

HOUSE BILL No. 2288

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to offender registration; relating to postrelease supervision; amending
3 K.S.A. 2012 Supp. 22-3717 and 22-4906 and repealing the existing
4 sections.
5

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

7 Section 1. K.S.A. 2012 Supp. 22-3717 is hereby amended to read as
8 follows: 22-3717.(a) Except as otherwise provided by this section; K.S.A.
9 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638,
10 prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642,
11 prior to its repeal; K.S.A. 2012 Supp. 21-6617, 21-6620, 21-6623, 21-
12 6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567,
13 and amendments thereto; an inmate, including an inmate sentenced
14 pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2012 Supp. 21-
15 6707, and amendments thereto, shall be eligible for parole after serving the
16 entire minimum sentence imposed by the court, less good time credits.

17 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, prior
18 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-
19 6625, and amendments thereto, an inmate sentenced to imprisonment for
20 the crime of capital murder, or an inmate sentenced for the crime of
21 murder in the first degree based upon a finding of premeditated murder,
22 committed on or after July 1, 1994, shall be eligible for parole after
23 serving 25 years of confinement, without deduction of any good time
24 credits.

25 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
26 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior
27 to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-
28 6625, and amendments thereto, an inmate sentenced to imprisonment for
29 an off-grid offense committed on or after July 1, 1993, but prior to July 1,
30 1999, shall be eligible for parole after serving 15 years of confinement,
31 without deduction of any good time credits and an inmate sentenced to
32 imprisonment for an off-grid offense committed on or after July 1, 1999,
33 shall be eligible for parole after serving 20 years of confinement without
34 deduction of any good time credits.

35 (3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
36 repeal, an inmate sentenced for a class A felony committed before July 1,

1 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
2 its repeal, or K.S.A. 2012 Supp. 21-6707, and amendments thereto, shall
3 be eligible for parole after serving 15 years of confinement, without
4 deduction of any good time credits.

5 (4) An inmate sentenced to imprisonment for a violation of
6 subsection (a) of K.S.A. 21-3402, prior to its repeal, committed on or after
7 July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after
8 serving 10 years of confinement without deduction of any good time
9 credits.

10 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
11 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
12 thereto, committed on or after July 1, 2006, shall be eligible for parole
13 after serving the mandatory term of imprisonment without deduction of
14 any good time credits.

15 (c) (1) Except as provided in subsection (e), if an inmate is sentenced
16 to imprisonment for more than one crime and the sentences run
17 consecutively, the inmate shall be eligible for parole after serving the total
18 of:

19 (A) The aggregate minimum sentences, as determined pursuant to
20 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2012 Supp. 21-6606, and
21 amendments thereto, less good time credits for those crimes which are not
22 class A felonies; and

23 (B) an additional 15 years, without deduction of good time credits,
24 for each crime which is a class A felony.

25 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
26 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
27 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
28 eligible for parole after serving the mandatory term of imprisonment.

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

34 (A) Except as provided in subparagraphs (D) and (E), persons
35 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
36 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
37 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
38 July 1, 2012, must serve 36 months, plus the amount of good time and
39 program credit earned and retained pursuant to K.S.A. 21-4722, prior to its
40 repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto, on
41 postrelease supervision.

42 (B) Except as provided in subparagraphs (D) and (E), persons
43 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3

1 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
2 drug severity level 4 crimes committed on or after July 1, 2012, must serve
3 24 months, plus the amount of good time and program credit earned and
4 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012
5 Supp. 21-6821, and amendments thereto, on postrelease supervision.

6 (C) Except as provided in subparagraphs (D) and (E), persons
7 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
8 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
9 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
10 must serve 12 months, plus the amount of good time and program credit
11 earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or
12 K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease
13 supervision.

14 (D) (i) The sentencing judge shall impose the postrelease supervision
15 period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C), unless
16 the judge finds substantial and compelling reasons to impose a departure
17 based upon a finding that the current crime of conviction was sexually
18 motivated. In that event, departure may be imposed to extend the
19 postrelease supervision to a period of up to 60 months.

20 (ii) If the sentencing judge departs from the presumptive postrelease
21 supervision period, the judge shall state on the record at the time of
22 sentencing the substantial and compelling reasons for the departure.
23 Departures in this section are subject to appeal pursuant to K.S.A. 21-
24 4721, prior to its repeal, or K.S.A. 2012 Supp. 21-6820, and amendments
25 thereto.

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

28 (a) Written briefs or oral arguments submitted by either the defendant
29 or the state;

30 (b) any evidence received during the proceeding;

31 (c) the presentence report, the victim's impact statement and any
32 psychological evaluation as ordered by the court pursuant to subsection (e)
33 of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2012
34 Supp. 21-6813, and amendments thereto; and

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

36 (iv) The sentencing judge may order that a psychological evaluation
37 be prepared and the recommended programming be completed by the
38 offender. The department of corrections or the prisoner review board shall
39 ensure that court ordered sex offender treatment be carried out.

40 (v) In carrying out the provisions of subparagraph (d)(1)(D), the court
41 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2012 Supp. 21-
42 6817, and amendments thereto.

43 (vi) Upon petition, the prisoner review board may provide for early

1 discharge from the postrelease supervision period upon completion of
2 court ordered programs and completion of the presumptive postrelease
3 supervision period, as determined by the crime of conviction, pursuant to
4 subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
5 postrelease supervision is at the discretion of the board.

6 (vii) Persons convicted of crimes deemed sexually violent or sexually
7 motivated shall be registered according to the offender registration act,
8 K.S.A. 22-4901 through 22-4910, and amendments thereto.

9 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
10 repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto, shall be
11 required to participate in a treatment program for sex offenders during the
12 postrelease supervision period.

13 (E) The period of postrelease supervision provided in subparagraphs
14 (A) and (B) may be reduced by up to 12 months and the period of
15 postrelease supervision provided in subparagraph (C) may be reduced by
16 up to six months based on the offender's compliance with conditions of
17 supervision and overall performance while on postrelease supervision. The
18 reduction in the supervision period shall be on an earned basis pursuant to
19 rules and regulations adopted by the secretary of corrections.

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

25 (G) Except as provided in subsection (u), persons convicted of a
26 sexually violent crime committed on or after July 1, 2006, and who are
27 released from prison, shall be released to a mandatory period of
28 postrelease supervision for the duration of the person's natural life.

29 (2) As used in this subsection, "sexually violent crime" means:

30 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp.
31 21-5503, and amendments thereto;

32 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
33 or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

34 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
35 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and
36 amendments thereto;

37 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505,
38 prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2012 Supp. 21-
39 5504, and amendments thereto;

40 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
41 or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

42 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
43 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

1 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
2 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and
3 amendments thereto;

4 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
5 or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

6 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
7 subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

8 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or
9 subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto; or

10 (K) an attempt, conspiracy or criminal solicitation, as defined in
11 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012
12 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
13 sexually violent crime as defined in this section.

14 (3) As used in this subsection, "sexually motivated" means that one of
15 the purposes for which the defendant committed the crime was for the
16 purpose of the defendant's sexual gratification.

17 (e) If an inmate is sentenced to imprisonment for a crime committed
18 while on parole or conditional release, the inmate shall be eligible for
19 parole as provided by subsection (c), except that the prisoner review board
20 may postpone the inmate's parole eligibility date by assessing a penalty not
21 exceeding the period of time which could have been assessed if the
22 inmate's parole or conditional release had been violated for reasons other
23 than conviction of a crime.

24 (f) If a person is sentenced to prison for a crime committed on or after
25 July 1, 1993, while on probation, parole, conditional release or in a
26 community corrections program, for a crime committed prior to July 1,
27 1993, and the person is not eligible for retroactive application of the
28 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
29 4724, prior to its repeal, the new sentence shall not be aggregated with the
30 old sentence, but shall begin when the person is paroled or reaches the
31 conditional release date on the old sentence. If the offender was past the
32 offender's conditional release date at the time the new offense was
33 committed, the new sentence shall not be aggregated with the old sentence
34 but shall begin when the person is ordered released by the prisoner review
35 board or reaches the maximum sentence expiration date on the old
36 sentence, whichever is earlier. The new sentence shall then be served as
37 otherwise provided by law. The period of postrelease supervision shall be
38 based on the new sentence, except that those offenders whose old sentence
39 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
40 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
41 term of life imprisonment, for which there is no conditional release or
42 maximum sentence expiration date, shall remain on postrelease
43 supervision for life or until discharged from supervision by the prisoner

1 review board.

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

17 (h) The prisoner review board shall hold a parole hearing at least the
18 month prior to the month an inmate will be eligible for parole under
19 subsections (a), (b) and (c). At least one month preceding the parole
20 hearing, the county or district attorney of the county where the inmate was
21 convicted shall give written notice of the time and place of the public
22 comment sessions for the inmate to any victim of the inmate's crime who
23 is alive and whose address is known to the county or district attorney or, if
24 the victim is deceased, to the victim's family if the family's address is
25 known to the county or district attorney. Except as otherwise provided,
26 failure to notify pursuant to this section shall not be a reason to postpone a
27 parole hearing. In the case of any inmate convicted of an off-grid felony or
28 a class A felony, the secretary of corrections shall give written notice of the
29 time and place of the public comment session for such inmate at least one
30 month preceding the public comment session to any victim of such
31 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
32 amendments thereto. If notification is not given to such victim or such
33 victim's family in the case of any inmate convicted of an off-grid felony or
34 a class A felony, the board shall postpone a decision on parole of the
35 inmate to a time at least 30 days after notification is given as provided in
36 this section. Nothing in this section shall create a cause of action against
37 the state or an employee of the state acting within the scope of the
38 employee's employment as a result of the failure to notify pursuant to this
39 section. If granted parole, the inmate may be released on parole on the date
40 specified by the board, but not earlier than the date the inmate is eligible
41 for parole under subsections (a), (b) and (c). At each parole hearing and, if
42 parole is not granted, at such intervals thereafter as it determines
43 appropriate, the board shall consider: (1) Whether the inmate has

1 satisfactorily completed the programs required by any agreement entered
2 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
3 agreement; and (2) all pertinent information regarding such inmate,
4 including, but not limited to, the circumstances of the offense of the
5 inmate; the presentence report; the previous social history and criminal
6 record of the inmate; the conduct, employment, and attitude of the inmate
7 in prison; the reports of such physical and mental examinations as have
8 been made, including, but not limited to, risk factors revealed by any risk
9 assessment of the inmate; comments of the victim and the victim's family
10 including in person comments, contemporaneous comments and
11 prerecorded comments made by any technological means; comments of
12 the public; official comments; any recommendation by the staff of the
13 facility where the inmate is incarcerated; proportionality of the time the
14 inmate has served to the sentence a person would receive under the Kansas
15 sentencing guidelines for the conduct that resulted in the inmate's
16 incarceration; and capacity of state correctional institutions.

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

27 (j) (1) Before ordering the parole of any inmate, the prisoner review
28 board shall have the inmate appear either in person or via a video
29 conferencing format and shall interview the inmate unless impractical
30 because of the inmate's physical or mental condition or absence from the
31 institution. Every inmate while on parole shall remain in the legal custody
32 of the secretary of corrections and is subject to the orders of the secretary.
33 Whenever the board formally considers placing an inmate on parole and
34 no agreement has been entered into with the inmate under K.S.A. 75-
35 5210a, and amendments thereto, the board shall notify the inmate in
36 writing of the reasons for not granting parole. If an agreement has been
37 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
38 has not satisfactorily completed the programs specified in the agreement,
39 or any revision of such agreement, the board shall notify the inmate in
40 writing of the specific programs the inmate must satisfactorily complete
41 before parole will be granted. If parole is not granted only because of a
42 failure to satisfactorily complete such programs, the board shall grant
43 parole upon the secretary's certification that the inmate has successfully

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

24 (2) Inmates sentenced for a class A or class B felony who have not
25 had a board hearing in the five years prior to July 1, 2010, shall have such
26 inmates' cases reviewed by the board on or before July 1, 2012. Such
27 review shall begin with the inmates with the oldest deferral date and
28 progress to the most recent. Such review shall be done utilizing existing
29 resources unless the board determines that such resources are insufficient.
30 If the board determines that such resources are insufficient, then the
31 provisions of this paragraph are subject to appropriations therefor.

32 (k) (1) Parolees and persons on postrelease supervision shall be
33 assigned, upon release, to the appropriate level of supervision pursuant to
34 the criteria established by the secretary of corrections.

35 (2) Parolees and persons on postrelease supervision are, and shall
36 agree in writing to be, subject to search or seizure by a parole officer or a
37 department of corrections enforcement, apprehension and investigation
38 officer, at any time of the day or night, with or without a search warrant
39 and with or without cause. Nothing in this subsection shall be construed to
40 authorize such officers to conduct arbitrary or capricious searches or
41 searches for the sole purpose of harassment.

42 (3) Parolees and persons on postrelease supervision are, and shall
43 agree in writing to be, subject to search or seizure by any law enforcement

1 officer based on reasonable suspicion of the person violating conditions of
2 parole or postrelease supervision or reasonable suspicion of criminal
3 activity. Any law enforcement officer who conducts such a search shall
4 submit a written report to the appropriate parole officer no later than the
5 close of the next business day after such search. The written report shall
6 include the facts leading to such search, the scope of such search and any
7 findings resulting from such search.

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

16 (m) Whenever the prisoner review board orders the parole of an
17 inmate or establishes conditions for an inmate placed on postrelease
18 supervision, the board:

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

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

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

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

40 (5) unless it finds compelling circumstances which would render a
41 plan of payment unworkable, shall order that the parolee or person on
42 postrelease supervision reimburse the state for all or part of the
43 expenditures by the state board of indigents' defense services to provide

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

10 (6) shall order that the parolee or person on postrelease supervision
11 agree in writing to be subject to search or seizure by a parole officer or a
12 department of corrections enforcement, apprehension and investigation
13 officer, at any time of the day or night, with or without a search warrant
14 and with or without cause. Nothing in this subsection shall be construed to
15 authorize such officers to conduct arbitrary or capricious searches or
16 searches for the sole purpose of harassment; and

17 (7) shall order that the parolee or person on postrelease supervision
18 agree in writing to be subject to search or seizure by any law enforcement
19 officer based on reasonable suspicion of the person violating conditions of
20 parole or postrelease supervision or reasonable suspicion of criminal
21 activity.

22 (n) If the court which sentenced an inmate specified at the time of
23 sentencing the amount and the recipient of any restitution ordered as a
24 condition of parole or postrelease supervision, the prisoner review board
25 shall order as a condition of parole or postrelease supervision that the
26 inmate pay restitution in the amount and manner provided in the journal
27 entry unless the board finds compelling circumstances which would render
28 a plan of restitution unworkable.

29 (o) Whenever the prisoner review board grants the parole of an
30 inmate, the board, within 14 days of the date of the decision to grant
31 parole, shall give written notice of the decision to the county or district
32 attorney of the county where the inmate was sentenced.

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

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

40 (r) An inmate who is allocated regular good time credits as provided
41 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
42 good time credits in increments of not more than 90 days per meritorious
43 act. These credits may be awarded by the secretary of corrections when an

1 inmate has acted in a heroic or outstanding manner in coming to the
2 assistance of another person in a life threatening situation, preventing
3 injury or death to a person, preventing the destruction of property or taking
4 actions which result in a financial savings to the state.

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

7 (t) For offenders sentenced prior to May 25, 2000, who are eligible
8 for modification of their postrelease supervision obligation, the department
9 of corrections shall modify the period of postrelease supervision as
10 provided for by this section for offenders convicted of severity levels 9 and
11 10 crimes on the sentencing guidelines grid for nondrug crimes and
12 severity level 4 crimes on the sentencing guidelines grid for drug crimes
13 on or before September 1, 2000; for offenders convicted of severity levels
14 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or
15 before November 1, 2000; and for offenders convicted of severity levels 5
16 and 6 crimes on the sentencing guidelines grid for nondrug crimes and
17 severity level 3 crimes on the sentencing guidelines grid for drug crimes
18 on or before January 1, 2001.

19 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
20 4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments
21 thereto, for crimes committed on or after July 1, 2006, shall be placed on
22 parole for life and shall not be discharged from supervision by the prisoner
23 review board. When the board orders the parole of an inmate pursuant to
24 this subsection, the board shall order as a condition of parole that the
25 inmate be electronically monitored for the duration of the inmate's natural
26 life.

27 (v) Whenever the prisoner review board orders a person to be
28 electronically monitored pursuant to this section, or the court orders a
29 person to be electronically monitored pursuant to subsection (r) of K.S.A.
30 2012 Supp. 21-6604, and amendments thereto, the board shall order the
31 person to reimburse the state for all or part of the cost of such monitoring.
32 In determining the amount and method of payment of such sum, the board
33 shall take account of the financial resources of the person and the nature of
34 the burden that the payment of such sum will impose.

35 (w) (1) On and after July 1, 2012, for any inmate who is a sex
36 offender, as defined in K.S.A. 22-4902, and amendments thereto,
37 whenever the prisoner review board orders the parole of such inmate or
38 establishes conditions for such inmate placed on postrelease supervision,
39 such inmate shall agree in writing to not possess pornographic materials.

40 (A) As used in this subsection, "pornographic materials" means: Any
41 obscene material or performance depicting sexual conduct, sexual contact
42 or a sexual performance; and any visual depiction of sexually explicit
43 conduct.

1 (B) As used in this subsection, all other terms have the meanings
2 provided by K.S.A. 2012 Supp. 21-5510, and amendments thereto.

3 (2) The provisions of this subsection shall be applied retroactively to
4 every sex offender, as defined in K.S.A. 22-4902, and amendments
5 thereto, who is on parole or postrelease supervision on July 1, 2012. The
6 prisoner review board shall obtain the written agreement required by this
7 subsection from such offenders as soon as practicable.

8 *(x) Persons released to a mandatory period of postrelease*
9 *supervision for the duration of the person's natural life pursuant to*
10 *subsection (d)(1)(G) may petition the prisoner review board to terminate*
11 *such postrelease supervision after five years from the date of such person's*
12 *release from prison.*

13 *(1) The prisoner review board shall hold a hearing on the petition to*
14 *terminate postrelease supervision, and may consider any evidence*
15 *relevant to whether the person is a danger to the public. If the person*
16 *proves by clear and convincing evidence that such postrelease supervision*
17 *is no longer necessary to protect the public, the board may terminate such*
18 *person's postrelease supervision.*

19 *(2) If the motion to terminate postrelease supervision is denied, such*
20 *person may not file a subsequent petition to terminate postrelease*
21 *supervision until at least five years after the date the original petition was*
22 *denied.*

23 Sec. 2. K.S.A. 2012 Supp. 22-4906 is hereby amended to read as
24 follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted
25 of any of the following offenses, an offender's duration of registration shall
26 be, if confined, 15 years after the date of parole, discharge or release,
27 whichever date is most recent, or, if not confined, 15 years from the date of
28 conviction:

29 (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
30 or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

31 (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or
32 K.S.A. 2012 Supp. 21-5511, and amendments thereto, when one of the
33 parties involved is less than 18 years of age;

34 (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
35 repeal, or K.S.A. 2012 Supp. 21-6421, and amendments thereto, when one
36 of the parties involved is less than 18 years of age;

37 (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
38 to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto,
39 when one of the parties involved is less than 18 years of age;

40 (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
41 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

42 (F) murder in the first degree, as defined in K.S.A. 21-3401, prior to
43 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

1 (G) murder in the second degree, as defined in K.S.A. 21-3402, prior
2 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

3 (H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
4 repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

5 (I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
6 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

7 (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal,
8 or K.S.A. 2012 Supp. 21-5411, and amendments thereto, except by a
9 parent, and only when the victim is less than 18 years of age;

10 (K) any act which has been determined beyond a reasonable doubt to
11 have been sexually motivated, unless the court, on the record, finds that
12 the act involved non-forcible sexual conduct, the victim was at least 14
13 years of age and the offender was not more than four years older than the
14 victim;

15 (L) conviction of any person required by court order to register for an
16 offense not otherwise required as provided in the Kansas offender
17 registration act;

18 (M) conviction of any person felony and the court makes a finding on
19 the record that a deadly weapon was used in the commission of such
20 person felony;

21 (N) unlawful manufacture or attempting such of any controlled
22 substance or controlled substance analog as defined in K.S.A. 65-4159,
23 prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or
24 K.S.A. 2012 Supp. 21-5703, and amendments thereto;

25 (O) possession of ephedrine, pseudoephedrine, red phosphorus,
26 lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized
27 ammonia or phenylpropanolamine, or their salts, isomers or salts of
28 isomers with intent to use the product to manufacture a controlled
29 substance as defined by subsection (a) of K.S.A. 65-7006, prior to its
30 repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer,
31 or subsection (a) of K.S.A. 2012 Supp. 21-5709, and amendments thereto;

32 (P) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A.
33 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A.
34 2012 Supp. 21-5705, and amendments thereto; or

35 (Q) any attempt, conspiracy or criminal solicitation, as defined in
36 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012
37 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
38 offense defined in this subsection.

39 (2) Except as otherwise provided by the Kansas offender registration
40 act, the duration of registration terminates, if not confined, at the
41 expiration of 15 years from the date of conviction. Any period of time
42 during which any offender is incarcerated in any jail or correctional
43 facility or during which the offender does not comply with any and all

1 requirements of the Kansas offender registration act shall not count toward
2 the duration of registration.

3 (b) (1) Except as provided in subsection (c), if convicted of any of
4 the following offenses, an offender's duration of registration shall be, if
5 confined, 25 years after the date of parole, discharge or release, whichever
6 date is most recent, or, if not confined, 25 years from the date of
7 conviction:

8 (A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-
9 3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012
10 Supp. 21-5504, and amendments thereto, when one of the parties involved
11 is less than 18 years of age;

12 (B) indecent solicitation of a child, as defined in K.S.A. 21-3510,
13 prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and
14 amendments thereto;

15 (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its
16 repeal, or K.S.A. 2012 Supp. 21-5509, and amendments thereto;

17 (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its
18 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments
19 thereto;

20 (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior
21 to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and
22 amendments thereto;

23 (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to
24 its repeal, or K.S.A. 2012 Supp. 21-5512, and amendments thereto;

25 (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
26 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if
27 the victim is 14 or more years of age but less than 18 years of age;

28 (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
29 its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5505, and
30 amendments thereto;

31 (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
32 repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the
33 prostitute is 14 or more years of age but less than 18 years of age; or

34 (J) any attempt, conspiracy or criminal solicitation, as defined in
35 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012
36 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
37 offense defined in this subsection.

38 (2) Except as otherwise provided by the Kansas offender registration
39 act, the duration of registration terminates, if not confined, at the
40 expiration of 25 years from the date of conviction. Any period of time
41 during which any offender is incarcerated in any jail or correctional
42 facility or during which the offender does not comply with any and all
43 requirements of the Kansas offender registration act shall not count toward

1 the duration of registration.

2 (c) Upon a second or subsequent conviction of an offense requiring
3 registration, an offender's duration of registration shall be for such
4 offender's lifetime.

5 (d) The duration of registration for any offender who has been
6 convicted of any of the following offenses shall be for such offender's
7 lifetime:

8 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
9 2012 Supp. 21-5503, and amendments thereto;

10 (2) aggravated indecent solicitation of a child, as defined in K.S.A.
11 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-
12 5508, and amendments thereto;

13 (3) aggravated indecent liberties with a child, as defined in K.S.A.
14 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-
15 5506, and amendments thereto;

16 (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
17 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
18 2012 Supp. 21-5504, and amendments thereto;

19 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
20 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and
21 amendments thereto;

22 (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior
23 to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and
24 amendments thereto;

25 (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
26 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if
27 the victim is less than 14 years of age;

28 (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its
29 repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the
30 prostitute is less than 14 years of age;

31 (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or
32 subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

33 (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its
34 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments
35 thereto; or

36 (11) any attempt, conspiracy or criminal solicitation, as defined in
37 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012
38 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an
39 offense defined in this subsection.

40 (e) Any person who has been declared a sexually violent predator
41 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall
42 register for such person's lifetime.

43 (f) Notwithstanding any other provisions of this section, for an

1 offender less than 14 years of age who is adjudicated as a juvenile offender
2 for an act which if committed by an adult would constitute a sexually
3 violent crime set forth in subsection (c) of K.S.A. 22-4902, and
4 amendments thereto, the court shall:

5 (1) Require registration until such offender reaches 18 years of age, at
6 the expiration of five years from the date of adjudication or, if confined,
7 from release from confinement, whichever date occurs later. Any period of
8 time during which the offender is incarcerated in any jail, juvenile facility
9 or correctional facility or during which the offender does not comply with
10 any and all requirements of the Kansas offender registration act shall not
11 count toward the duration of registration;

12 (2) not require registration if the court, on the record, finds substantial
13 and compelling reasons therefor; or

14 (3) require registration, but such registration information shall not be
15 open to inspection by the public or posted on any internet website, as
16 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
17 registration but such registration is not open to the public, such offender
18 shall provide a copy of such court order to the registering law enforcement
19 agency at the time of registration. The registering law enforcement agency
20 shall forward a copy of such court order to the Kansas bureau of
21 investigation.

22 If such offender violates a condition of release during the term of the
23 conditional release, the court may require such offender to register
24 pursuant to paragraph (1).

25 (g) Notwithstanding any other provisions of this section, for an
26 offender 14 years of age or more who is adjudicated as a juvenile offender
27 for an act which if committed by an adult would constitute a sexually
28 violent crime set forth in subsection (c) of K.S.A. 22-4902, and
29 amendments thereto, and such crime is not an off-grid felony or a felony
30 ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-
31 4704, prior to its repeal, or K.S.A. 2012 Supp. 21-6804, and amendments
32 thereto, the court shall:

33 (1) Require registration until such offender reaches 18 years of age, at
34 the expiration of five years from the date of adjudication or, if confined,
35 from release from confinement, whichever date occurs later. Any period of
36 time during which the offender is incarcerated in any jail, juvenile facility
37 or correctional facility or during which the offender does not comply with
38 any and all requirements of the Kansas offender registration act shall not
39 count toward the duration of registration;

40 (2) not require registration if the court, on the record, finds substantial
41 and compelling reasons therefor; or

42 (3) require registration, but such registration information shall not be
43 open to inspection by the public or posted on any internet website, as

1 provided in K.S.A. 22-4909, and amendments thereto. If the court requires
2 registration but such registration is not open to the public, such offender
3 shall provide a copy of such court order to the registering law enforcement
4 agency at the time of registration. The registering law enforcement agency
5 shall forward a copy of such court order to the Kansas bureau of
6 investigation.

7 If such offender violates a condition of release during the term of the
8 conditional release, the court may require such offender to register
9 pursuant to paragraph (1).

10 (h) Notwithstanding any other provisions of this section, an offender
11 14 years of age or more who is adjudicated as a juvenile offender for an
12 act which if committed by an adult would constitute a sexually violent
13 crime set forth in subsection (c) of K.S.A. 22-4902, and amendments
14 thereto, and such crime is an off-grid felony or a felony ranked in severity
15 level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its
16 repeal, or K.S.A. 2012 Supp. 21-6804, and amendments thereto, shall be
17 required to register for such offender's lifetime.

18 (i) Notwithstanding any other provision of law, if a diversionary
19 agreement or probation order, either adult or juvenile, or a juvenile
20 offender sentencing order, requires registration under the Kansas offender
21 registration act for an offense that would not otherwise require registration
22 as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments
23 thereto, then all provisions of the Kansas offender registration act shall
24 apply, except that the duration of registration shall be controlled by such
25 diversionary agreement, probation order or juvenile offender sentencing
26 order.

27 (j) The duration of registration does not terminate if the convicted or
28 adjudicated offender again becomes liable to register as provided by the
29 Kansas offender registration act during the required period of registration.

30 (k) For any person moving to Kansas who has been convicted or
31 adjudicated in an out of state court, or who was required to register under
32 an out of state law, the duration of registration shall be the length of time
33 required by the out of state jurisdiction or by the Kansas offender
34 registration act, whichever length of time is longer. The provisions of this
35 subsection shall apply to convictions or adjudications prior to June 1,
36 2006, and to persons who moved to Kansas prior to June 1, 2006, and to
37 convictions or adjudications on or after June 1, 2006, and to persons who
38 moved to Kansas on or after June 1, 2006.

39 (l) For any person residing, maintaining employment or attending
40 school in this state who has been convicted or adjudicated by an out of
41 state court of an offense that is comparable to any crime requiring
42 registration pursuant to the Kansas offender registration act, but who was
43 not required to register in the jurisdiction of conviction or adjudication, the

1 duration of registration shall be the duration required for the comparable
2 offense pursuant to the Kansas offender registration act. The duration of
3 registration shall begin upon establishing residency, beginning
4 employment or beginning school.

5 *(m) (1) Except as provided in subsection (m)(4), an offender required*
6 *to register pursuant to the Kansas offender registration act:*

7 *(A) May file a motion to terminate the registration period required*
8 *pursuant to this section after 10 years from the date of such registration;*
9 *or*

10 *(B) if the offender was convicted of a crime in which the victim was*
11 *14 years of age or older and the offender was 19 years of age or younger,*
12 *the offender may file a motion to terminate the registration requirement*
13 *after five years from the date of such registration.*

14 *(2) The court shall hold a hearing on the motion to terminate*
15 *registration, and may consider any evidence relevant to whether the*
16 *offender is a danger to the public. If the offender proves by clear and*
17 *convincing evidence that such registration is no longer necessary to*
18 *protect the public, the court may terminate such offender's registration*
19 *requirement.*

20 *(3) If the motion to terminate registration is denied, the offender may*
21 *not file a subsequent motion to terminate registration until at least five*
22 *years after the date the original motion was denied.*

23 *(4) The following offenders shall not be eligible to file a motion to*
24 *terminate registration:*

25 *(A) An offender who on two separate occasions has been convicted of*
26 *a sexually violent crime or adjudicated as a juvenile offender for an act*
27 *which if committed by an adult would constitute the commission of a*
28 *sexually violent crime, unless the court, on the record, finds that the act*
29 *involved non-forcible sexual conduct, the victim was at least 14 years of*
30 *age and the offender was not more than four years older than the victim;*

31 *(B) an offender who was convicted of a crime involving a victim who*
32 *was less than 14 years of age and the offender was 10 or more years older*
33 *than the victim;*

34 *(C) an offender who has been declared a sexually violent predator*
35 *pursuant to K.S.A. 59-29a01 et seq., and amendments thereto; and*

36 *(D) an offender who has been convicted of any felony during the*
37 *period of registration.*

38 Sec. 3. K.S.A. 2012 Supp. 22-3717 and 22-4906 are hereby repealed.

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