AN ACT concerning crimes, punishment and criminal procedure; relating
to terminal medical release; criteria for release; amending K.S.A. 2019
Supp. 22-3729 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2019 Supp. 22-3729 is hereby amended to read as
follows: 22-3729. (a) (1) Upon application of the secretary of corrections,
the chairperson of the prisoner review board may grant release to any
person deemed by a doctor licensed to practice medicine and surgery in
Kansas to have a terminal medical condition likely to cause death within
30 90 days upon such terms and conditions as prescribed in the order
granting such release.
(2) The secretary of corrections shall adopt rules and regulations
governing the prisoner review board's procedure for initiating, processing,
reviewing and establishing criteria for review of applications filed on
behalf of persons deemed to have a terminal medical condition likely to
cause death within 30 90 days. Such rules and regulations shall include
criteria and guidelines for determining whether the terminal medical
condition precludes the person from posing a threat to the public.
(3) All applications for a terminal medical condition release shall be
referred to the chairperson of the board. The chairperson of the board shall
examine each case and may approve such application and grant a release.
An application for release shall not be approved unless the chairperson of
the board determines that the person has been deemed by a doctor licensed
to practice medicine and surgery in Kansas to have a terminal medical
condition likely to cause death within 30 90 days and does not represent a
future risk to public safety. The chairperson of the board may request
additional information or evidence the chairperson of the board deems
necessary from a doctor licensed to practice medicine and surgery in
Kansas.
(4) (A) The chairperson of the board shall establish any conditions
related to the release of the person. The release shall be conditional, and be
subject to revocation pursuant to K.S.A. 75-5217, and amendments
thereto, if the:
(i) Person's illness or condition significantly improves, the;
(ii) person does not die within 30 90 days of release, if the;
person fails to comply with any condition of release, or if the person

fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety.

(B) The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence or discharged by the board. Subject to the provisions of subsection (f) K.S.A. 75-5217(f), and amendments thereto, the person shall receive credit for the time during which the person is on terminal medical condition release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate sentences.

(5) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(4).

(6) The decision of the chairperson of the board on the application and the decision of the board regarding any revocation shall be final and not subject to review by any administrative agency or court.

(7) In determining whether a person meets the criteria to be released under this section, the chairperson of the board shall consider the following:

(A) The person's current condition as confirmed by a doctor licensed to practice medicine and surgery in Kansas, including whether the condition is terminal and likely to cause death within 30 - 90 days;
(B) the person's age and personal history;
(C) the person's criminal history;
(D) the person's length of sentence and time the person has served;
(E) the nature and circumstances of the current offense;
(F) the risk or threat to the community if released;
(G) whether an appropriate release plan has been established; and
(H) any other factors deemed relevant by the board member.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) The secretary shall give notice of the granting of a terminal medical condition release to: (1) The prosecuting attorney and the judge of the court in which the person was convicted; and (2) any victim of the person's crime if alive or the victim's family if the victim is deceased, whose address is known by the secretary.

(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.

Sec. 2. K.S.A. 2019 Supp. 22-3729 is hereby repealed.

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