

HOUSE BILL No. 2488

By Committee on Corrections and Juvenile Justice

1-19

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to insurance premiums as restitution amount; amending K.S.A. 2011
3 Supp. 12-4509 and 21-6604 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2011 Supp. 12-4509 is hereby amended to read as
7 follows: 12-4509. (a) Whenever a person is found guilty of the violation of
8 an ordinance, the municipal judge may:

9 (1) Release the person without imposition of sentence;

10 (2) release the person on probation after the imposition of sentence,
11 without imprisonment or the payment of a fine or a portion thereof, subject
12 to conditions imposed by the court as provided in subsection (e);

13 (3) impose such sentence of fine or imprisonment, or both, as
14 authorized for the ordinance violation; or

15 (4) impose a sentence of house arrest as provided in K.S.A. 2011
16 Supp. 21-6609, and amendments thereto.

17 (b) In addition to or in lieu of any other sentence authorized by law,
18 whenever a person is found guilty of the violation of an ordinance and
19 there is evidence that the act constituting the violation of the ordinance
20 was substantially related to the possession, use or ingestion of cereal malt
21 beverage or alcoholic liquor by such person, the judge may order such
22 person to attend and satisfactorily complete an alcohol or drug education
23 or training program certified by the chief judge of the judicial district or
24 licensed by the secretary of social and rehabilitation services.

25 (c) Except as provided in subsection (d), in addition to or in lieu of
26 any other sentence authorized by law, whenever a person is convicted of
27 having violated, while under 21 years of age, an ordinance prohibiting an
28 act prohibited by K.S.A. 2011 Supp. 21-5701 through 21-5717, and
29 amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and
30 amendments thereto, the municipal judge shall order such person to submit
31 to and complete an alcohol and drug evaluation by a community-based
32 alcohol and drug safety action program certified pursuant to K.S.A. 8-
33 1008, and amendments thereto, and to pay a fee not to exceed the fee
34 established by that statute for such evaluation. If the judge finds that the
35 person is indigent, the fee may be waived.

36 (d) If the person is 18 or more years of age but less than 21 years of

1 age and is convicted of a violation of K.S.A. 41-727, and amendments
2 thereto, involving cereal malt beverage, the provisions of subsection (c)
3 are permissive and not mandatory.

4 (e) The court may impose any conditions of probation or suspension
5 of sentence that the court deems proper, including, but not limited to,
6 requiring that the defendant:

7 (1) Avoid such injurious or vicious habits, as directed by the court or
8 the probation officer;

9 (2) avoid such persons or places of disreputable or harmful character,
10 as directed by the court or the probation officer;

11 (3) report to the probation officer as directed;

12 (4) permit the probation officer to visit the defendant at home or
13 elsewhere;

14 (5) work faithfully at suitable employment insofar as possible;

15 (6) remain within the state unless the court grants permission to
16 leave;

17 (7) pay a fine or costs, applicable to the ordinance violation, in one or
18 several sums and in the manner as directed by the court;

19 (8) support the defendant's dependents;

20 (9) reside in a residential facility located in the community and
21 participate in educational counseling, work and other correctional or
22 rehabilitative programs;

23 (10) perform community or public service work for local
24 governmental agencies, private corporations organized not for profit, or
25 charitable or social service organizations performing services for the
26 community;

27 (11) perform services under a system of day fines whereby the
28 defendant is required to satisfy fines, costs or reparation or restitution
29 obligations by performing services for a period of days determined by the
30 court on the basis of ability to pay, standard of living, support obligations
31 and other factors;

32 (12) make reparation or restitution to the aggrieved party ~~for the~~
33 ~~damage or loss caused by the defendant's crime which shall include, but~~
34 ~~not be limited to, damage or loss directly caused by the defendant's crime,~~
35 ~~and may include any increase in the aggrieved party's insurance premiums~~
36 ~~caused by the defendant's crime, in an amount and manner determined by~~
37 the court and to the person specified by the court; or

38 (13) reimburse the city, in accordance with any order made under
39 subsection (f), for all or a part of the reasonable expenditures by the city to
40 provide counsel and other defense services to the defendant.

41 (f) In addition to or in lieu of any other sentence authorized by law,
42 whenever a person is found guilty of the violation of an ordinance the
43 judge may order such person to reimburse the city for all or a part of the

1 reasonable expenditures by the city to provide counsel and other defense
2 services to the defendant. In determining the amount and method of
3 payment of such sum, the court shall take account of the financial
4 resources of the defendant and the nature of the burden that payment of
5 such sum will impose. A defendant who has been required to pay such sum
6 and who is not willfully in default in the payment thereof may at any time
7 petition the court which sentenced the defendant to waive payment of such
8 sum or of any unpaid portion thereof. If it appears to the satisfaction of the
9 court that payment of the amount due will impose manifest hardship on the
10 defendant or the defendant's immediate family, the court may waive
11 payment of all or part of the amount due or modify the method of
12 payment.

13 Sec. 2. K.S.A. 2011 Supp. 21-6604 is hereby amended to read as
14 follows: 21-6604. (a) Whenever any person has been found guilty of a
15 crime, the court may adjudge any of the following:

16 (1) Commit the defendant to the custody of the secretary of
17 corrections if the current crime of conviction is a felony and the sentence
18 presumes imprisonment, or the sentence imposed is a dispositional
19 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
20 for the term provided by law;

21 (2) impose the fine applicable to the offense and may impose the
22 provisions of subsection (q);

23 (3) release the defendant on probation if the current crime of
24 conviction and criminal history fall within a presumptive nonprison
25 category or through a departure for substantial and compelling reasons
26 subject to such conditions as the court may deem appropriate. In felony
27 cases except for violations of K.S.A. 8-1567, and amendments thereto, the
28 court may include confinement in a county jail not to exceed 60 days,
29 which need not be served consecutively, as a condition of an original
30 probation sentence and up to 60 days in a county jail upon each revocation
31 of the probation sentence, or community corrections placement;

32 (4) assign the defendant to a community correctional services
33 program as provided in K.S.A. 75-5291, and amendments thereto, or
34 through a departure for substantial and compelling reasons subject to such
35 conditions as the court may deem appropriate, including orders requiring
36 full or partial restitution;

37 (5) assign the defendant to a conservation camp for a period not to
38 exceed six months as a condition of probation followed by a six-month
39 period of follow-up through adult intensive supervision by a community
40 correctional services program, if the offender successfully completes the
41 conservation camp program;

42 (6) assign the defendant to a house arrest program pursuant to K.S.A.
43 2011 Supp. 21-6609, and amendments thereto;

1 (7) order the defendant to attend and satisfactorily complete an
2 alcohol or drug education or training program as provided by subsection
3 (c) of K.S.A. 2011 Supp. 21-6602, and amendments thereto;

4 (8) order the defendant to repay the amount of any reward paid by
5 any crime stoppers chapter, individual, corporation or public entity which
6 materially aided in the apprehension or conviction of the defendant; repay
7 the amount of any costs and expenses incurred by any law enforcement
8 agency in the apprehension of the defendant, if one of the current crimes
9 of conviction of the defendant includes escape from custody or aggravated
10 escape from custody, as defined in K.S.A. 2011 Supp. 21-5911, and
11 amendments thereto; repay expenses incurred by a fire district, fire
12 department or fire company responding to a fire which has been
13 determined to be arson or aggravated arson as defined in K.S.A. 2011
14 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
15 such crime; repay the amount of any public funds utilized by a law
16 enforcement agency to purchase controlled substances from the defendant
17 during the investigation which leads to the defendant's conviction; or repay
18 the amount of any medical costs and expenses incurred by any law
19 enforcement agency or county. Such repayment of the amount of any such
20 costs and expenses incurred by a county, law enforcement agency, fire
21 district, fire department or fire company or any public funds utilized by a
22 law enforcement agency shall be deposited and credited to the same fund
23 from which the public funds were credited to prior to use by the county,
24 law enforcement agency, fire district, fire department or fire company;

25 (9) order the defendant to pay the administrative fee authorized by
26 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

27 (10) order the defendant to pay a domestic violence special program
28 fee authorized by K.S.A. 20-369, and amendments thereto;

29 (11) if the defendant is convicted of a misdemeanor or convicted of a
30 felony specified in subsection (i) of K.S.A. 2011 Supp. 21-6804, and
31 amendments thereto, assign the defendant to work release program, other
32 than a program at a correctional institution under the control of the
33 secretary of corrections as defined in K.S.A. 75-5202, and amendments
34 thereto, provided such work release program requires such defendant to
35 return to confinement at the end of each day in the work release program.
36 On a second conviction of K.S.A. 8-1567, and amendments thereto, an
37 offender placed into a work release program must serve a total of 120
38 hours of confinement. Such 120 hours of confinement shall be a period of
39 at least 48 consecutive hours of imprisonment followed by confinement
40 hours at the end of and continuing to the beginning of the offender's work
41 day. On a third or subsequent conviction of K.S.A. 8-1567, and
42 amendments thereto, an offender placed into a work release program must
43 serve a total of 240 hours of confinement. Such 240 hours of confinement

1 shall be a period of at least 48 consecutive hours of imprisonment
2 followed by confinement hours at the end of and continuing to the
3 beginning of the offender's work day;

4 (12) order the defendant to pay the full amount of unpaid costs
5 associated with the conditions of release of the appearance bond under
6 K.S.A. 22-2802, and amendments thereto;

7 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
8 (7), (8), (9), (10), (11) and (12); or

9 (14) suspend imposition of sentence in misdemeanor cases.

10 (b) (1) In addition to or in lieu of any of the above, the court shall
11 order the defendant to pay restitution, which shall include, but not be
12 limited to, damage or loss *directly* caused by the defendant's crime, *and*
13 *may include any increase in the aggrieved party's insurance premiums*
14 *caused by the defendant's crime*, unless the court finds compelling
15 circumstances which would render a plan of restitution unworkable. In
16 regard to a violation of K.S.A. 2011 Supp. 21-6107, and amendments
17 thereto, such damage or loss shall include, but not be limited to, attorney
18 fees and costs incurred to repair the credit history or rating of the person
19 whose personal identification documents were obtained and used in
20 violation of such section, and to satisfy a debt, lien or other obligation
21 incurred by the person whose personal identification documents were
22 obtained and used in violation of such section. If the court finds a plan of
23 restitution unworkable, the court shall state on the record in detail the
24 reasons therefor.

25 (2) If the court orders restitution, the restitution shall be a judgment
26 against the defendant which may be collected by the court by garnishment
27 or other execution as on judgments in civil cases. If, after 60 days from the
28 date restitution is ordered by the court, a defendant is found to be in
29 noncompliance with the plan established by the court for payment of
30 restitution, and the victim to whom restitution is ordered paid has not
31 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
32 amendments thereto, the court shall assign an agent procured by the
33 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
34 collect the restitution on behalf of the victim. The chief judge of each
35 judicial district may assign such cases to an appropriate division of the
36 court for the conduct of civil collection proceedings.

37 (c) In addition to or in lieu of any of the above, the court shall order
38 the defendant to submit to and complete an alcohol and drug evaluation,
39 and pay a fee therefor, when required by subsection (d) of K.S.A. 2011
40 Supp. 21-6602, and amendments thereto.

41 (d) In addition to any of the above, the court shall order the defendant
42 to reimburse the county general fund for all or a part of the expenditures
43 by the county to provide counsel and other defense services to the

1 defendant. Any such reimbursement to the county shall be paid only after
2 any order for restitution has been paid in full. In determining the amount
3 and method of payment of such sum, the court shall take account of the
4 financial resources of the defendant and the nature of the burden that
5 payment of such sum will impose. A defendant who has been required to
6 pay such sum and who is not willfully in default in the payment thereof
7 may at any time petition the court which sentenced the defendant to waive
8 payment of such sum or any unpaid portion thereof. If it appears to the
9 satisfaction of the court that payment of the amount due will impose
10 manifest hardship on the defendant or the defendant's immediate family,
11 the court may waive payment of all or part of the amount due or modify
12 the method of payment.

13 (e) In releasing a defendant on probation, the court shall direct that
14 the defendant be under the supervision of a court services officer. If the
15 court commits the defendant to the custody of the secretary of corrections
16 or to jail, the court may specify in its order the amount of restitution to be
17 paid and the person to whom it shall be paid if restitution is later ordered
18 as a condition of parole, conditional release or postrelease supervision.

19 (f) (1) When a new felony is committed while the offender is
20 incarcerated and serving a sentence for a felony, or while the offender is on
21 probation, assignment to a community correctional services program,
22 parole, conditional release or postrelease supervision for a felony, a new
23 sentence shall be imposed pursuant to the consecutive sentencing
24 requirements of K.S.A. 2011 Supp. 21-6606, and amendments thereto, and
25 the court may sentence the offender to imprisonment for the new
26 conviction, even when the new crime of conviction otherwise presumes a
27 nonprison sentence. In this event, imposition of a prison sentence for the
28 new crime does not constitute a departure.

29 (2) When a new felony is committed while the offender is
30 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
31 prior to its repeal, or K.S.A. 2011 Supp. 38-2373, and amendments thereto,
32 for an offense, which if committed by an adult would constitute the
33 commission of a felony, upon conviction, the court shall sentence the
34 offender to imprisonment for the new conviction, even when the new
35 crime of conviction otherwise presumes a nonprison sentence. In this
36 event, imposition of a prison sentence for the new crime does not
37 constitute a departure. The conviction shall operate as a full and complete
38 discharge from any obligations, except for an order of restitution, imposed
39 on the offender arising from the offense for which the offender was
40 committed to a juvenile correctional facility.

41 (3) When a new felony is committed while the offender is on release
42 for a felony pursuant to the provisions of article 28 of chapter 22 of the
43 Kansas Statutes Annotated, and amendments thereto, or similar provisions

1 of the laws of another jurisdiction, a new sentence may be imposed
2 pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp.
3 21-6606, and amendments thereto, and the court may sentence the offender
4 to imprisonment for the new conviction, even when the new crime of
5 conviction otherwise presumes a nonprison sentence. In this event,
6 imposition of a prison sentence for the new crime does not constitute a
7 departure.

8 (g) Prior to imposing a dispositional departure for a defendant whose
9 offense is classified in the presumptive nonprison grid block of either
10 sentencing guideline grid, prior to sentencing a defendant to incarceration
11 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
12 guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or
13 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a
14 defendant to incarceration whose offense is classified in grid blocks 4-E or
15 4-F of the sentencing guideline grid for drug crimes and whose offense
16 does not meet the requirements of K.S.A. 2011 Supp. 21-6824, and
17 amendments thereto, prior to revocation of a nonprison sanction of a
18 defendant whose offense is classified in grid blocks 4-E or 4-F of the
19 sentencing guideline grid for drug crimes and whose offense does not meet
20 the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto,
21 or prior to revocation of a nonprison sanction of a defendant whose offense
22 is classified in the presumptive nonprison grid block of either sentencing
23 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines
24 grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the
25 sentencing guidelines grid for drug crimes, the court shall consider
26 placement of the defendant in the Labette correctional conservation camp,
27 conservation camps established by the secretary of corrections pursuant to
28 K.S.A. 75-52,127, and amendment thereto, or a community intermediate
29 sanction center. Pursuant to this paragraph the defendant shall not be
30 sentenced to imprisonment if space is available in a conservation camp or
31 a community intermediate sanction center and the defendant meets all of
32 the conservation camp's or a community intermediate sanction center's
33 placement criteria unless the court states on the record the reasons for not
34 placing the defendant in a conservation camp or a community intermediate
35 sanction center.

36 (h) The court in committing a defendant to the custody of the
37 secretary of corrections shall fix a term of confinement within the limits
38 provided by law. In those cases where the law does not fix a term of
39 confinement for the crime for which the defendant was convicted, the
40 court shall fix the term of such confinement.

41 (i) In addition to any of the above, the court shall order the defendant
42 to reimburse the state general fund for all or a part of the expenditures by
43 the state board of indigents' defense services to provide counsel and other

1 defense services to the defendant. In determining the amount and method
2 of payment of such sum, the court shall take account of the financial
3 resources of the defendant and the nature of the burden that payment of
4 such sum will impose. A defendant who has been required to pay such sum
5 and who is not willfully in default in the payment thereof may at any time
6 petition the court which sentenced the defendant to waive payment of such
7 sum or any unpaid portion thereof. If it appears to the satisfaction of the
8 court that payment of the amount due will impose manifest hardship on the
9 defendant or the defendant's immediate family, the court may waive
10 payment of all or part of the amount due or modify the method of
11 payment. The amount of attorney fees to be included in the court order for
12 reimbursement shall be the amount claimed by appointed counsel on the
13 payment voucher for indigents' defense services or the amount prescribed
14 by the board of indigents' defense services reimbursement tables as
15 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

16 (j) This section shall not deprive the court of any authority conferred
17 by any other Kansas statute to decree a forfeiture of property, suspend or
18 cancel a license, remove a person from office or impose any other civil
19 penalty as a result of conviction of crime.

20 (k) An application for or acceptance of probation or assignment to a
21 community correctional services program shall not constitute an
22 acquiescence in the judgment for purpose of appeal, and any convicted
23 person may appeal from such conviction, as provided by law, without
24 regard to whether such person has applied for probation, suspended
25 sentence or assignment to a community correctional services program.

26 (l) The secretary of corrections is authorized to make direct
27 placement to the Labette correctional conservation camp or a conservation
28 camp established by the secretary pursuant to K.S.A. 75-52,127, and
29 amendments thereto, of an inmate sentenced to the secretary's custody if
30 the inmate:

31 (1) Has been sentenced to the secretary for a probation revocation, as
32 a departure from the presumptive nonimprisonment grid block of either
33 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I,
34 or 6-G of the sentencing guidelines grid for nondrug crimes or in grid
35 blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug
36 crimes, or for an offense which is classified in grid blocks 4-E or 4-F of
37 the sentencing guidelines grid for drug crimes and such offense does not
38 meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments
39 thereto; and

40 (2) otherwise meets admission criteria of the camp.

41 If the inmate successfully completes a conservation camp program, the
42 secretary of corrections shall report such completion to the sentencing
43 court and the county or district attorney. The inmate shall then be assigned

1 by the court to six months of follow-up supervision conducted by the
2 appropriate community corrections services program. The court may also
3 order that supervision continue thereafter for the length of time authorized
4 by K.S.A. 2011 Supp. 21-6608, and amendments thereto.

5 (m) When it is provided by law that a person shall be sentenced
6 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions
7 of this section shall not apply.

8 (n) Except as provided by subsection (f) of K.S.A. 2011 Supp. 21-
9 6805, and amendments thereto, in addition to any of the above, for felony
10 violations of K.S.A. 2011 Supp. 21-5706, and amendments thereto, the
11 court shall require the defendant who meets the requirements established
12 in K.S.A. 2011 Supp. 21-6824, and amendments thereto, to participate in a
13 certified drug abuse treatment program, as provided in K.S.A. 2011 Supp.
14 75-52,144, and amendments thereto, including, but not limited to, an
15 approved after-care plan. If the defendant fails to participate in or has a
16 pattern of intentional conduct that demonstrates the offender's refusal to
17 comply with or participate in the treatment program, as established by
18 judicial finding, the defendant shall be subject to revocation of probation
19 and the defendant shall serve the underlying prison sentence as established
20 in K.S.A. 2011 Supp. 21-6805, and amendments thereto. For those
21 offenders who are convicted on or after July 1, 2003, upon completion of
22 the underlying prison sentence, the defendant shall not be subject to a
23 period of postrelease supervision. The amount of time spent participating
24 in such program shall not be credited as service on the underlying prison
25 sentence.

26 (o) (1) Except as provided in paragraph (3), in addition to any other
27 penalty or disposition imposed by law, upon a conviction for unlawful
28 possession of a controlled substance or controlled substance analog in
29 violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, in
30 which the trier of fact makes a finding that the unlawful possession
31 occurred while transporting the controlled substance or controlled
32 substance analog in any vehicle upon a highway or street, the offender's
33 driver's license or privilege to operate a motor vehicle on the streets and
34 highways of this state shall be suspended for one year.

35 (2) Upon suspension of a license pursuant to this subsection, the court
36 shall require the person to surrender the license to the court, which shall
37 transmit the license to the division of motor vehicles of the department of
38 revenue, to be retained until the period of suspension expires. At that time,
39 the licensee may apply to the division for return of the license. If the
40 license has expired, the person may apply for a new license, which shall be
41 issued promptly upon payment of the proper fee and satisfaction of other
42 conditions established by law for obtaining a license unless another
43 suspension or revocation of the person's privilege to operate a motor

1 vehicle is in effect.

2 (3) (A) In lieu of suspending the driver's license or privilege to
3 operate a motor vehicle on the highways of this state of any person as
4 provided in paragraph (1), the judge of the court in which such person was
5 convicted may enter an order which places conditions on such person's
6 privilege of operating a motor vehicle on the highways of this state, a
7 certified copy of which such person shall be required to carry any time
8 such person is operating a motor vehicle on the highways of this state. Any
9 such order shall prescribe the duration of the conditions imposed, which in
10 no event shall be for a period of more than one year.

11 (B) Upon entering an order restricting a person's license hereunder,
12 the judge shall require such person to surrender such person's driver's
13 license to the judge who shall cause it to be transmitted to the division of
14 vehicles, together with a copy of the order. Upon receipt thereof, the
15 division of vehicles shall issue without charge a driver's license which
16 shall indicate on its face that conditions have been imposed on such
17 person's privilege of operating a motor vehicle and that a certified copy of
18 the order imposing such conditions is required to be carried by the person
19 for whom the license was issued any time such person is operating a motor
20 vehicle on the highways of this state. If the person convicted is a
21 nonresident, the judge shall cause a copy of the order to be transmitted to
22 the division and the division shall forward a copy of it to the motor vehicle
23 administrator, of such person's state of residence. Such judge shall furnish
24 to any person whose driver's license has had conditions imposed on it
25 under this paragraph a copy of the order, which shall be recognized as a
26 valid Kansas driver's license until such time as the division shall issue the
27 restricted license provided for in this paragraph.

28 (C) Upon expiration of the period of time for which conditions are
29 imposed pursuant to this subsection, the licensee may apply to the division
30 for the return of the license previously surrendered by such licensee. In the
31 event such license has expired, such person may apply to the division for a
32 new license, which shall be issued immediately by the division upon
33 payment of the proper fee and satisfaction of the other conditions
34 established by law, unless such person's privilege to operate a motor
35 vehicle on the highways of this state has been suspended or revoked prior
36 thereto. If any person shall violate any of the conditions imposed under
37 this paragraph, such person's driver's license or privilege to operate a
38 motor vehicle on the highways of this state shall be revoked for a period of
39 not less than 60 days nor more than one year by the judge of the court in
40 which such person is convicted of violating such conditions.

41 (4) As used in this subsection, "highway" and "street" means the
42 same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

43 (p) In addition to any of the above, for any criminal offense that

1 includes the domestic violence designation pursuant to K.S.A. 2011 Supp.
2 22-4616, and amendments thereto, the court shall require the defendant to
3 undergo a domestic violence offender assessment and follow all
4 recommendations unless otherwise ordered by the court or the department
5 of corrections. The court may order a domestic violence offender
6 assessment and any other evaluation prior to sentencing if the assessment
7 or evaluation would assist the court in determining an appropriate
8 sentence. The entity completing the assessment or evaluation shall provide
9 the assessment or evaluation and recommendations to the court and the
10 court shall provide the domestic violence assessment and any other
11 evaluation to any entity responsible for supervising such defendant. A
12 defendant ordered to undergo a domestic violence offender assessment
13 shall be required to pay for the assessment and, unless otherwise ordered
14 by the court or the department of corrections, for completion of all
15 recommendations.

16 (q) In imposing a fine, the court may authorize the payment thereof in
17 installments. In lieu of payment of any fine imposed, the court may order
18 that the person perform community service specified by the court. The
19 person shall receive a credit on the fine imposed in an amount equal to \$5
20 for each full hour spent by the person in the specified community service.
21 The community service ordered by the court shall be required to be
22 performed by the later of one year after the fine is imposed or one year
23 after release from imprisonment or jail, or by an earlier date specified by
24 the court. If by the required date the person performs an insufficient
25 amount of community service to reduce to zero the portion of the fine
26 required to be paid by the person, the remaining balance shall become due
27 on that date. If conditional reduction of any fine is rescinded by the court
28 for any reason, then pursuant to the court's order the person may be
29 ordered to perform community service by one year after the date of such
30 rescission or by an earlier date specified by the court. If by the required date
31 the person performs an insufficient amount of community service to
32 reduce to zero the portion of the fine required to be paid by the person, the
33 remaining balance of the fine shall become due on that date. All credits for
34 community service shall be subject to review and approval by the court.

35 Sec. 3. K.S.A. 2011 Supp. 12-4509 and 21-6604 are hereby repealed.

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.
38