

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 591

By Senator Journey

2-11

10 AN ACT concerning driver's licenses; relating to restrictions for *certain*
11 persons ~~in compliance with a court order, amending K.S.A. 22-3717~~
12 ~~and K.S.A. 2007 Supp. 8-237 and 8-2110 and repealing the existing~~
13 ~~sections;~~ **amending K.S.A. 2007 Supp. 8-2110 and repealing the**
14 **existing section.**
15

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

17 ~~New Section 1. (a) If a person's driving privileges have been revoked,~~
18 ~~suspended or canceled for failure to comply with a traffic citation pur-~~
19 ~~suant to K.S.A. 8-2110, and amendments thereto, a court ordered fine or~~
20 ~~court ordered restitution and the division receives notice from the court~~
21 ~~that such person is in the process of reaching an agreement to comply or~~
22 ~~is in compliance with the terms of an agreement to comply with such~~
23 ~~traffic citation or to pay such fine or restitution, the division of vehicles~~
24 ~~shall issue a driver's license which shall indicate on the face of the license~~
25 ~~that restrictions have been imposed on the person's driving privileges.~~
26 ~~Such restrictions shall be those imposed in K.S.A. 8-292, and amend-~~
27 ~~ments thereto. Such person shall satisfy all other provisions of law relating~~
28 ~~to the issuance and restoration of a driver's license. A driver's license with~~
29 ~~restrictions issued under this section is subject to suspension or revocation~~
30 ~~in the same manner as any other driver's license.~~

31 ~~(b) Following the issuance of the restricted license, if the person fails~~
32 ~~to reach an agreement or to comply with the agreement, the district court~~
33 ~~in which the person should have reached an or complied with the agree-~~
34 ~~ment shall mail notice to the person that if the person does not appear~~
35 ~~in district court or pay all fines, court costs and any penalties within 30~~
36 ~~days from the date of mailing, the division of vehicles will be notified to~~
37 ~~suspend the person's driving privileges. Upon the person's failure to com-~~
38 ~~ply within such 30 days, the district court shall notify the division of ve-~~
39 ~~hicles. Upon receipt of a report of a failure to comply under this subsec-~~
40 ~~tion, the division of vehicles shall notify the person and suspend the~~
41 ~~person's driving privileges until satisfactory evidence of compliance with~~
42 ~~the terms of the agreement has been furnished to the court. Upon receipt~~
43 ~~of notification of such compliance from the court, the division of vehicles~~

1 shall terminate the suspension or suspension action.

2 —(c)— For the purposes of this section, a person shall be deemed to be
3 in the process of reaching an agreement to comply with such traffic ci-
4 tation or to pay such fine or restitution if a court date has been set to
5 establish an agreement to comply.

6 —(d)— Upon notice from the court that the person has satisfied the terms
7 of the agreement, the division shall remove the restrictions from the per-
8 son's driver's license.

9 —(e)— Pursuant to this section, a person shall be issued a restricted
10 driver's license no more than two times. If the person fails to reach an
11 agreement or comply with the agreement a third time, a restricted license
12 shall not be issued.

13 —Sec. 2.— K.S.A. 2007 Supp. 8-237 is hereby amended to read as fol-
14 lows: 8-237. The division of vehicles shall not issue any driver's license to
15 any person:

16 —(a)— Who is under the age of 16 years, except that the division may
17 issue a restricted class C or M license, as provided in this act, to any
18 person who: (1) Is at least 15 years of age, (2) has successfully completed
19 an approved course in driver training, (3) has held an instructional permit
20 issued under the provisions of K.S.A. 8-239, and amendments thereto,
21 for a period of at least six months and has completed at least 25 hours of
22 adult supervised driving, and (4) upon the written application of the per-
23 son's parent or guardian. The required adult supervised driving required
24 in clause (3) above shall be conducted by an adult who is at least 21 years
25 of age and is the holder of a valid commercial driver's license, class A, B
26 or C driver's license. Except as hereafter provided, the application of the
27 parent or guardian shall be submitted to the division. The governing body
28 of any city, by ordinance, may require the application of any person who
29 is under 16 years of age and who resides within the city to be first sub-
30 mitted to the chief law enforcement officer of the city. The board of
31 county commissioners of any county, by resolution, may require the ap-
32 plication of any person who is under 16 years of age and who resides
33 within the county and outside the corporate limits of any city to be first
34 submitted to the chief law enforcement officer of the county. No ordi-
35 nance or resolution authorized by this subsection shall become effective
36 until a copy of it is transmitted to the division of vehicles. The chief law
37 enforcement officer of any city or county which has adopted the ordi-
38 nance or resolution authorized by this subsection shall make a recom-
39 mendation on the application as to the necessity for the issuance of the
40 restricted license, and the recommendation shall be transmitted, with the
41 application, to the division of vehicles. If the division finds that it is nec-
42 essary to issue the restricted license, it shall issue a driver's license to the
43 person:

1 ~~—A restricted class C license issued under this subsection shall entitle~~
2 ~~the licensee, while possessing the license, to operate any motor vehicle~~
3 ~~in class C, as designated in K.S.A. 8-234b, and amendments thereto. A~~
4 ~~restricted class M license shall entitle the licensee, while possessing such~~
5 ~~license, to operate a motorcycle. The restricted license shall entitle the~~
6 ~~licensee to operate the appropriate vehicle at any time:~~
7 ~~—(1) While going to or from or in connection with any job, employment~~
8 ~~or farm-related work;~~
9 ~~—(2) on days while school is in session, over the most direct and ac-~~
10 ~~cessible route between the licensee's residence and school of enrollment~~
11 ~~for the purposes of school attendance;~~
12 ~~—(3) when the licensee is operating a passenger car, at any time when~~
13 ~~accompanied by an adult who is the holder of a valid commercial driver's~~
14 ~~license, class A, B or C driver's license and who is actually occupying a~~
15 ~~seat beside the driver; or~~
16 ~~—(4) when the licensee is operating a motorcycle, at any time when~~
17 ~~accompanied by an adult who is the holder of a valid class M driver's~~
18 ~~license and who is operating a motorcycle in the general proximity of the~~
19 ~~licensee.~~
20 ~~—Any licensee issued a restricted license under this subsection shall not~~
21 ~~operate any motor vehicle with nonsibling minor passengers and any con-~~
22 ~~viction for violating this provision shall be construed as a moving traffic~~
23 ~~violation for the purpose of K.S.A. 8-255, and amendments thereto.~~
24 ~~—A restricted driver's license issued under this subsection is subject to~~
25 ~~suspension or revocation in the same manner as any other driver's license.~~
26 ~~In addition, the division may suspend the restricted driver's license upon~~
27 ~~receiving satisfactory evidence that: (1) The licensee has violated the re-~~
28 ~~striction of the license, (2) the licensee has been involved in two or more~~
29 ~~accidents chargeable to the licensee or (3) the recommendation of the~~
30 ~~chief law enforcement officer of any city or county requiring the re-~~
31 ~~commendation has been withdrawn. The suspended license shall not be~~
32 ~~reinstated for one year or until the licensee reaches the age of 16, which-~~
33 ~~ever period is longer.~~
34 ~~—Any licensee issued a restricted license under this subsection who: (1)~~
35 ~~Is under the age of 16 years and is convicted of two or more moving~~
36 ~~traffic violations committed on separate occasions shall not be eligible to~~
37 ~~receive a driver's license which is not restricted in accordance with the~~
38 ~~provisions of this subsection until the person reaches 17 years of age; or~~
39 ~~(2) fails to provide the required affidavit stating that the licensee has~~
40 ~~completed at least 50 hours of adult supervised driving with 10 of those~~
41 ~~hours being at night shall not be eligible to receive a driver's license which~~
42 ~~is not restricted in accordance with the provisions of this subsection until~~
43 ~~the person provides such affidavit to the division or the person reaches~~

1 17 years of age, whichever occurs first.
2 ~~—Any licensee issued a restricted license under this subsection on and~~
3 ~~after July 1, 1999, shall provide prior to reaching 16 years of age, a signed~~
4 ~~affidavit of either a parent or guardian, stating that the applicant has~~
5 ~~completed the required 25 hours prior to being issued a restricted license~~
6 ~~and 25 hours of additional adult supervised driving. Of the 50 hours re-~~
7 ~~quired by this subsection, at least 10 of those hours shall be at night. The~~
8 ~~adult supervised driving shall be conducted by an adult who is at least 21~~
9 ~~years of age and is the holder of a valid commercial driver's license, class~~
10 ~~A, B or C driver's license.~~
11 ~~—Evidence of failure of any licensee who was required to complete the~~
12 ~~50 hours of adult supervised driving under this subsection shall not be~~
13 ~~admissible in any action for the purpose of determining any aspect of~~
14 ~~comparative negligence or mitigation of damages.~~
15 ~~—(b) Who is under the age of 18 years, except as provided in K.S.A. 8-~~
16 ~~2,147, and amendments thereto, for the purpose of driving a commercial~~
17 ~~or class A or B motor vehicle.~~
18 ~~—(c) Whose license is currently revoked, suspended or canceled in this~~
19 ~~or any other state, except as provided in section 1 or K.S.A. 8-256, and~~
20 ~~amendments thereto.~~
21 ~~—(d) Who is a habitual drunkard, habitual user of narcotic drugs or~~
22 ~~habitual user of any other drug to a degree which renders the user in-~~
23 ~~capable of safely driving a motor vehicle.~~
24 ~~—(e) Who has previously been adjudged to be afflicted with or suffering~~
25 ~~from any mental disability or disease and who, at the time of making~~
26 ~~application for a driver's license, has not been restored to capacity in the~~
27 ~~manner provided by law. Application of this limitation to any person~~
28 ~~known to have suffered any seizure disorder is subject to the provisions~~
29 ~~of paragraph (7) of subsection (c) of K.S.A. 8-247, and amendments~~
30 ~~thereto.~~
31 ~~—(f) Who is required by the motor vehicle drivers' license act to take~~
32 ~~an examination, unless the person has successfully passed the~~
33 ~~examination.~~
34 ~~—(g) Who is at least 16 years of age and less than 17 years of age, who~~
35 ~~is applying for a driver's license for the first time since reaching 16 years~~
36 ~~of age and who, three times or more, has been adjudged to be a traffic~~
37 ~~offender under the Kansas juvenile code or a juvenile offender under the~~
38 ~~revised Kansas juvenile justice code, by reason of violation of one or more~~
39 ~~statutes regulating the movement of traffic on the roads, streets or high-~~
40 ~~ways of this state, except that, in the discretion of the director, the person~~
41 ~~may be issued a driver's license which is restricted in the manner the~~
42 ~~division deems to be appropriate. No person described by this subsection~~
43 ~~shall be eligible to receive a driver's license which is not restricted until~~

1 ~~the person has reached the age of 17 years.~~
2 ~~(h) Who has not submitted proof of age or proof of identity, as re-~~
3 ~~quired by K.S.A. 8-240, and amendments thereto.~~
4 ~~(i) Whose presence in the United States is in violation of federal im-~~
5 ~~migration laws.~~
6 ~~Sec. 3. **Section 1.** K.S.A. 2007 Supp. 8-2110 is hereby amended to~~
7 ~~read as follows: 8-2110. (a) Failure to comply with a traffic citation means~~
8 ~~failure either to (1) appear before any district or municipal court in re-~~
9 ~~sponse to a traffic citation and pay in full any fine and court costs imposed~~
10 ~~or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-~~
11 ~~2118, and amendments thereto. Failure to comply with a traffic citation~~
12 ~~is a misdemeanor, regardless of the disposition of the charge for which~~
13 ~~such citation was originally issued.~~
14 ~~(b) **(1)** In addition to penalties of law applicable under subsection (a),~~
15 ~~when a person fails to comply with a traffic citation, except for illegal~~
16 ~~parking, standing or stopping, the district or municipal court in which the~~
17 ~~person should have complied with the citation shall mail notice to the~~
18 ~~person that if the person does not appear in district or municipal court~~
19 ~~or pay all fines, court costs and any penalties within 30 days from the date~~
20 ~~of mailing, the division of vehicles will be notified to suspend the person's~~
21 ~~driving privileges. Upon the person's failure to comply within such 30~~
22 ~~days, the district or municipal court shall electronically notify the division~~
23 ~~of vehicles. Upon receipt of a report of a failure to comply with a traffic~~
24 ~~citation under this subsection, pursuant to K.S.A. 8-255, and amendments~~
25 ~~thereto, the division of vehicles shall notify the violator and suspend the~~
26 ~~license of the violator until satisfactory evidence of compliance with the~~
27 ~~terms of the traffic citation has been furnished to the informing court.~~
28 ~~When the court determines the person has complied with the terms of~~
29 ~~the traffic citation, the court shall immediately electronically notify the~~
30 ~~division of vehicles of such compliance. Upon receipt of notification of~~
31 ~~such compliance from the informing court, the division of vehicles shall~~
32 ~~terminate the suspension or suspension action. *The court may impose*~~
33 ~~*restrictions on such person's driving privileges as provided in section 1,*~~
34 ~~*and amendments thereto.*~~
35 ~~**(2) In lieu of suspension under paragraph (1), the driver may**~~
36 ~~**submit a written request, with a \$25 application fee, for restricted**~~
37 ~~**driving privileges. Upon review and approval of the driver's eligi-**~~
38 ~~**bility, the driving privileges will be restricted pursuant to K.S.A. 8-**~~
39 ~~**292, and amendments thereto, for a period up to one year or until**~~
40 ~~**the terms of the traffic citation have been complied with and the**~~
41 ~~**court shall immediately electronically notify the division of vehicles**~~
42 ~~**of such compliance. If the driver fails to comply with the traffic**~~
43 ~~**citation within the one year restricted period, the driving privileges**~~

1 *will be suspended until the court determines the person has com-*
2 *plied with the terms of the traffic citation and the court shall im-*
3 *mediately electronically notify the division of vehicles of such com-*
4 *pliance. Upon receipt of notification of such compliance from the*
5 *informing court, the division of vehicles shall terminate the suspen-*
6 *sion action. The provisions of this paragraph shall expire on Janu-*
7 *ary 1, 2011.*

8 (c) Except as provided in subsection (d), when the district or munic-
9 ipal court notifies the division of vehicles of a failure to comply with a
10 traffic citation pursuant to subsection (b), the court shall assess a rein-
11 statement fee of \$50 for each charge on which the person failed to make
12 satisfaction regardless of the disposition of the charge for which such
13 citation was originally issued. Such reinstatement fee shall be in addition
14 to any fine, district or municipal court costs and other penalties. The court
15 shall remit all reinstatement fees to the state treasurer in accordance with
16 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
17 of each such remittance, the state treasurer shall deposit the entire
18 amount in the state treasury and shall credit 50% of such moneys to the
19 division of vehicles operating fund, 37.5% to the community alcoholism
20 and intoxication programs fund created by K.S.A. 41-1126, and amend-
21 ments thereto, and 12.5% to the juvenile detention facilities fund created
22 by K.S.A. 79-4803, and amendments thereto.

23 (d) The district court or municipal court shall waive the reinstatement
24 fee provided for in subsection (c), if the failure to comply with a traffic
25 citation was the result of such person enlisting in or being drafted into
26 the armed services of the United States, being called into service as a
27 member of a reserve component of the military service of the United
28 States, or volunteering for such active duty, or being called into service
29 as a member of the state of Kansas national guard, or volunteering for
30 such active duty, and being absent from Kansas because of such military
31 service. In any case of a failure to comply with a traffic citation which
32 occurred on or after August 1, 1990, and prior to the effective date of
33 this act, in which a person was assessed and paid a reinstatement fee and
34 the person failed to comply with a traffic citation because the person was
35 absent from Kansas because of any such military service, the reinstat-
36 ment fee shall be reimbursed to such person upon application therefor.
37 The state treasurer and the director of accounts and reports shall pre-
38 scribe procedures for all such reimbursement payments and shall create
39 appropriate accounts, make appropriate accounting entries and issue such
40 appropriate vouchers and warrants as may be required to make such re-
41 imbursement payments.

42 (e) The reinstatement fee established in this section shall be the only
43 fee collected or moneys in the nature of a fee collected for such rein-

1 statement. Such fee shall only be established by an act of the legislature
2 and no other authority is established by law or otherwise to collect a fee.

3 ~~Sec. 4. K.S.A. 22-3717 is hereby amended to read as follows. 22-~~
4 ~~3717. (a) Except as otherwise provided by this section, K.S.A. 1993 Supp.~~
5 ~~21-4628 prior to its repeal, K.S.A. 21-4635 through 21-4638, and amend-~~
6 ~~ments thereto, K.S.A. 8-1567, and amendments thereto, K.S.A. 21-4642,~~
7 ~~and amendments thereto; and K.S.A. 21-4624, and amendments thereto,~~
8 ~~an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618,~~
9 ~~and amendments thereto, shall be eligible for parole after serving the~~
10 ~~entire minimum sentence imposed by the court, less good time credits.~~

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

17 ~~—(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993~~
18 ~~Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638,~~
19 ~~and amendments thereto, an inmate sentenced to imprisonment for an~~
20 ~~off-grid offense committed on or after July 1, 1993, but prior to July 1,~~
21 ~~1999, shall be eligible for parole after serving 15 years of confinement,~~
22 ~~without deduction of any good time credits and an inmate sentenced to~~
23 ~~imprisonment for an off-grid offense committed on or after July 1, 1999,~~
24 ~~shall be eligible for parole after serving 20 years of confinement without~~
25 ~~deduction of any good time credits.~~

26 ~~—(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its~~
27 ~~repeal, an inmate sentenced for a class A felony committed before July~~
28 ~~1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, and~~
29 ~~amendments thereto, shall be eligible for parole after serving 15 years of~~
30 ~~confinement, without deduction of any good time credits.~~

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

36 ~~—(5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-~~
37 ~~4643, and amendments thereto, committed on or after July 1, 2006, shall~~
38 ~~be eligible for parole after serving the mandatory term of imprisonment~~
39 ~~without deduction of any good time credits.~~

40 ~~—(c) (1) Except as provided in subsection (c), if an inmate is sentenced~~
41 ~~to imprisonment for more than one crime and the sentences run consec-~~
42 ~~utively, the inmate shall be eligible for parole after serving the total of:~~

43 ~~—(A) The aggregate minimum sentences, as determined pursuant to~~

1 ~~K.S.A. 21-4608 and amendments thereto, less good time credits for those~~
2 ~~crimes which are not class A felonies, and~~
3 ~~—(B)—an additional 15 years, without deduction of good time credits,~~
4 ~~for each crime which is a class A felony.~~
5 ~~—(2)—If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-~~
6 ~~4643, and amendments thereto, for crimes committed on or after July 1,~~
7 ~~2006, the inmate shall be eligible for parole after serving the mandatory~~
8 ~~term of imprisonment.~~
9 ~~—(d) (1) Persons sentenced for crimes, other than off-grid crimes,~~
10 ~~committed on or after July 1, 1993, or persons subject to subparagraph~~
11 ~~(G), will not be eligible for parole, but will be released to a mandatory~~
12 ~~period of postrelease supervision upon completion of the prison portion~~
13 ~~of their sentence as follows:~~
14 ~~—(A)—Except as provided in subparagraphs (D) and (E), persons sen-~~
15 ~~tenced for nondrug severity level 1 through 4 crimes and drug severity~~
16 ~~levels 1 and 2 crimes must serve 36 months, plus the amount of good~~
17 ~~time and program credit earned and retained pursuant to K.S.A. 21-4722,~~
18 ~~and amendments thereto, on postrelease supervision.~~
19 ~~—(B)—Except as provided in subparagraphs (D) and (E), persons sen-~~
20 ~~tenced for nondrug severity levels 5 and 6 crimes and drug severity level~~
21 ~~3 crimes must serve 24 months, plus the amount of good time and pro-~~
22 ~~gram credit earned and retained pursuant to K.S.A. 21-4722, and amend-~~
23 ~~ments thereto, on postrelease supervision.~~
24 ~~—(C)—Except as provided in subparagraphs (D) and (E), persons sen-~~
25 ~~tenced for nondrug severity level 7 through 10 crimes and drug severity~~
26 ~~level 4 crimes must serve 12 months, plus the amount of good time and~~
27 ~~program credit earned and retained pursuant to K.S.A. 21-4722, and~~
28 ~~amendments thereto, on postrelease supervision.~~
29 ~~—(D) (i)—The sentencing judge shall impose the postrelease supervi-~~
30 ~~sion period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C),~~
31 ~~unless the judge finds substantial and compelling reasons to impose a~~
32 ~~departure based upon a finding that the current crime of conviction was~~
33 ~~sexually motivated. In that event, departure may be imposed to extend~~
34 ~~the postrelease supervision to a period of up to 60 months.~~
35 ~~—(ii)—If the sentencing judge departs from the presumptive postrelease~~
36 ~~supervision period, the judge shall state on the record at the time of~~
37 ~~sentencing the substantial and compelling reasons for the departure. De-~~
38 ~~partures in this section are subject to appeal pursuant to K.S.A. 21-4721,~~
39 ~~and amendments thereto.~~
40 ~~—(iii)—In determining whether substantial and compelling reasons exist,~~
41 ~~the court shall consider:~~
42 ~~—(a)—Written briefs or oral arguments submitted by either the defend-~~
43 ~~ant or the state;~~

- 1 —(b)—any evidence received during the proceeding;
- 2 —(c)—the presentence report, the victim’s impact statement and any
3 psychological evaluation as ordered by the court pursuant to subsection
4 (c) of K.S.A. 21-4714, and amendments thereto; and
- 5 —(d)—any other evidence the court finds trustworthy and reliable.
- 6 —(iv)—The sentencing judge may order that a psychological evaluation
7 be prepared and the recommended programming be completed by the
8 offender. The department of corrections or the parole board shall ensure
9 that court ordered sex offender treatment be carried out.
- 10 —(v)—In carrying out the provisions of subparagraph (d)(1)(D), the court
11 shall refer to K.S.A. 21-4718, and amendments thereto.
- 12 —(vi)—Upon petition, the parole board may provide for early discharge
13 from the postrelease supervision period upon completion of court or-
14 dered programs and completion of the presumptive postrelease super-
15 vision period, as determined by the crime of conviction, pursuant to sub-
16 paragraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
17 postrelease supervision is at the discretion of the parole board.
- 18 —(vii)—Persons convicted of crimes deemed sexually violent or sexually
19 motivated, shall be registered according to the offender registration act,
20 K.S.A. 22-4901 through 22-4910, and amendments thereto.
- 21 —(viii)—Persons convicted of K.S.A. 21-3510 or 21-3511, and amend-
22 ments thereto, shall be required to participate in a treatment program
23 for sex offenders during the postrelease supervision period.
- 24 —(E)—The period of postrelease supervision provided in subparagraphs
25 (A) and (B) may be reduced by up to 12 months and the period of post-
26 release supervision provided in subparagraph (C) may be reduced by up
27 to six months based on the offender’s compliance with conditions of su-
28 pervision and overall performance while on postrelease supervision. The
29 reduction in the supervision period shall be on an earned basis pursuant
30 to rules and regulations adopted by the secretary of corrections.
- 31 —(F)—In cases where sentences for crimes from more than one severity
32 level have been imposed, the offender shall serve the longest period of
33 postrelease supervision as provided by this section available for any crime
34 upon which sentence was imposed irrespective of the severity level of the
35 crime. Supervision periods will not aggregate.
- 36 —(G)—Except as provided in subsection (u), persons convicted of a sex-
37 ually violent crime committed on or after July 1, 2006, and who are re-
38 leased from prison, shall be released to a mandatory period of postrelease
39 supervision for the duration of the person’s natural life.
- 40 —(2)—As used in this section, “sexually violent crime” means:
- 41 —(A)—Rape, K.S.A. 21-3502, and amendments thereto;
- 42 —(B)—indecent liberties with a child, K.S.A. 21-3503, and amendments
43 thereto;

1 ~~—(C) aggravated indecent liberties with a child, K.S.A. 21-3504, and~~
2 ~~amendments thereto;~~
3 ~~—(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,~~
4 ~~and amendments thereto;~~
5 ~~—(E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments~~
6 ~~thereto;~~
7 ~~—(F) indecent solicitation of a child, K.S.A. 21-3510, and amendments~~
8 ~~thereto;~~
9 ~~—(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and~~
10 ~~amendments thereto;~~
11 ~~—(H) sexual exploitation of a child, K.S.A. 21-3516, and amendments~~
12 ~~thereto;~~
13 ~~—(I) aggravated sexual battery, K.S.A. 21-3518, and amendments~~
14 ~~thereto;~~
15 ~~—(J) aggravated incest, K.S.A. 21-3603, and amendments thereto; or~~
16 ~~—(K) an attempt, conspiracy or criminal solicitation, as defined in~~
17 ~~K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of a sex-~~
18 ~~ually violent crime as defined in this section.~~
19 ~~“Sexually motivated” means that one of the purposes for which the~~
20 ~~defendant committed the crime was for the purpose of the defendant’s~~
21 ~~sexual gratification.~~
22 ~~—(c) If an inmate is sentenced to imprisonment for a crime committed~~
23 ~~while on parole or conditional release, the inmate shall be eligible for~~
24 ~~parole as provided by subsection (c), except that the Kansas parole board~~
25 ~~may postpone the inmate’s parole eligibility date by assessing a penalty~~
26 ~~not exceeding the period of time which could have been assessed if the~~
27 ~~inmate’s parole or conditional release had been violated for reasons other~~
28 ~~than conviction of a crime.~~
29 ~~—(f) If a person is sentenced to prison for a crime committed on or~~
30 ~~after July 1, 1993, while on probation, parole, conditional release or in a~~
31 ~~community corrections program, for a crime committed prior to July 1,~~
32 ~~1993, and the person is not eligible for retroactive application of the~~
33 ~~sentencing guidelines and amendments thereto pursuant to K.S.A. 21-~~
34 ~~4724, and amendments thereto, the new sentence shall not be aggregated~~
35 ~~with the old sentence, but shall begin when the person is paroled or~~
36 ~~reaches the conditional release date on the old sentence. If the offender~~
37 ~~was past the offender’s conditional release date at the time the new of-~~
38 ~~fense was committed, the new sentence shall not be aggregated with the~~
39 ~~old sentence but shall begin when the person is ordered released by the~~
40 ~~Kansas parole board or reaches the maximum sentence expiration date~~
41 ~~on the old sentence, whichever is earlier. The new sentence shall then~~
42 ~~be served as otherwise provided by law. The period of postrelease su-~~
43 ~~perVISION shall be based on the new sentence, except that those offenders~~

1 whose old sentence is a term of imprisonment for life, imposed pursuant
2 to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate
3 sentence with a maximum term of life imprisonment, for which there is
4 no conditional release or maximum sentence expiration date, shall remain
5 on postrelease supervision for life or until discharged from supervision
6 by the Kansas parole board.

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

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

1 to this section. If granted parole, the inmate may be released on parole
2 on the date specified by the board, but not earlier than the date the
3 inmate is eligible for parole under subsections (a), (b) and (c). At each
4 parole hearing and, if parole is not granted, at such intervals thereafter
5 as it determines appropriate, the Kansas parole board shall consider: (1)
6 Whether the inmate has satisfactorily completed the programs required
7 by any agreement entered under K.S.A. 75-5210a, and amendments
8 thereto, or any revision of such agreement; and (2) all pertinent infor-
9 mation regarding such inmate, including, but not limited to, the circum-
10 stances of the offense of the inmate, the presentence report, the previous
11 social history and criminal record of the inmate, the conduct, employ-
12 ment, and attitude of the inmate in prison; the reports of such physical
13 and mental examinations as have been made; comments of the victim and
14 the victim's family including in person comments, contemporaneous com-
15 ments and prerecorded comments made by any technological means;
16 comments of the public; official comments; and capacity of state correc-
17 tional institutions.

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

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

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

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

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

37 —(m)—Whenever the Kansas parole board orders the parole of an in-
38 mate or establishes conditions for an inmate placed on postrelease su-
39 pervision, the board:

40 —(1)—Unless it finds compelling circumstances which would render a
41 plan of payment unworkable, shall order as a condition of parole or post-
42 release supervision that the parolee or the person on postrelease super-
43 vision pay any transportation expenses resulting from returning the pa-

1 parolee or the person on postrelease supervision to this state to answer
2 criminal charges or a warrant for a violation of a condition of probation,
3 assignment to a community correctional services program, parole, con-
4 ditional release or postrelease supervision;
5 —(2)— to the extent practicable, shall order as a condition of parole or
6 postrelease supervision that the parolee or the person on postrelease su-
7 pervision make progress towards or successfully complete the equivalent
8 of a secondary education if the inmate has not previously completed such
9 educational equivalent and is capable of doing so;
10 —(3)— may order that the parolee or person on postrelease supervision
11 perform community or public service work for local governmental agen-
12 cies, private corporations organized not for profit or charitable or social
13 service organizations performing services for the community;
14 —(4)— may order the parolee or person on postrelease supervision to pay
15 the administrative fee imposed pursuant to K.S.A. 22-4520, and amend-
16 ments thereto, unless the board finds compelling circumstances which
17 would render payment unworkable; and
18 —(5)— unless it finds compelling circumstances which would render a
19 plan of payment unworkable, shall order that the parolee or person on
20 postrelease supervision reimburse the state for all or part of the expend-
21 itures by the state board of indigents' defense services to provide counsel
22 and other defense services to the person. In determining the amount and
23 method of payment of such sum, the parole board shall take account of
24 the financial resources of the person and the nature of the burden that
25 the payment of such sum will impose. Such amount shall not exceed the
26 amount claimed by appointed counsel on the payment voucher for indi-
27 gents' defense services or the amount prescribed by the board of indi-
28 gents' defense services reimbursement tables as provided in K.S.A. 22-
29 4522, and amendments thereto, whichever is less, minus any previous
30 payments for such services.
31 —(n)— If the court which sentenced an inmate specified at the time of
32 sentencing the amount and the recipient of any restitution ordered as a
33 condition of parole or postrelease supervision, the Kansas parole board
34 shall order as a condition of parole or postrelease supervision that the
35 inmate pay restitution in the amount and manner provided in the journal
36 entry unless the board finds compelling circumstances which would ren-
37 der a plan of restitution unworkable.
38 —(o)— Whenever the Kansas parole board grants the parole of an inmate,
39 the board, within 10 days of the date of the decision to grant parole, shall
40 give written notice of the decision to the county or district attorney of the
41 county where the inmate was sentenced.
42 —(p)— When an inmate is to be released on postrelease supervision, the
43 secretary, within 30 days prior to release, shall provide the county or

1 ~~district attorney of the county where the inmate was sentenced written~~
2 ~~notice of the release date.~~

3 ~~—(q) Inmates shall be released on postrelease supervision upon the~~
4 ~~termination of the prison portion of their sentence. Time served while~~
5 ~~on postrelease supervision will vest.~~

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

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

16 ~~—(t) For offenders sentenced prior to the effective date of this act who~~
17 ~~are eligible for modification of their postrelease supervision obligation,~~
18 ~~the department of corrections shall modify the period of postrelease su-~~
19 ~~per supervision as provided for by this section for offenders convicted of severity~~
20 ~~level 9 and 10 crimes on the sentencing guidelines grid for nondrug~~
21 ~~crimes and severity level 4 crimes on the sentencing guidelines grid for~~
22 ~~drug crimes on or before September 1, 2000; for offenders convicted of~~
23 ~~severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug~~
24 ~~crimes on or before November 1, 2000; and for offenders convicted of~~
25 ~~severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug~~
26 ~~crimes and severity level 3 crimes on the sentencing guidelines grid for~~
27 ~~drug crimes on or before January 1, 2001.~~

28 ~~—(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-~~
29 ~~4643, and amendments thereto, for crimes committed on or after July 1,~~
30 ~~2006, shall be placed on parole for life and shall not be discharged from~~
31 ~~supervision by the Kansas parole board. When the board orders the parole~~
32 ~~of an inmate pursuant to this subsection, the board shall order as a con-~~
33 ~~dition of parole that the inmate be electronically monitored for the du-~~
34 ~~ration of the inmate's natural life.~~

35 ~~—(v) Whenever the Kansas parole board or the court orders a person~~
36 ~~to be electronically monitored, the board or court shall order the person~~
37 ~~to reimburse the state for all or part of the cost of such monitoring. In~~
38 ~~determining the amount and method of payment of such sum, the board~~
39 ~~or court shall take account of the financial resources of the person and~~
40 ~~the nature of the burden that the payment of such sum will impose.~~

41 ~~—(w) During the period of postrelease supervision, the court may allow~~
42 ~~a person whose driving privileges have been revoked, suspended or can-~~
43 ~~celed for failure to pay fines or restitution to apply for a restricted driver's~~

1 ~~license pursuant to section 1, and amendments thereto, if such person is~~
2 ~~in the process of reaching an agreement to comply or is in compliance~~
3 ~~with the terms of an agreement to pay such fine or restitution.~~

4 ~~—Sec. 5. K.S.A. 22-3717 and K.S.A. 2007 Supp. 8-237 and 8-2110 are~~
5 ~~hereby repealed.~~

6 **Sec. 2. K.S.A. 2007 Supp. 8-2110 is hereby repealed.**

7 **Sec. 3.** This act shall take effect and be in force from and after its
8 publication in the statute book.