

HOUSE BILL No. 2942

By Committee on Federal and State Affairs

3-19

9 AN ACT enacting Miki's law; requiring registration of offenders con-
10 victed of certain felonies; prescribing penalties for certain violations;
11 amending K.S.A. 12-16,123 and K.S.A. 2003 Supp. 22-3717, 45-221
12 and 75-5291 and repealing the existing sections.
13

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

15 New Section 1. Sections 1 through 10, and amendments thereto,
16 shall be known and may be cited as Miki's law.

17 New Sec. 2. As used in this act, unless the context otherwise
18 requires:

19 (a) "Institution of higher education" means any post-secondary
20 school under the supervision of the Kansas board of regents.

21 (b) "Nonresident student or worker" includes any offender who
22 crosses into the state or county for more than 14 days, or for an aggregate
23 period exceeding 30 days in a calendar year, for the purposes of employ-
24 ment, with or without compensation, or to attend school as a student.

25 (c) "Offender" means:

26 (1) Any person who, on or after the effective date of this act, is con-
27 victed of any felony in which the person used any firearm in the com-
28 mission of such felony;

29 (2) any person who has been required to register under any federal,
30 military or other state's law, or is otherwise required to be registered, for
31 conviction of a felony described in subsection (c)(1);

32 (3) any person who has been convicted of an offense in effect at any
33 time prior to the effective date of this act, that is comparable to any crime
34 described in subsection (c)(1), or any federal, military or other state con-
35 viction for an offense that under the laws of this state would be a crime
36 described in subsection (c)(1); or

37 (4) any person who has been convicted of an attempt, conspiracy or
38 criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
39 and amendments thereto, of a crime described in subsection (c)(1), (c)(2)
40 or (c)(3).

41 Any conviction set aside pursuant to law is not a conviction for purposes
42 of this section. A conviction from another state shall constitute a convic-
43 tion for purposes of this section.

1 New Sec. 3. Any person who is required to register as provided in
2 this act and who violates any of the provisions of this act, including any
3 duty set out in sections 4 through 7, and amendments thereto, is guilty
4 of a severity level 10, nonperson felony.

5 New Sec. 4. (a) (1) Except as provided in subsection (a)(2), within
6 10 days after an offender comes into any county in which the offender
7 resides or is temporarily domiciled for more than 10 days, the offender
8 shall register with the sheriff of the county.

9 (2) Within 10 days after the offender comes into any county in which
10 the offender resides or is temporarily domiciled for more than 10 days,
11 any offender who has provided the information and completed and signed
12 the registration form as required in section 5, and amendments thereto,
13 shall verify with the sheriff of the county that the sheriff has received
14 such offender's information and registration form.

15 (3) Upon registration with a school or educational institution, a non-
16 resident student attending such school or educational institution shall
17 register with the sheriff within 10 days of the commencement of the
18 school term.

19 (4) Upon commencement of employment, a nonresident worker shall
20 register with the sheriff within 10 days of the commencement date of
21 employment.

22 (5) For persons required to register as provided in subsections (a)(1),
23 (a)(3) and (a)(4), the sheriff shall:

24 (A) Explain the duty to register and the procedure for registration;

25 (B) obtain the information required for registration as provided in
26 section 7, and amendments thereto;

27 (C) inform the offender that the offender must give written notice of
28 any change of address within 10 days of a change in residence to the law
29 enforcement agency where last registered and the Kansas bureau of
30 investigation;

31 (D) inform the nonresident student offender that the offender must
32 give written notice to the sheriff and the Kansas bureau of investigation
33 of any change or termination of attendance at the school or educational
34 institution the offender is attending, within 10 days of such change or
35 termination;

36 (E) inform the nonresident worker offender that the offender must
37 give written notice to the sheriff and the Kansas bureau of investigation
38 of any termination of employment at the offender's place of employment,
39 within 10 days of such termination;

40 (F) inform the offender that if the offender changes residence to
41 another state, the offender must inform the law enforcement agency
42 where last registered and the Kansas bureau of investigation of such
43 change in residence and must register in the new state within 10 days of

1 such change in residence;

2 (G) inform the offender that the offender must also register in any
3 state or county where the offender is employed, carries on a vocation or
4 is a student;

5 (H) inform the offender that if the offender expects to or subse-
6 quently becomes enrolled in any institution of higher education in the
7 state of Kansas on a full-time or part-time basis or have any full-time or
8 part-time employment at an institution of higher education in the state
9 of Kansas, with or without compensation, for more than 14 days, or for
10 an aggregate period exceeding 30 days in one calendar year, the offender
11 must provide written notice to the Kansas bureau of investigation within
12 10 days upon commencement of enrollment or employment;

13 (I) inform the offender that if there is any change or termination in
14 attendance or employment at an institution of higher education, the of-
15 fender must provide written notice to the Kansas bureau of investigation
16 within 10 days of the change or termination; and

17 (J) require the offender to read and sign the registration form which
18 shall include a statement that the requirements provided in this subsec-
19 tion have been explained to the offender.

20 (6) Such sheriff, within three days after receipt of the initial registra-
21 tion shall forward this information to the Kansas bureau of investigation.

22 (7) Notwithstanding any other provision of law, if a diversionary
23 agreement or probation order, either adult or juvenile, or a juvenile of-
24 fender sentencing order, requires registration under the Kansas offender
25 registration act then all provisions of that act shall apply, except that the
26 term of registration shall be controlled by such diversionary agreement,
27 probation order or juvenile offender sentencing order.

28 (b) (1) If any person required to register as provided in this act
29 changes the address of the person's residence, the offender, within 10
30 days, shall inform in writing the Kansas bureau of investigation of the new
31 address.

32 (2) After receipt of the change of address, the Kansas bureau of in-
33 vestigation shall forward this information to the law enforcement agency
34 having jurisdiction of the new place of residence within 10 days of such
35 receipt of the change of address.

36 (c) For any person required to register as provided in this act, every
37 90 days after the person's initial registration date during the period the
38 person is required to register, the following applies:

39 (1) The Kansas bureau of investigation shall mail a nonforwardable
40 verification form to the last reported address of the person.

41 (2) The person shall mail the verification form to the Kansas bureau
42 of investigation within 10 days after receipt of the form.

43 (3) The verification form shall be signed by the person and shall pro-

1 vide the following information, as applicable, to the Kansas bureau of
2 investigation: (A) Whether the person still resides at the address last re-
3 ported; (B) whether the person still attends the school or educational
4 institution last reported; (C) whether the person is still employed at the
5 place of employment last reported; and (D) whether the person's vehicle
6 registration information is the same as last reported.

7 (4) If the person fails to mail the verification form to the Kansas
8 bureau of investigation within 10 days after receipt of the form, the person
9 shall be in violation of the Kansas offender registration act.

10 (5) Nothing contained in this section shall be construed to alleviate
11 any person required to register as provided in this act from meeting the
12 requirements prescribed in subsections (a)(1), (a)(2) and (b)(1).

13 New Sec. 5. (a) (1) Prior to discharge, parole or release of any of-
14 fender from a prison, hospital or other institution or facility where the
15 offender is confined for any crime described in subsection (c) of section
16 2, and amendments thereto, the staff of such institution or facility shall
17 inform the offender of the duty to register as provided in this act.

18 (2) (A) The staff of the institution or facility shall:

19 (i) Explain the duty to register and the procedure for registration;

20 (ii) obtain the information required for registration as provided in
21 section 7, and amendments thereto;

22 (iii) inform the offender that the offender must give written notice
23 of any change of address within 10 days of a change in residence to the
24 law enforcement agency where last registered and the Kansas bureau of
25 investigation;

26 (iv) inform the offender that if the offender changes residence to
27 another state, the offender must inform the law enforcement agency
28 where last registered and the Kansas bureau of investigation of such
29 change in residence and must register in the new state within 10 days of
30 such change in residence;

31 (v) inform the offender that the offender must also register in any
32 state or county where the offender is employed, carries on a vocation or
33 is a student;

34 (vi) inform the offender that if the offender expects to or subse-
35 quently becomes enrolled in any institution of higher education in the
36 state of Kansas on a full-time or part-time basis or have any full-time or
37 part-time employment at an institution of higher education in the state
38 of Kansas, with or without compensation, for more than 14 days or an
39 aggregate period exceeding 30 days in one calendar year, the offender
40 must provide written notice to the Kansas bureau of investigation within
41 10 days upon commencement of enrollment or employment;

42 (vii) inform the offender that if there is any change or termination in
43 attendance or employment, at an institution of higher education, the of-

1 offender must provide written notice to the Kansas bureau of investigation
2 within 10 days of the change or termination; and

3 (viii) require the offender to read and sign the registration form
4 which shall include a statement that the requirements provided in this
5 subsection have been explained to the offender.

6 (B) The staff of the institution or facility shall give one copy of the
7 form to the person and, within three days, shall send two copies of the
8 registration form to the Kansas bureau of investigation, which shall then
9 forward one copy to the law enforcement agency having jurisdiction
10 where the person expects to reside upon discharge, parole or release. The
11 Kansas bureau of investigation must immediately ensure that such infor-
12 mation is entered in the state law enforcement record system. The Kansas
13 bureau of investigation shall transmit such conviction data and finger-
14 prints to the federal bureau of investigation.

15 (b) (1) Any offender who is released on probation, receives a sus-
16 pended sentence, is sentenced to community corrections or is released
17 on postrelease supervision because of the commission of any crime de-
18 scribed in subsection (c) of section 2, and amendments thereto, prior to
19 release, shall be informed of the offender's duty to register as provided
20 in this act by the court in which the offender is convicted.

21 (2) (A) The court shall:

22 (i) Explain the duty to register and the procedure for registration;

23 (ii) obtain the information required for registration as provided in
24 section 7, and amendments thereto;

25 (iii) inform the offender that the offender must give written notice
26 of any change of address within 10 days of a change in residence to the
27 law enforcement agency where last registered and the Kansas bureau of
28 investigation;

29 (iv) inform the offender that if the offender changes residence to
30 another state, the offender must inform the law enforcement agency
31 where last registered and the Kansas bureau of investigation of such
32 change in residence and must register in the new state within 10 days of
33 such change in residence;

34 (v) inform the offender that the offender must also register in any
35 state or county where the offender is employed, carries on a vocation or
36 is a student;

37 (vi) inform the offender that if the offender expects to or subse-
38 quently becomes enrolled in any institution of higher education in the
39 state of Kansas on a full-time or part-time basis or have any full-time or
40 part-time employment at an institution of higher education in the state
41 of Kansas, with or without compensation, for more than 14 days or for
42 an aggregate period exceeding 30 days in one calendar year, the offender
43 must provide written notice to the Kansas bureau of investigation within

- 1 10 days upon commencement of enrollment or employment;
- 2 (vii) inform the offender that if there is any change or termination in
- 3 attendance or employment at an institution of higher education, the of-
- 4 fender must provide written notice to the Kansas bureau of investigation
- 5 within 10 days of the change or termination; and
- 6 (viii) require the offender to read and sign the registration form
- 7 which shall include a statement that the requirements provided in this
- 8 subsection have been explained to the offender.
- 9 (B) The court shall give one copy of the form to the person and,
- 10 within three days, shall send two copies of the registration form to the
- 11 Kansas bureau of investigation which shall then forward one copy to the
- 12 law enforcement agency having jurisdiction where the person expects to
- 13 reside upon release. The Kansas bureau of investigation must immedi-
- 14 ately ensure that such information is entered in the state law enforcement
- 15 record system. The Kansas bureau of investigation shall transmit such
- 16 conviction data and fingerprints to the federal bureau of investigation.
- 17 New Sec. 6. (a) Any person required to register as provided in this
- 18 act shall be required to register:
- 19 (1) Upon the first conviction of any crime described in subsection (c)
- 20 of section 2, and amendments thereto, for a period of 10 years after
- 21 conviction or, if the person is confined, for a period of 10 years after being
- 22 paroled, discharged or released; or (2) upon a second or subsequent con-
- 23 viction of any crime described in subsection (c) of section 2, and amend-
- 24 ments thereto, for such person's lifetime.
- 25 (b) Upon the first conviction, liability for registration terminates, if
- 26 the person is not confined, at the expiration of 10 years from the date of
- 27 conviction or, if the person is confined, at the expiration of 10 years from
- 28 the date of parole, discharge or release, if the convicted offender does
- 29 not again become liable to register as provided by this act during that
- 30 period.
- 31 (c) Any nonresident worker shall register for the duration of such
- 32 person's employment. The provisions of this subsection are in addition to
- 33 subsections (a) and (b).
- 34 (d) Any nonresident student shall register for the duration of such
- 35 person's attendance at a school or educational institution as provided in
- 36 this act. The provisions of this subsection are in addition to subsections
- 37 (a) and (b).
- 38 New Sec. 7. (a) Registration as required by this act shall consist of a
- 39 form prepared by the Kansas bureau of investigation, which shall include
- 40 a statement that the requirements provided in this section have been
- 41 explained to the person and shall be signed by the person. Such registra-
- 42 tion form shall include the following:
- 43 (1) Name;

- 1 (2) date and place of birth;
2 (3) offense or offenses committed, date of conviction or convictions
3 obtained;
4 (4) city or county of conviction or convictions obtained;
5 (5) sex and age of victim;
6 (6) current address;
7 (7) social security number;
8 (8) identifying characteristics such as race, skin tone, sex, age, hair
9 and eye color, scars, tattoos and blood type;
10 (9) occupation, name of employer and place of employment;
11 (10) driver's license and vehicle information;
12 (11) documentation of any treatment received for a mental abnor-
13 mality or personality disorder of the offender; for purposes of docu-
14 menting the treatment received, sheriffs, prison officials and courts may
15 rely on information that is readily available to them from existing records
16 and the offender;
17 (12) anticipated future residence;
18 (13) a photograph;
19 (14) fingerprints; and
20 (15) if a student, school.
- 21 (b) (1) The offender shall also provide to the registering law enforce-
22 ment agency DNA exemplars, unless already on file.
- 23 (2) If the exemplars to be taken require the withdrawal of blood, such
24 withdrawal may be performed only by:
- 25 (A) A person licensed to practice medicine and surgery or a person
26 acting under the supervision of any such licensed person;
27 (B) a registered nurse or a licensed practical nurse;
28 (C) any qualified medical technician; or
29 (D) a licensed phlebotomist.
- 30 (c) Unless the person has provided the information and completed
31 and signed the registration form as provided in section 5, and amend-
32 ments thereto, within three days, the registering law enforcement agency
33 shall forward the registration form to the Kansas bureau of investigation.
- 34 New Sec. 8. No person required to register as an offender pursuant
35 to the Miki's law shall be granted an order relieving the offender of fur-
36 ther registration under this act.
- 37 New Sec. 9. The statements or any other information required by
38 this act shall be open to inspection by the public at the sheriff's office, at
39 the headquarters of the Kansas bureau of investigation and on any inter-
40 net website sponsored or created by a sheriff's department or the Kansas
41 bureau of investigation that contains such statements or information, and
42 specifically are subject to the provisions of the Kansas open records act,
43 K.S.A. 45-215 et seq., and amendments thereto, except that the name,

1 address, telephone number or any other information which specifically
2 and individually identifies the victim of any offender required to register
3 as provided in this act shall not be disclosed other than to law enforcement
4 agencies.

5 New Sec. 10. Nothing in the Miki's law shall create a cause of action
6 against the state or an employee of the state acting within the scope of
7 the employee's employment as a result of requiring an offender to register
8 or an offender's failure to register.

9 Sec. 11. K.S.A. 12-16,123 is hereby amended to read as follows: 12-
10 16,123. (a) As used in this section, "municipality" means any city or county
11 or agency, department or other division of a city or county.

12 (b) Except as provided by subsection (c) and as necessary to comply
13 with the Kansas offender registration act, K.S.A. 22-4901 et seq., and
14 amendments thereto, *and Miki's law, section 1 et seq., and amendments*
15 *thereto*, no municipality shall adopt or enforce an ordinance or resolution
16 which requires any landlord to provide to such municipality a list of names
17 of any tenants of such landlord.

18 (c) A municipality may require a landlord to provide to the munic-
19 ipality a list of the names of tenants occupying the landlord's property if
20 a citation for a violation of an ordinance or resolution adopted to protect
21 the public health, safety or welfare has occurred on such property. Such
22 list shall not be required to be provided until at least 30 days following
23 the date of the issuance of a citation. Such list shall not be required if the
24 landlord complies with the provisions of such ordinance or resolution.

25 Sec. 12. K.S.A. 2003 Supp. 22-3717 is hereby amended to read as
26 follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A.
27 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-
28 4638 and amendments thereto, and K.S.A. 8-1567, and amendments
29 thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-
30 4618 and amendments thereto, shall be eligible for parole after serving
31 the entire minimum sentence imposed by the court, less good time
32 credits.

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

39 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
40 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,
41 and amendments thereto, an inmate sentenced to imprisonment for an
42 off-grid offense committed on or after July 1, 1993, but prior to July 1,
43 1999, shall be eligible for parole after serving 15 years of confinement,

1 without deduction of any good time credits and an inmate sentenced to
2 imprisonment for an off-grid offense committed on or after July 1, 1999,
3 shall be eligible for parole after serving 20 years of confinement without
4 deduction of any good time credits.

5 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its
6 repeal, an inmate sentenced for a class A felony committed before July
7 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and
8 amendments thereto, shall be eligible for parole after serving 15 years of
9 confinement, without deduction of any good time credits.

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

15 (c) Except as provided in subsection (e), if an inmate is sentenced to
16 imprisonment for more than one crime and the sentences run consecu-
17 tively, the inmate shall be eligible for parole after serving the total of:

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

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

23 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
24 committed on or after July 1, 1993, will not be eligible for parole, but will
25 be released to a mandatory period of postrelease supervision upon comple-
26 tion of the prison portion of their sentence as follows:

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

32 (B) Except as provided in subparagraphs (D) and (E), persons sen-
33 tenced for nondrug severity levels 5 and 6 crimes and drug severity level
34 3 crimes must serve 24 months, plus the amount of good time earned
35 and retained pursuant to K.S.A. 21-4722, and amendments thereto, on
36 postrelease supervision.

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

42 (D) (i) The sentencing judge shall impose the postrelease supervi-
43 sion period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C),

1 unless the judge finds substantial and compelling reasons to impose a
2 departure based upon a finding that the current crime of conviction was
3 sexually violent or sexually motivated. In that event, departure may be
4 imposed to extend the postrelease supervision to a period of up to 60
5 months.

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

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

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

15 (b) any evidence received during the proceeding;

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

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

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

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

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

32 (vii) Persons convicted of crimes deemed sexually violent or sexually
33 motivated, shall be registered according to the ~~habitual sex~~ *Kansas* of-
34 fender registration act, K.S.A. 22-4901 through 22-4910 and amendments
35 thereto.

36 (viii) *A person convicted of a felony in which the person used a fire-*
37 *arm in the commission of the felony shall be registered in accordance with*
38 *Miki's law, section 1 et seq., and amendments thereto.*

39 (E) The period of postrelease supervision provided in subparagraphs
40 (A) and (B) may be reduced by up to 12 months and the period of post-
41 release supervision provided in subparagraph (C) may be reduced by up
42 to six months based on the offender's compliance with conditions of su-
43 pervision and overall performance while on postrelease supervision. The

1 reduction in the supervision period shall be on an earned basis pursuant
2 to rules and regulations adopted by the secretary of corrections.

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

8 (2) As used in this section, “sexually violent crime” means:

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

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

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

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

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

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

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

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

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

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

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

34 (L) any act which at the time of sentencing for the offense has been
35 determined beyond a reasonable doubt to have been sexually motivated.
36 As used in this subparagraph, “sexually motivated” means that one of the
37 purposes for which the defendant committed the crime was for the pur-
38 pose of the defendant’s sexual gratification.

39 (e) If an inmate is sentenced to imprisonment for a crime committed
40 while on parole or conditional release, the inmate shall be eligible for
41 parole as provided by subsection (c), except that the Kansas parole board
42 may postpone the inmate’s parole eligibility date by assessing a penalty
43 not exceeding the period of time which could have been assessed if the

1 inmate's parole or conditional release had been violated for reasons other
2 than conviction of a crime.

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

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

39 (h) The Kansas parole board shall hold a parole hearing at least the
40 month prior to the month an inmate will be eligible for parole under
41 subsections (a), (b) and (c). At least the month preceding the parole hear-
42 ing, the county or district attorney of the county where the inmate was
43 convicted shall give written notice of the time and place of the public

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

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

1 orders of the secretary.

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

43 (k) Parolees and persons on postrelease supervision shall be assigned,

1 upon release, to the appropriate level of supervision pursuant to the cri-
2 teria established by the secretary of corrections.

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

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

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

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

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

31 (4) may order the parolee or person on postrelease supervision to pay
32 the administrative fee imposed pursuant to K.S.A. 2003 Supp. 22-4529,
33 and amendments thereto, unless the board finds compelling circum-
34 stances which would render payment unworkable; and

35 (5) unless it finds compelling circumstances which would render a
36 plan of payment unworkable, shall order that the parolee or person on
37 postrelease supervision reimburse the state for all or part of the expend-
38 itures by the state board of indigents' defense services to provide counsel
39 and other defense services to the person. In determining the amount and
40 method of payment of such sum, the parole board shall take account of
41 the financial resources of the person and the nature of the burden that
42 the payment of such sum will impose. Such amount shall not exceed the
43 amount claimed by appointed counsel on the payment voucher for indi-

1 gents' defense services or the amount prescribed by the board of indi-
2 gents' defense services reimbursement tables as provided in K.S.A. 22-
3 4522 and amendments thereto, whichever is less, minus any previous
4 payments for such services.

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

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

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

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

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

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

33 (t) For offenders sentenced prior to the effective date of this act who
34 are eligible for modification of their postrelease supervision obligation,
35 the department of corrections shall modify the period of postrelease su-
36 pervision as provided for by this section for offenders convicted of severity
37 level 9 and 10 crimes on the sentencing guidelines grid for nondrug
38 crimes and severity level 4 crimes on the sentencing guidelines grid for
39 drug crimes on or before September 1, 2000; for offenders convicted of
40 severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug
41 crimes on or before November 1, 2000; and for offenders convicted of
42 severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug
43 crimes and severity level 3 crimes on the sentencing guidelines grid for

1 drug crimes on or before January 1, 2001.

2 Sec. 13. K.S.A. 2003 Supp. 45-221 is hereby amended to read as
3 follows: 45-221. (a) Except to the extent disclosure is otherwise required
4 by law, a public agency shall not be required to disclose:

5 (1) Records the disclosure of which is specifically prohibited or re-
6 stricted by federal law, state statute or rule of the Kansas supreme court
7 or the disclosure of which is prohibited or restricted pursuant to specific
8 authorization of federal law, state statute or rule of the Kansas supreme
9 court to restrict or prohibit disclosure.

10 (2) Records which are privileged under the rules of evidence, unless
11 the holder of the privilege consents to the disclosure.

12 (3) Medical, psychiatric, psychological or alcoholism or drug depend-
13 ency treatment records which pertain to identifiable patients.

14 (4) Personnel records, performance ratings or individually identifia-
15 ble records pertaining to employees or applicants for employment, except
16 that this exemption shall not apply to the names, positions, salaries and
17 lengths of service of officers and employees of public agencies once they
18 are employed as such.

19 (5) Information which would reveal the identity of any undercover
20 agent or any informant reporting a specific violation of law.

21 (6) Letters of reference or recommendation pertaining to the char-
22 acter or qualifications of an identifiable individual.

23 (7) Library, archive and museum materials contributed by private
24 persons, to the extent of any limitations imposed as conditions of the
25 contribution.

26 (8) Information which would reveal the identity of an individual who
27 lawfully makes a donation to a public agency, if anonymity of the donor
28 is a condition of the donation.

29 (9) Testing and examination materials, before the test or examination
30 is given or if it is to be given again, or records of individual test or ex-
31 amination scores, other than records which show only passage or failure
32 and not specific scores.

33 (10) Criminal investigation records, except that the district court, in
34 an action brought pursuant to K.S.A. 45-222, and amendments thereto,
35 may order disclosure of such records, subject to such conditions as the
36 court may impose, if the court finds that disclosure:

37 (A) Is in the public interest;

38 (B) would not interfere with any prospective law enforcement action;

39 (C) would not reveal the identity of any confidential source or un-
40 dercover agent;

41 (D) would not reveal confidential investigative techniques or proce-
42 dures not known to the general public;

43 (E) would not endanger the life or physical safety of any person; and

- 1 (F) would not reveal the name, address, phone number or any other
2 information which specifically and individually identifies the victim of any
3 sexual offense in article 35 of chapter 21 of the Kansas Statutes Anno-
4 tated, and amendments thereto.
- 5 (11) Records of agencies involved in administrative adjudication or
6 civil litigation, compiled in the process of detecting or investigating vio-
7 lations of civil law or administrative rules and regulations, if disclosure
8 would interfere with a prospective administrative adjudication or civil
9 litigation or reveal the identity of a confidential source or undercover
10 agent.
- 11 (12) Records of emergency or security information or procedures of
12 a public agency, or plans, drawings, specifications or related information
13 for any building or facility which is used for purposes requiring security
14 measures in or around the building or facility or which is used for the
15 generation or transmission of power, water, fuels or communications, if
16 disclosure would jeopardize security of the public agency, building or
17 facility.
- 18 (13) The contents of appraisals or engineering or feasibility estimates
19 or evaluations made by or for a public agency relative to the acquisition
20 of property, prior to the award of formal contracts therefor.
- 21 (14) Correspondence between a public agency and a private individ-
22 ual, other than correspondence which is intended to give notice of an
23 action, policy or determination relating to any regulatory, supervisory or
24 enforcement responsibility of the public agency or which is widely dis-
25 tributed to the public by a public agency and is not specifically in response
26 to communications from such a private individual.
- 27 (15) Records pertaining to employer-employee negotiations, if dis-
28 closure would reveal information discussed in a lawful executive session
29 under K.S.A. 75-4319, and amendments thereto.
- 30 (16) Software programs for electronic data processing and documen-
31 tation thereof, but each public agency shall maintain a register, open to
32 the public, that describes:
- 33 (A) The information which the agency maintains on computer facil-
34 ities; and
- 35 (B) the form in which the information can be made available using
36 existing computer programs.
- 37 (17) Applications, financial statements and other information sub-
38 mitted in connection with applications for student financial assistance
39 where financial need is a consideration for the award.
- 40 (18) Plans, designs, drawings or specifications which are prepared by
41 a person other than an employee of a public agency or records which are
42 the property of a private person.
- 43 (19) Well samples, logs or surveys which the state corporation com-

1 mission requires to be filed by persons who have drilled or caused to be
2 drilled, or are drilling or causing to be drilled, holes for the purpose of
3 discovery or production of oil or gas, to the extent that disclosure is limited
4 by rules and regulations of the state corporation commission.

5 (20) Notes, preliminary drafts, research data in the process of anal-
6 ysis, unfunded grant proposals, memoranda, recommendations or other
7 records in which opinions are expressed or policies or actions are pro-
8 posed, except that this exemption shall not apply when such records are
9 publicly cited or identified in an open meeting or in an agenda of an open
10 meeting.

11 (21) Records of a public agency having legislative powers, which re-
12 cords pertain to proposed legislation or amendments to proposed legis-
13 lation, except that this exemption shall not apply when such records are:

14 (A) Publicly cited or identified in an open meeting or in an agenda
15 of an open meeting; or

16 (B) distributed to a majority of a quorum of any body which has au-
17 thority to take action or make recommendations to the public agency with
18 regard to the matters to which such records pertain.

19 (22) Records of a public agency having legislative powers, which re-
20 cords pertain to research prepared for one or more members of such
21 agency, except that this exemption shall not apply when such records are:

22 (A) Publicly cited or identified in an open meeting or in an agenda
23 of an open meeting; or

24 (B) distributed to a majority of a quorum of any body which has au-
25 thority to take action or make recommendations to the public agency with
26 regard to the matters to which such records pertain.

27 (23) Library patron and circulation records which pertain to identi-
28 fiable individuals.

29 (24) Records which are compiled for census or research purposes and
30 which pertain to identifiable individuals.

31 (25) Records which represent and constitute the work product of an
32 attorney.

33 (26) Records of a utility or other public service pertaining to individ-
34 ually identifiable residential customers of the utility or service, except that
35 information concerning billings for specific individual customers named
36 by the requester shall be subject to disclosure as provided by this act.

37 (27) Specifications for competitive bidding, until the specifications
38 are officially approved by the public agency.

39 (28) Sealed bids and related documents, until a bid is accepted or all
40 bids rejected.

41 (29) Correctional records pertaining to an identifiable inmate or re-
42 lease, except that:

43 (A) The name; photograph and other identifying information; sen-

1 tence data; parole eligibility date; custody or supervision level; disciplinary
2 record; supervision violations; conditions of supervision, excluding
3 requirements pertaining to mental health or substance abuse counseling;
4 location of facility where incarcerated or location of parole office main-
5 taining supervision and address of a releasee whose crime was committed
6 after the effective date of this act shall be subject to disclosure to any
7 person other than another inmate or releasee, except that the disclosure
8 of the location of an inmate transferred to another state pursuant to the
9 interstate corrections compact shall be at the discretion of the secretary
10 of corrections;

11 (B) the ombudsman of corrections, the attorney general, law enforce-
12 ment agencies, counsel for the inmate to whom the record pertains and
13 any county or district attorney shall have access to correctional records to
14 the extent otherwise permitted by law;

15 (C) the information provided to the law enforcement agency pursu-
16 ant to the ~~sex~~ *Kansas* offender registration act, K.S.A. 22-4901, *et seq.*,
17 and amendments thereto, *or Miki's law, section 1 et seq., and amendments*
18 *thereto*, shall be subject to disclosure to any person, except that the name,
19 address, telephone number or any other information which specifically
20 and individually identifies the victim of any offender required to register
21 as provided by the *Kansas* offender registration act, K.S.A. 22-4901 *et*
22 *seq.*, and amendments thereto, *or Miki's law, section 1 et seq., and amend-*
23 *ments thereto*, shall not be disclosed; and

24 (D) records of the department of corrections regarding the financial
25 assets of an offender in the custody of the secretary of corrections shall
26 be subject to disclosure to the victim, or such victim's family, of the crime
27 for which the inmate is in custody as set forth in an order of restitution
28 by the sentencing court.

29 (30) Public records containing information of a personal nature
30 where the public disclosure thereof would constitute a clearly unwar-
31 ranted invasion of personal privacy.

32 (31) Public records pertaining to prospective location of a business
33 or industry where no previous public disclosure has been made of the
34 business' or industry's interest in locating in, relocating within or expand-
35 ing within the state. This exception shall not include those records per-
36 taining to application of agencies for permits or licenses necessary to do
37 business or to expand business operations within this state, except as
38 otherwise provided by law.

39 (32) Engineering and architectural estimates made by or for any pub-
40 lic agency relative to public improvements.

41 (33) Financial information submitted by contractors in qualification
42 statements to any public agency.

43 (34) Records involved in the obtaining and processing of intellectual

1 property rights that are expected to be, wholly or partially vested in or
2 owned by a state educational institution, as defined in K.S.A. 76-711, and
3 amendments thereto, or an assignee of the institution organized and ex-
4 isting for the benefit of the institution.

5 (35) Any report or record which is made pursuant to K.S.A. 65-4922,
6 65-4923 or 65-4924, and amendments thereto, and which is privileged
7 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

8 (36) Information which would reveal the precise location of an ar-
9 cheological site.

10 (37) Any financial data or traffic information from a railroad company,
11 to a public agency, concerning the sale, lease or rehabilitation of the
12 railroad's property in Kansas.

13 (38) Risk-based capital reports, risk-based capital plans and corrective
14 orders including the working papers and the results of any analysis filed
15 with the commissioner of insurance in accordance with K.S.A. 40-2c20
16 and 40-2d20 and amendments thereto.

17 (39) Memoranda and related materials required to be used to support
18 the annual actuarial opinions submitted pursuant to subsection (b) of
19 K.S.A. 40-409, and amendments thereto.

20 (40) Disclosure reports filed with the commissioner of insurance un-
21 der subsection (a) of K.S.A. 40-2,156, and amendments thereto.

22 (41) All financial analysis ratios and examination synopses concerning
23 insurance companies that are submitted to the commissioner by the na-
24 tional association of insurance commissioners' insurance regulatory infor-
25 mation system.

26 (42) Any records the disclosure of which is restricted or prohibited
27 by a tribal-state gaming compact.

28 (43) Market research, market plans, business plans and the terms and
29 conditions of managed care or other third party contracts, developed or
30 entered into by the university of Kansas medical center in the operation
31 and management of the university hospital which the chancellor of the
32 university of Kansas or the chancellor's designee determines would give
33 an unfair advantage to competitors of the university of Kansas medical
34 center.

35 (44) The amount of franchise tax paid to the secretary of state by
36 domestic corporations, foreign corporations, domestic limited liability
37 companies, foreign limited liability companies, domestic limited partner-
38 ship, foreign limited partnership, domestic limited liability partnerships
39 and foreign limited liability partnerships.

40 (45) Records the disclosure of which would pose a substantial likeli-
41 hood of revealing security measures that protect: (A) Systems, facilities
42 or equipment used in the production, transmission or distribution of en-
43 ergy, water or communications services; or (B) sewer or wastewater treat-

1 ment systems, facilities or equipment. For purposes of this paragraph,
2 security means measures that protect against criminal acts intended to
3 intimidate or coerce the civilian population, influence government policy
4 by intimidation or coercion or to affect the operation of government by
5 disruption of public services, mass destruction, assassination or
6 kidnapping.

7 (46) Any information or material received by the secretary of state
8 pursuant to subsection (b) of K.S.A. 2003 Supp. 44-1518, and amend-
9 ments thereto, except when such information is required to be submitted
10 in an application pursuant to K.S.A. 2003 Supp. 44-1520, and amend-
11 ments thereto.

12 (b) Except to the extent disclosure is otherwise required by law or as
13 appropriate during the course of an administrative proceeding or on ap-
14 peal from agency action, a public agency or officer shall not disclose fi-
15 nancial information of a taxpayer which may be required or requested by
16 a county appraiser or the director of property valuation to assist in the
17 determination of the value of the taxpayer's property for ad valorem tax-
18 ation purposes; or any financial information of a personal nature required
19 or requested by a public agency or officer, including a name, job descrip-
20 tion or title revealing the salary or other compensation of officers, em-
21 ployees or applicants for employment with a firm, corporation or agency,
22 except a public agency. Nothing contained herein shall be construed to
23 prohibit the publication of statistics, so classified as to prevent identifi-
24 cation of particular reports or returns and the items thereof.

25 (c) As used in this section, the term "cited or identified" shall not
26 include a request to an employee of a public agency that a document be
27 prepared.

28 (d) If a public record contains material which is not subject to dis-
29 closure pursuant to this act, the public agency shall separate or delete
30 such material and make available to the requester that material in the
31 public record which is subject to disclosure pursuant to this act. If a public
32 record is not subject to disclosure because it pertains to an identifiable
33 individual, the public agency shall delete the identifying portions of the
34 record and make available to the requester any remaining portions which
35 are subject to disclosure pursuant to this act, unless the request is for a
36 record pertaining to a specific individual or to such a limited group of
37 individuals that the individuals' identities are reasonably ascertainable, the
38 public agency shall not be required to disclose those portions of the record
39 which pertain to such individual or individuals.

40 (e) The provisions of this section shall not be construed to exempt
41 from public disclosure statistical information not descriptive of any iden-
42 tifiable person.

43 (f) Notwithstanding the provisions of subsection (a), any public rec-

1 ord which has been in existence more than 70 years shall be open for
2 inspection by any person unless disclosure of the record is specifically
3 prohibited or restricted by federal law, state statute or rule of the Kansas
4 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
5 amendments thereto.

6 Sec. 14. K.S.A. 2003 Supp. 75-5291 is hereby amended to read as
7 follows: 75-5291. (a) (1) The secretary of corrections may make grants to
8 counties for the development, implementation, operation and improve-
9 ment of community correctional services including, but not limited to,
10 restitution programs, victim services programs, preventive or diversionary
11 correctional programs, community corrections centers and facilities for
12 the detention or confinement, care or treatment of offenders as provided
13 in this section except that no community corrections funds shall be ex-
14 pended by the secretary for the purpose of establishing or operating a
15 conservation camp as provided by K.S.A. 75-52,127 and amendments
16 thereto.

17 (2) Except as otherwise provided, placement of offenders in com-
18 munity correctional services programs by the court shall be limited to
19 placement of adult offenders, convicted of a felony offense:

20 (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the
21 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,
22 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In
23 addition, the court may place in a community correctional services pro-
24 gram adult offenders, convicted of a felony offense, whose offense is clas-
25 sified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the
26 sentencing guidelines grid for nondrug crimes;

27 (B) whose severity level and criminal history score designate a pre-
28 sumptive prison sentence on either sentencing guidelines grid but receive
29 a nonprison sentence as a result of departure;

30 (C) all offenders convicted of an offense ~~which satisfies~~ *described in*
31 *the definition of offender pursuant to in K.S.A. 22-4902 or section 1,* and
32 amendments thereto, and which is classified as a severity level 7 or higher
33 offense and who receive a nonprison sentence, regardless of the manner
34 in which the sentence is imposed;

35 (D) any offender for whom a violation of conditions of release or
36 assignment or a nonprison sanction has been established as provided in
37 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting
38 in the offender being required to serve any time for the sentence imposed
39 or which might originally have been imposed in a state facility in the
40 custody of the secretary of corrections;

41 (E) any offender who is determined to be “high risk or needs, or
42 both” by the use of a statewide, mandatory, standardized risk assessment
43 tool or instrument validated for drug abuse treatment program placement

1 as provided for by subsection (d) of K.S.A. 2003 Supp. 21-4729, and
2 amendments thereto, for community correctional placements; or

3 (F) placed in community correctional services programs as a condi-
4 tion of supervision following the successful completion of a conservation
5 camp program.

6 (3) Notwithstanding any law to the contrary and subject to the avail-
7 ability of funding therefor, adult offenders sentenced to community su-
8 pervision in Johnson county for felony crimes that occurred on or after
9 July 1, 2002, but before July 1, 2004, shall be placed under court services
10 or community corrections supervision based upon court rules issued by
11 the chief judge of the 10th judicial district. The provisions contained in
12 this subsection shall not apply to offenders transferred by the assigned
13 agency to an agency located outside of Johnson county. The provisions of
14 this section shall expire on July 1, 2004.

15 (4) Nothing in this act shall prohibit a community correctional serv-
16 ices program from providing services to juvenile offenders upon approval
17 by the local community corrections advisory board. Grants from com-
18 munity corrections funds administered by the secretary of corrections
19 shall not be expended for such services.

20 (5) The court may require an offender for whom a violation of con-
21 ditions of release or assignment or a nonprison sanction has been estab-
22 lished, as provided in K.S.A. 22-3716, and amendments thereto, to serve
23 any time for the sentence imposed or which might originally have been
24 imposed in a state facility in the custody of the secretary of corrections
25 without a prior assignment to a community correctional services program
26 if the court finds and sets forth with particularity the reasons for finding
27 that the safety of the members of the public will be jeopardized or that
28 the welfare of the inmate will not be served by such assignment to a
29 community correctional services program.

30 (b) (1) In order to establish a mechanism for community correctional
31 services to participate in the department of corrections annual budget
32 planning process, the secretary of corrections shall establish a community
33 corrections advisory committee to identify new or enhanced correctional
34 or treatment interventions designed to divert offenders from prison.

35 (2) The secretary shall appoint one member from the southeast com-
36 munity corrections association region, one member from the northeast
37 community corrections association region, one member from the central
38 community corrections association region and one member from the
39 western community corrections association region. The deputy secretary
40 of community corrections and field services shall designate two members
41 from the state at large. The secretary shall have final appointment ap-
42 proval of the members designated by the deputy secretary. The commit-
43 tee shall reflect the diversity of community correctional services with re-

1 spect to geographical location and average daily population of offenders
2 under supervision.

3 (3) Each member shall be appointed for a term of three years, except
4 of the initial appointments, such terms shall be staggered as determined
5 by the secretary. Members shall be eligible for reappointment.

6 (4) The committee, in collaboration with the deputy secretary of com-
7 munity corrections and field services or the deputy secretary's designee,
8 shall routinely examine and report to the secretary on the following issues:

9 (A) Efficiencies in the delivery of field supervision services;

10 (B) effectiveness and enhancement of existing interventions; and

11 (C) identification of new interventions.

12 (5) The committee's report concerning enhanced or new interven-
13 tions shall address:

14 (A) measurable goals and objectives;

15 (B) projected costs;

16 (C) the impact on public safety; and

17 (D) the evaluation process.

18 (6) The committee shall submit its report to the secretary annually
19 on or before July 15 in order for the enhanced or new interventions to
20 be considered for inclusion within the department of corrections budget
21 request for community correctional services or in the department's en-
22 hanced services budget request for the subsequent fiscal year.

23 Sec. 15. K.S.A. 12-16,123 and K.S.A. 2003 Supp. 22-3717, 45-221
24 and 75-5291 are hereby repealed.

25 Sec. 16. This act shall take effect and be in force from and after its
26 publication in the statute book.