms and conditions of the postrelease supervision shall require the defendant to complete the term of supervision at a work release facility or on house arrest. Violation of the terms and conditions of the postrelease supervision because of the commission of a new crime shall require the defendant to complete the term of supervision in jail.

Sec. 2. K.S.A. 2001 Supp. 21-4502 is hereby amended to read as follows: 21-4502. (1) For the purpose of sentencing, the following classes of misdemeanors and the punishment and the terms of confinement authorized for each class are established:

(a) Class A, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year.

(b) Class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months.

(c) Class C, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month.

(d) Unclassified misdemeanors, which shall include all crimes declared to be misdemeanors without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime; if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a class C misdemeanor.

(2) Upon conviction of a misdemeanor, a person may be punished by a fine, as provided in K.S.A. 21-4503 and amendments thereto, instead

1 of or in addition to confinement, as provided in this section.

2 (3) In addition to or in lieu of any other sentence authorized by law,
3 whenever there is evidence that the act constituting the misdemeanor
4 was substantially related to the possession, use or ingestion of cereal malt
5 beverage or alcoholic liquor by such person, the court may order such
6 person to attend and satisfactorily complete an alcohol or drug education
7 or training program certified by the chief judge of the judicial district or
8 licensed by the secretary of social and rehabilitation services.

9 (4) Except as provided in subsection (5), in addition to or in lieu of
10 any other sentence authorized by law, whenever a person is convicted of
11 having committed, while under 21 years of age, a misdemeanor under
12 the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amend-
13 ments thereto), K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 ~~or~~, 65-
14 4155 or 8-1599, and amendments thereto, the court shall order such
15 person to submit to and complete an alcohol and drug evaluation by a
16 community-based alcohol and drug safety action program certified pur-
17 suant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to
18 exceed the fee established by that statute for such evaluation. If the court
19 finds that the person is indigent, the fee may be waived.

20 (5) If the person is 18 or more years of age but less than 21 years of
21 age and is convicted of a violation of K.S.A. 41-727, and amendments
22 thereto, involving cereal malt beverage, the provisions of subsection (4)
23 are permissive and not mandatory.

24 (6) *A person convicted of a misdemeanor shall be subject to the post-*
25 *release supervision provisions of section 1, and amendments thereto.*

26 Sec. 3. K.S.A. 2001 Supp. 21-4502 is hereby repealed.

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

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