

## HOUSE BILL No. 2583

By Representatives Hawkins and Owens

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes against the public morals; increasing the criminal penalty for  
3 harming or killing certain dogs and horses; requiring restitution for  
4 such crime to include veterinary medical treatment, funeral and burial  
5 expenses and replacement of such animal; amending K.S.A. 21-6416  
6 and 21-6604 and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 21-6416 is hereby amended to read as follows: 21-  
10 6416. (a) Inflicting harm, disability or death to a police dog, arson dog,  
11 assistance dog, game warden dog~~or~~, search and rescue dog *or police*  
12 *horse* is knowingly, and without lawful cause or justification, poisoning,  
13 inflicting great bodily harm, permanent disability or death; upon a police  
14 dog, arson dog, assistance dog, game warden dog~~or~~, search and rescue  
15 dog *or police horse*.

16 (b) Inflicting harm; *that does not result in* disability or death to a  
17 police dog, arson dog, assistance dog, game warden dog~~or~~, search and  
18 rescue dog *or police horse* is a nonperson felony.~~Upon conviction of this~~  
19 ~~subsection; A person convicted of a violation of this subsection shall be~~  
20 sentenced to not less than 30 days~~or~~ *nor* more than one year's  
21 imprisonment and be fined not less than \$500 nor more than \$5,000. The  
22 person convicted shall not be eligible for release on probation, suspension  
23 or reduction of sentence or parole until the person has served~~the a~~  
24 ~~minimum mandatory sentence as provided herein of 30 days. During the~~  
25 ~~mandatory 30 days imprisonment, such offender shall have a~~  
26 ~~psychological evaluation prepared for the court to assist the court in~~  
27 ~~determining conditions of probation. Such conditions shall include, but not~~  
28 ~~be limited to, the completion of an anger management program.~~

29 (c) (1) *Except as provided in paragraph (2), inflicting harm that*  
30 *results in disability or death to a police dog, arson dog, assistance dog,*  
31 *game warden dog, search and rescue dog or police horse is a severity*  
32 *level 4, nonperson felony.*

33 (2) *Inflicting harm that results in disability or death to a police dog,*  
34 *arson dog, assistance dog, game warden dog, search and rescue dog or*  
35 *police horse during the commission of fleeing or attempting to elude a*  
36 *police officer as described in K.S.A. 8-1568, and amendments thereto,*

1 *interference with law enforcement as described in K.S.A. 21-5904, and*  
2 *amendments thereto, or escape from custody or aggravated escape from*  
3 *custody as described in K.S.A. 21-5911, and amendments thereto, is a*  
4 *severity level 3, nonperson felony.*

5 (3) *The following conditions shall apply to a sentence for a violation*  
6 *of this subsection:*

7 (A) *As a condition of any probation granted under this subsection,*  
8 *the person shall serve at least 90 days of imprisonment;*

9 (B) *the person shall be required to pay a fine of at least \$10,000; and*

10 (C) *the person shall not be eligible for release on probation,*  
11 *suspension or reduction of sentence or parole until the person has served*  
12 *the mandatory sentence of 90 days.*

13 (d) *During the mandatory period of imprisonment provided for in*  
14 *subsections (b) and (c), the offender shall have a psychological evaluation*  
15 *prepared to assist the court in determining conditions of probation. Such*  
16 *conditions shall include, but not be limited to, the completion of an anger*  
17 *management program.*

18 (e) *As used in this section:*

19 (1) *"Arson dog" means any dog that is owned, or the service of which*  
20 *is employed, by the state fire marshal or a fire department for the principal*  
21 *purpose of aiding in the detection of liquid accelerants in the investigation*  
22 *of fires;*

23 (2) *"assistance dog" means the same as defined in K.S.A. 39-1113,*  
24 *and amendments thereto;*

25 (3) *"fire department" means a public fire department under the*  
26 *control of the governing body of a city, township, county, fire district or*  
27 *benefit district or a private fire department operated by a nonprofit*  
28 *corporation providing fire protection services for a city, township, county,*  
29 *fire district or benefit district under contract with the governing body of*  
30 *the city, township, county or district;*

31 (4) *"game warden dog" means any dog that is owned, or the service*  
32 *of which is employed, by the Kansas department of wildlife and parks for*  
33 *the purpose of aiding in detection of criminal activity, enforcement of*  
34 *laws, apprehension of offenders or location of persons or wildlife;*

35 (5) *"police dog" means any dog that is owned, or the service of which*  
36 *is employed, by a law enforcement agency for the principal purpose of*  
37 *aiding in the detection of criminal activity, enforcement of laws or*  
38 *apprehension of offenders;*

39 (6) *"police horse" means any horse that is owned or the service of*  
40 *which is employed by a law enforcement agency for the principal purpose*  
41 *of aiding in the detection of criminal activity, enforcement of laws or*  
42 *apprehension of offenders; and*

43 ~~(6)~~(7) *"search and rescue dog" means any dog that is owned or the*

1 service of which is employed, by a law enforcement or emergency  
2 response agency for the purpose of aiding in the location of persons  
3 missing in disasters or other times of need.

4 Sec. 2. K.S.A. 21-6604 is hereby amended to read as follows: 21-  
5 6604. (a) Whenever any person has been found guilty of a crime, the court  
6 may adjudge any of the following:

7 (1) Commit the defendant to the custody of the secretary of  
8 corrections if the current crime of conviction is a felony and the sentence  
9 presumes imprisonment, or the sentence imposed is a dispositional  
10 departure to imprisonment; or, if confinement is for a misdemeanor, to jail  
11 for the term provided by law;

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

14 (3) release the defendant on probation if the current crime of  
15 conviction and criminal history fall within a presumptive nonprison  
16 category or through a departure for substantial and compelling reasons  
17 subject to such conditions as the court may deem appropriate. In felony  
18 cases, the court may include confinement in a county jail not to exceed 60  
19 days, which need not be served consecutively, as a condition of an original  
20 probation sentence;

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

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

31 (6) assign the defendant to a house arrest program pursuant to K.S.A.  
32 21-6609, and amendments thereto;

33 (7) order the defendant to attend and satisfactorily complete an  
34 alcohol or drug education or training program as provided by K.S.A. 21-  
35 6602(c), and amendments thereto;

36 (8) order the defendant to repay the amount of any reward paid by  
37 any crime stoppers chapter, individual, corporation or public entity that  
38 materially aided in the apprehension or conviction of the defendant; repay  
39 the amount of any costs and expenses incurred by any law enforcement  
40 agency in the apprehension of the defendant, if one of the current crimes  
41 of conviction of the defendant includes escape from custody or aggravated  
42 escape from custody, as defined in K.S.A. 21-5911, and amendments  
43 thereto; repay expenses incurred by a fire district, fire department or fire

1 company responding to a fire that has been determined to be arson or  
2 aggravated arson as defined in K.S.A. 21-5812, and amendments thereto,  
3 if the defendant is convicted of such crime; repay the amount of any public  
4 funds utilized by a law enforcement agency to purchase controlled  
5 substances from the defendant during the investigation that leads to the  
6 defendant's conviction; or repay the amount of any medical costs and  
7 expenses incurred by any law enforcement agency or county. Such  
8 repayment of the amount of any such costs and expenses incurred by a  
9 county, law enforcement agency, fire district, fire department or fire  
10 company or any public funds utilized by a law enforcement agency shall  
11 be deposited and credited to the same fund from which the public funds  
12 were credited to prior to use by the county, law enforcement agency, fire  
13 district, fire department or fire company;

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

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

18 (11) if the defendant is convicted of a misdemeanor or convicted of a  
19 felony specified in K.S.A. 21-6804(i), and amendments thereto, assign the  
20 defendant to work release program, other than a program at a correctional  
21 institution under the control of the secretary of corrections as defined in  
22 K.S.A. 75-5202, and amendments thereto, provided such work release  
23 program requires such defendant to return to confinement at the end of  
24 each day in the work release program. On a second or subsequent  
25 conviction of K.S.A. 8-1567, and amendments thereto, an offender placed  
26 into a work release program shall serve the total number of hours of  
27 confinement mandated by that section;

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

31 (13) order the defendant to participate in a specialty court program  
32 pursuant to K.S.A. 20-173, and amendments thereto;

33 (14) impose any appropriate combination of paragraphs (1) through  
34 (13); or

35 (15) suspend imposition of sentence in misdemeanor cases.

36 (b) (1) In addition to or in lieu of any of the above, the court shall  
37 order the defendant to pay restitution, which shall include, but not be  
38 limited to, damage or loss caused by the defendant's crime. ~~Restitution~~  
39 ~~shall be due immediately unless: (A) The court orders that the defendant~~  
40 ~~be given a specified time to pay or be allowed to pay in specified~~  
41 ~~installments; or (B) the court finds compelling circumstances that would~~  
42 ~~render restitution unworkable, either in whole or in part.~~

43 (2) ~~(A) In regard to~~ For a violation of K.S.A. 21-6107, and

1 amendments thereto, such damage or loss shall include, but not be limited  
 2 to, attorney fees and costs incurred to repair the credit history or rating of  
 3 the person whose personal identification documents were obtained and  
 4 used in violation of such section, and to satisfy a debt, lien or other  
 5 obligation incurred by the person whose personal identification documents  
 6 were obtained and used in violation of such section. ~~In regard to~~

7 (B) For a violation of K.S.A. 21-5801, 21-5807, 21-5813 or 21-5818,  
 8 and amendments thereto, such damage or loss shall include the cost of  
 9 repair or replacement of the property that was damaged, the reasonable  
 10 cost of any loss of production, crops and livestock, reasonable labor costs  
 11 of any kind, reasonable material costs of any kind and any reasonable costs  
 12 that are attributed to equipment that is used to abate or repair the damage  
 13 to the property. ~~If the court finds restitution unworkable, either in whole or~~  
 14 ~~in part, the court shall state on the record in detail the reasons therefor.~~

15 (C) For a violation of K.S.A. 21-6416, and amendments thereto, such  
 16 damage or loss shall include the cost for veterinary medical treatment,  
 17 reasonable funeral and burial expenses and replacement of the police dog,  
 18 arson dog, assistance dog, game warden dog, search and rescue dog or  
 19 police horse.

20 ~~(2)~~(3) If the court orders restitution, the restitution shall be a  
 21 judgment against the defendant that may be collected by the court by  
 22 garnishment as provided in article 7 of chapter 60 of the Kansas Statutes  
 23 Annotated, and amendments thereto, or other execution. If, after 60 days  
 24 from the date restitution is ordered by the court, a defendant is found to be  
 25 in noncompliance with the restitution order, the court shall assign an agent  
 26 procured by the judicial administrator pursuant to K.S.A. 20-169, and  
 27 amendments thereto, to collect the restitution on behalf of the victim. The  
 28 chief judge of each judicial district may assign such cases to an  
 29 appropriate division of the court for the conduct of collection proceedings.

30 (4) Restitution shall be due immediately unless:

31 (A) The court orders that the defendant be given a specified time to  
 32 pay or be allowed to pay in specified installments; or

33 (B) the court finds compelling circumstances that would render  
 34 restitution unworkable, either in whole or in part.

35 (5) If the court finds restitution unworkable, either in whole or in  
 36 part, the court shall state on the record in detail the reasons therefor.

37 ~~(3)~~(6) If a restitution order entered prior to June 11, 2020, does not  
 38 give the defendant a specified time to pay or set payment in specified  
 39 installments, the defendant may file a motion with the court prior to  
 40 December 31, 2020, proposing payment of restitution in specified  
 41 installments. The court may recall the restitution order from the agent  
 42 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the  
 43 court rules on such motion. If the court does not order payment in

1 specified installments or if the defendant does not file a motion prior to  
2 December 31, 2020, the restitution shall be due immediately.

3 (c) In addition to or in lieu of any of the above, the court shall order  
4 the defendant to submit to and complete an alcohol and drug evaluation,  
5 and pay a fee therefor, when required by K.S.A. 21-6602(d), and  
6 amendments thereto.

7 (d) In addition to any of the above, the court shall order the defendant  
8 to reimburse the county general fund for all or a part of the expenditures  
9 by the county to provide counsel and other defense services to the  
10 defendant. Any such reimbursement to the county shall be paid only after  
11 any order for restitution has been paid in full. In determining the amount  
12 and method of payment of such sum, the court shall take account of the  
13 financial resources of the defendant and the nature of the burden that  
14 payment of such sum will impose. A defendant who has been required to  
15 pay such sum and who is not willfully in default in the payment thereof  
16 may at any time petition the court that sentenced the defendant to waive  
17 payment of such sum or any unpaid portion thereof. If it appears to the  
18 satisfaction of the court that payment of the amount due will impose  
19 manifest hardship on the defendant or the defendant's immediate family,  
20 the court may waive payment of all or part of the amount due or modify  
21 the method of payment.

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

28 (f) (1) When a new felony is committed while the offender is  
29 incarcerated and serving a sentence for a felony, or while the offender is on  
30 probation, assignment to a community correctional services program,  
31 parole, conditional release or postrelease supervision for a felony, a new  
32 sentence shall be imposed consecutively pursuant to the provisions of  
33 K.S.A. 21-6606, and amendments thereto, and the court may 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.

38 (2) When a new felony is committed during a period of time when the  
39 offender would have been on probation, assignment to a community  
40 correctional services program, parole, conditional release or postrelease  
41 supervision for a felony had the offender not been granted release by the  
42 court pursuant to K.S.A. 21-6608(d), and amendments thereto, or the  
43 prisoner review board pursuant to K.S.A. 22-3717, and amendments

1 thereto, the court may sentence the offender to imprisonment for the new  
2 conviction, even when the new crime of conviction otherwise presumes a  
3 nonprison sentence. In this event, imposition of a prison sentence for the  
4 new crime does not constitute a departure.

5 (3) When a new felony is committed while the offender is  
6 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,  
7 prior to its repeal, or K.S.A. 38-2373, and amendments thereto, for an  
8 offense, which if committed by an adult would constitute the commission  
9 of a felony, upon conviction, the court shall sentence the offender to  
10 imprisonment for the new conviction, even when the new crime of  
11 conviction otherwise presumes a nonprison sentence. In this event,  
12 imposition of a prison sentence for the new crime does not constitute a  
13 departure. The conviction shall operate as a full and complete discharge  
14 from any obligations, except for an order of restitution, imposed on the  
15 offender arising from the offense for which the offender was committed to  
16 a juvenile correctional facility.

17 (4) When a new felony is committed while the offender is on release  
18 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
19 Kansas Statutes Annotated, and amendments thereto, or similar provisions  
20 of the laws of another jurisdiction, a new sentence may be imposed  
21 consecutively pursuant to the provisions of K.S.A. 21-6606, and  
22 amendments thereto, and the court may sentence the offender to  
23 imprisonment for the new conviction, even when the new crime of  
24 conviction otherwise presumes a nonprison sentence. In this event,  
25 imposition of a prison sentence for the new crime does not constitute a  
26 departure.

27 (g) Prior to imposing a dispositional departure for a defendant whose  
28 offense is classified in the presumptive nonprison grid block of either  
29 sentencing guideline grid, prior to sentencing a defendant to incarceration  
30 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing  
31 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I  
32 of the sentencing guidelines grid for drug crimes committed prior to July  
33 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
34 guidelines grid for drug crimes committed on or after July 1, 2012, prior to  
35 sentencing a defendant to incarceration whose offense is classified in grid  
36 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
37 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of  
38 the sentencing guidelines grid for drug crimes committed on or after July  
39 1, 2012, and whose offense does not meet the requirements of K.S.A. 21-  
40 6824, and amendments thereto, prior to revocation of a nonprison sanction  
41 of a defendant whose offense is classified in grid blocks 4-E or 4-F of the  
42 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
43 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for

1 drug crimes committed on or after July 1, 2012, and whose offense does  
2 not meet the requirements of K.S.A. 21-6824, and amendments thereto, or  
3 prior to revocation of a nonprison sanction of a defendant whose offense is  
4 classified in the presumptive nonprison grid block of either sentencing  
5 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines  
6 grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the  
7 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
8 or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid  
9 for drug crimes committed on or after July 1, 2012, the court shall consider  
10 placement of the defendant in the Labette correctional conservation camp,  
11 conservation camps established by the secretary of corrections pursuant to  
12 K.S.A. 75-52,127, and amendments thereto, or a community intermediate  
13 sanction center. Pursuant to this subsection the defendant shall not be  
14 sentenced to imprisonment if space is available in a conservation camp or  
15 community intermediate sanction center and the defendant meets all of the  
16 conservation camp's or community intermediate sanction center's  
17 placement criteria unless the court states on the record the reasons for not  
18 placing the defendant in a conservation camp or community intermediate  
19 sanction center.

20 (h) In committing a defendant to the custody of the secretary of  
21 corrections, the court shall fix a term of confinement within the limits  
22 provided by law. In those cases where the law does not fix a term of  
23 confinement for the crime for which the defendant was convicted, the  
24 court shall fix the term of such confinement.

25 (i) In addition to any of the above, the court shall order the defendant  
26 to reimburse the state general fund for all or part of the expenditures by the  
27 state board of indigents' defense services to provide counsel and other  
28 defense services to the defendant. In determining the amount and method  
29 of payment of such sum, the court shall take account of the financial  
30 resources of the defendant and the nature of the burden that payment of  
31 such sum will impose. A defendant who has been required to pay such sum  
32 and who is not willfully in default in the payment thereof may at any time  
33 petition the court that sentenced the defendant to waive payment of such  
34 sum or any unpaid portion thereof. If it appears to the satisfaction of the  
35 court that payment of the amount due will impose manifest hardship on the  
36 defendant or the defendant's immediate family, the court may waive  
37 payment of all or part of the amount due or modify the method of  
38 payment. The amount of attorney fees to be included in the court order for  
39 reimbursement shall be the amount claimed by appointed counsel on the  
40 payment voucher for indigents' defense services or the amount prescribed  
41 by the board of indigents' defense services reimbursement tables as  
42 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

43 (j) This section shall not deprive the court of any authority conferred



1 by any other Kansas statute to decree a forfeiture of property, suspend or  
2 cancel a license, remove a person from office or impose any other civil  
3 penalty as a result of conviction of crime.

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

10 (l) (1) The secretary of corrections is authorized to make direct  
11 placement to the Labette correctional conservation camp or a conservation  
12 camp established by the secretary pursuant to K.S.A. 75-52,127, and  
13 amendments thereto, of an inmate sentenced to the secretary's custody if  
14 the inmate:

15 (A) Has been sentenced to the secretary for a probation revocation, as  
16 a departure from the presumptive nonimprisonment grid block of either  
17 sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or  
18 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-  
19 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes  
20 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of  
21 the sentencing guidelines grid for drug crimes committed on or after July  
22 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the  
23 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
24 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for  
25 drug crimes committed on or after July 1, 2012, and such offense does not  
26 meet the requirements of K.S.A. 21-6824, and amendments thereto; and

27 (B) otherwise meets admission criteria of the camp.

28 (2) If the inmate successfully completes a conservation camp  
29 program, the secretary of corrections shall report such completion to the  
30 sentencing court and the county or district attorney. The inmate shall then  
31 be assigned by the court to six months of follow-up supervision conducted  
32 by the appropriate community corrections services program. The court  
33 may also order that supervision continue thereafter for the length of time  
34 authorized by K.S.A. 21-6608, and amendments thereto.

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

38 (n) (1) Except as provided by K.S.A. 21-6630 and 21-6805(f), and  
39 amendments thereto, in addition to any of the above, for felony violations  
40 of K.S.A. 21-5706, and amendments thereto, the court shall require the  
41 defendant who meets the requirements established in K.S.A. 21-6824, and  
42 amendments thereto, to participate in a certified drug abuse treatment  
43 program, as provided in K.S.A. 75-52,144, and amendments thereto,

1 including, but not limited to, an approved after-care plan. The amount of  
2 time spent participating in such program shall not be credited as service on  
3 the underlying prison sentence.

4 (2) If the defendant fails to participate in or has a pattern of  
5 intentional conduct that demonstrates the defendant's refusal to comply  
6 with or participate in the treatment program, as established by judicial  
7 finding, the defendant shall be subject to sanction or revocation pursuant  
8 to the provisions of K.S.A. 22-3716, and amendments thereto. If the  
9 defendant's probation is revoked, the defendant shall serve the underlying  
10 prison sentence as established in K.S.A. 21-6805, and amendments  
11 thereto.

12 (A) Except as provided in subsection (n)(2)(B), for those offenders  
13 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon  
14 completion of the underlying prison sentence, the offender shall not be  
15 subject to a period of postrelease supervision.

16 (B) Offenders whose crime of conviction was committed on or after  
17 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-  
18 3716(c), and amendments thereto, or whose underlying prison term expires  
19 while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and  
20 amendments thereto, shall serve a period of postrelease supervision upon  
21 the completion of the underlying prison term.

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

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

41 (3) (A) In lieu of suspending the driver's license or privilege to  
42 operate a motor vehicle on the highways of this state of any person as  
43 provided in paragraph (1), the judge of the court in which such person was

1 convicted may enter an order that places conditions on such person's  
2 privilege of operating a motor vehicle on the highways of this state, a  
3 certified copy of which such person shall be required to carry any time  
4 such person is operating a motor vehicle on the highways of this state. Any  
5 such order shall prescribe the duration of the conditions imposed, which in  
6 no event shall be for a period of more than one year.

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

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

37 (4) As used in this subsection, "highway" and "street" mean the same  
38 as *defined* in K.S.A. 8-1424 and 8-1473, and amendments thereto.

39 (p) In addition to any of the above, for any criminal offense that  
40 includes the domestic violence designation pursuant to K.S.A. 22-4616,  
41 and amendments thereto, the court shall require the defendant to: (1)  
42 Undergo a domestic violence offender assessment conducted by a certified  
43 batterer intervention program; and (2) follow all recommendations made

1 by such program, unless otherwise ordered by the court or the department  
2 of corrections. The court may order a domestic violence offender  
3 assessment and any other evaluation prior to sentencing if the assessment  
4 or evaluation would assist the court in determining an appropriate  
5 sentence. The entity completing the assessment or evaluation shall provide  
6 the assessment or evaluation and recommendations to the court and the  
7 court shall provide the domestic violence offender assessment to any entity  
8 responsible for supervising such defendant. A defendant ordered to  
9 undergo a domestic violence offender assessment shall be required to pay  
10 for the assessment and, unless otherwise ordered by the court or the  
11 department of corrections, for completion of all recommendations.

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

31 (r) In addition to any other penalty or disposition imposed by law, for  
32 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,  
33 prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes  
34 committed on or after July 1, 2006, the court shall order that the defendant  
35 be electronically monitored upon release from imprisonment for the  
36 duration of the defendant's natural life and that the defendant shall  
37 reimburse the state for all or part of the cost of such monitoring as  
38 determined by the prisoner review board.

39 (s) Whenever the court has released the defendant on probation  
40 pursuant to subsection (a)(3), the defendant's supervising court services  
41 officer, with the concurrence of the chief court services officer, may  
42 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),  
43 and amendments thereto, without further order of the court, unless the

1 defendant, after being apprised of the right to a revocation hearing before  
2 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses  
3 to waive such right.

4 (t) Whenever the court has assigned the defendant to a community  
5 correctional services program pursuant to subsection (a)(4), the defendant's  
6 community corrections officer, with the concurrence of the community  
7 corrections director, may impose the violation sanctions as provided in  
8 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order  
9 of the court unless the defendant, after being apprised of the right to a  
10 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and  
11 amendments thereto, refuses to waive such right.

12 (u) In addition to any of the above, the court shall authorize an  
13 additional 18 days of confinement in a county jail to be reserved for  
14 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and  
15 amendments thereto.

16 (v) The amendments made to this section by section 1 of chapter 9 of  
17 the 2020 Session Laws of Kansas are procedural in nature and shall be  
18 construed and applied retroactively.

19 Sec. 3. K.S.A. 21-6416 and 21-6604 are hereby repealed.

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