

## SENATE BILL No. 574

By Committee on Judiciary

2-12

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AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing; postrelease supervision; amending K.S.A. 21-4608 and K.S.A. 2001 Supp. 22-3717 and repealing the existing sections.

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

Section 1. K.S.A. 21-4608 is hereby amended to read as follows: 21-4608. (a) When separate sentences of imprisonment for different crimes are imposed on a defendant on the same date, including sentences for crimes for which suspended sentences, probation or assignment to a community correctional services program have been revoked, such sentences shall run concurrently or consecutively as the court directs. Whenever the record is silent as to the manner in which two or more sentences imposed at the same time shall be served, they shall be served concurrently, except as provided in subsections (c), (d) and (e).

(b) Any person who is convicted and sentenced for a crime committed while on probation, assignment to a community correctional services program, parole or conditional release for a misdemeanor shall serve the sentence concurrently with or consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release, as the court directs.

(c) Any person who is convicted and sentenced for a crime committed while on probation, assigned to a community correctional services program, on parole, on conditional release or on postrelease supervision for a felony shall serve the sentence consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release.

(d) Any person who is convicted and sentenced for a crime committed while on release for a felony pursuant to article 28 of chapter 22 of the Kansas Statutes Annotated shall serve the sentence consecutively to the term or terms under which the person was released.

(e) (1) Any person who is convicted and sentenced for a crime committed while such person is incarcerated and serving a sentence for a felony in any place of incarceration shall serve the sentence consecutively to the term or terms under which the person was incarcerated.

(2) If a person is sentenced to prison for a crime committed on or

1 after July 1, 1993, while the person was imprisoned for an offense com-  
2 mitted prior to July 1, 1993, and the person is not eligible for the retro-  
3 active application of the sentencing guidelines act, the new sentence shall  
4 not be aggregated with the old sentence but shall begin when the person  
5 is paroled or reaches the conditional release date on the old sentence,  
6 whichever is earlier. If the offender was past the offender's conditional  
7 release date at the time the new offense was committed, the new sentence  
8 shall not be aggregated with the old sentence but shall begin when the  
9 person is ordered released by the Kansas parole board or reaches the  
10 maximum sentence date on the old sentence, whichever is earlier. The  
11 new sentence shall then be served as otherwise provided by law. The  
12 period of postrelease supervision shall be based on the new sentence,  
13 *except as provided in K.S.A. 22-3717, and amendments thereto.*

14 (f) The provisions of this subsection relating to parole eligibility shall  
15 be applicable to persons convicted of crimes committed prior to January  
16 1, 1979, but shall be applicable to persons convicted of crimes committed  
17 on or after that date only to the extent that the terms of this subsection  
18 are not in conflict with the provisions of K.S.A. 22-3717 and amendments  
19 thereto. In calculating the time to be served on concurrent and consec-  
20 utive sentences, the following rules shall apply:

21 (1) When indeterminate terms run concurrently, the shorter mini-  
22 mum terms merge in and are satisfied by serving the longest minimum  
23 term and the shorter maximum terms merge in and are satisfied by condi-  
24 tional release or discharge on the longest maximum term if the terms  
25 are imposed on the same date.

26 (2) When concurrent terms are imposed on different dates, compu-  
27 tation will be made to determine which term or terms require the longest  
28 period of imprisonment to reach parole eligibility, conditional release and  
29 maximum dates, and that sentence will be considered the controlling  
30 sentence. The parole eligibility date may be computed and projected on  
31 one sentence and the conditional release date and maximum may be com-  
32 puted and projected from another to determine the controlling sentence.

33 (3) When indeterminate terms imposed on the same date are to be  
34 served consecutively, the minimum terms are added to arrive at an ag-  
35 gregate minimum to be served equal to the sum of all minimum terms  
36 and the maximum terms are added to arrive at an aggregate maximum  
37 equal to the sum of all maximum terms.

38 (4) When indeterminate sentences are imposed to be served consec-  
39 utively to sentences previously imposed in any other court or the sen-  
40 tencing court, the aggregated minimums and maximums shall be com-  
41 puted from the effective date of the subsequent sentences which have  
42 been imposed as consecutive. For the purpose of determining the sen-  
43 tence begins date and the parole eligibility and conditional release dates,

1 the inmate shall be given credit on the aggregate sentence for time spent  
2 imprisoned on the previous sentences, but not exceeding an amount equal  
3 to the previous minimum sentence less the maximum amount of good  
4 time credit that could have been earned on the minimum sentence. For  
5 the purpose of computing the maximum date, the inmate shall be given  
6 credit for all time spent imprisoned on the previous sentence. This  
7 method for computation of the maximum sentence shall be utilized for  
8 all sentences computed pursuant to this subsection after July 1, 1983.

9 Nothing in this subsection (f)(4) shall affect the authority of the Kansas  
10 parole board to determine the parole eligibility of inmates pursuant to  
11 subsection (d) of K.S.A. 22-3717 and amendments thereto.

12 (5) When consecutive sentences are imposed which are to be served  
13 consecutive to sentences for which a prisoner has been on probation,  
14 assigned to a community correctional services program, on parole or on  
15 conditional release, the amount of time served on probation, on assign-  
16 ment to a community correctional services program, on parole or on con-  
17 ditional release shall not be credited as service on the aggregate sentence  
18 in determining the parole eligibility, conditional release and maximum  
19 dates, except that credit shall be given for any amount of time spent in a  
20 residential facility while on probation or assignment to a community cor-  
21 rectional residential services program.

22 (g) When a definite and an indefinite term run consecutively, the  
23 period of the definite term is added to both the minimum and maximum  
24 of the indeterminate term and both sentences are satisfied by serving the  
25 indeterminate term. The provisions of this subsection shall not apply to  
26 crimes committed on or after July 1, 1993.

27 (h) When a defendant is sentenced in a state court and is also under  
28 sentence from a federal court or other state court or is subject to sentence  
29 in a federal court or other state court for an offense committed prior to  
30 the defendant's sentence in a Kansas state court, the court may direct  
31 that custody of the defendant may be relinquished to federal or other  
32 state authorities and that such state sentences as are imposed may run  
33 concurrently with any federal or other state sentence imposed.

34 Sec. 2. K.S.A. 2001 Supp. 22-3717 is hereby amended to read as  
35 follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A.  
36 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-  
37 4638 and amendments thereto, and K.S.A. 8-1567, and amendments  
38 thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-  
39 4618 and amendments thereto, shall be eligible for parole after serving  
40 the entire minimum sentence imposed by the court, less good time  
41 credits.

42 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and  
43 amendments thereto, an inmate sentenced to imprisonment for the crime

1 of capital murder, or an inmate sentenced for the crime of murder in the  
2 first degree based upon a finding of premeditated murder, committed on  
3 or after July 1, 1994, shall be eligible for parole after serving 25 years of  
4 confinement, without deduction of any good time credits.

5 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993  
6 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,  
7 and amendments thereto, an inmate sentenced to imprisonment for an  
8 off-grid offense committed on or after July 1, 1993, but prior to July 1,  
9 1999, shall be eligible for parole after serving 15 years of confinement,  
10 without deduction of any good time credits and an inmate sentenced to  
11 imprisonment for an off-grid offense committed on or after July 1, 1999,  
12 shall be eligible for parole after serving 20 years of confinement without  
13 deduction of any good time credits.

14 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its  
15 repeal, an inmate sentenced for a class A felony committed before July  
16 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and  
17 amendments thereto, shall be eligible for parole after serving 15 years of  
18 confinement, without deduction of any good time credits.

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

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

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

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

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

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

41 (B) Except as provided in subparagraphs (D) and (E), persons sentenced  
42 for nondrug severity levels 5 and 6 crimes and drug severity level  
43 3 crimes must serve 24 months, plus the amount of good time earned

1 and retained pursuant to K.S.A. 21-4722, and amendments thereto, on  
2 postrelease supervision.

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

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

15 (ii) If the sentencing judge departs from the presumptive postrelease  
16 supervision period, the judge shall state on the record at the time of  
17 sentencing the substantial and compelling reasons for the departure. De-  
18 partures in this section are subject to appeal pursuant to K.S.A. 21-4721  
19 and amendments thereto.

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

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

24 (b) any evidence received during the proceeding;

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

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

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

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

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

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

1 (E) The period of postrelease supervision provided in subparagraphs  
2 (A) and (B) may be reduced by up to 12 months and the period of post-  
3 release supervision provided in subparagraph (C) may be reduced by  
4 up to six months based on the offender's compliance with conditions of  
5 supervision and overall performance while on postrelease supervision.  
6 The reduction in the supervision period shall be on an earned basis pur-  
7 suant to rules and regulations adopted by the secretary of corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (g) Subject to the provisions of this section, the Kansas parole board  
33 may release on parole those persons confined in institutions who are el-  
34 igible for parole when: (1) The board believes that the inmate should be  
35 released for hospitalization, for deportation or to answer the warrant or  
36 other process of a court and is of the opinion that there is reasonable  
37 probability that the inmate can be released without detriment to the com-  
38 munity or to the inmate; or (2) the secretary of corrections has reported  
39 to the board in writing that the inmate has satisfactorily completed the  
40 programs required by any agreement entered under K.S.A. 75-5210a and  
41 amendments thereto, or any revision of such agreement, and the board  
42 believes that the inmate is able and willing to fulfill the obligations of a  
43 law abiding citizen and is of the opinion that there is reasonable proba-

1 bility that the inmate can be released without detriment to the community  
2 or to the inmate. Parole shall not be granted as an award of clemency and  
3 shall not be considered a reduction of sentence or a pardon.

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

42 (i) In those cases involving inmates sentenced for a crime committed  
43 after July 1, 1993, the parole board will review the inmates proposed



1 release plan. The board may schedule a hearing if they desire. The board  
2 may impose any condition they deem necessary to insure public safety,  
3 aid in the reintegration of the inmate into the community, or items not  
4 completed under the agreement entered into under K.S.A. 75-5210a and  
5 amendments thereto. The board may not advance or delay an inmate's  
6 release date. Every inmate while on postrelease supervision shall remain  
7 in the legal custody of the secretary of corrections and is subject to the  
8 orders of the secretary.

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

1 later than three years after the denial unless the parole board finds that  
2 it is not reasonable to expect that parole would be granted at a hearing if  
3 held in the next 10 years or during the interim period of a deferral. In  
4 such case, the parole board may defer subsequent parole hearings for up  
5 to 10 years but any such deferral shall require the board to state the basis  
6 for its findings.

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

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

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

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

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

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

38 (4) may order the parolee or person on postrelease supervision to pay  
39 the administrative fee imposed pursuant to K.S.A. 2001 Supp. 22-4529,  
40 and amendments thereto, unless the board finds compelling circum-  
41 stances which would render payment unworkable; and

42 (5) unless it finds compelling circumstances which would render a  
43 plan of payment unworkable, shall order that the parolee or person on

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

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

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

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

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

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

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

40 (t) For offenders sentenced prior to the effective date of this act who  
41 are eligible for modification of their postrelease supervision obligation,  
42 the department of corrections shall modify the period of postrelease su-  
43 pervision as provided for by this section for offenders convicted of severity

1 level 9 and 10 crimes on the sentencing guidelines grid for nondrug  
2 crimes and severity level 4 crimes on the sentencing guidelines grid for  
3 drug crimes on or before September 1, 2000; for offenders convicted of  
4 severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug  
5 crimes on or before November 1, 2000; and for offenders convicted of  
6 severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug  
7 crimes and severity level 3 crimes on the sentencing guidelines grid for  
8 drug crimes on or before January 1, 2001.

9 Sec. 3. K.S.A. 21-4608 and K.S.A. 2001 Supp. 22-3717 are hereby  
10 repealed.

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

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