

HOUSE BILL No. 2318

By Committee on Corrections and Juvenile Justice

2-10

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; modifying the definition of persistent sex offender;
3 creating an opportunity for early discharge from lifetime postrelease
4 supervision for certain offenders; amending K.S.A. 2020 Supp. 21-
5 6804 and 22-3717 and repealing the existing sections.

6

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

8 Section 1. K.S.A. 2020 Supp. 21-6804 is hereby amended to read as
9 follows: 21-6804. (a) The provisions of this section shall be applicable to
10 the sentencing guidelines grid for nondrug crimes. The following
11 sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Probation
Community Control
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for nondrug
2 crimes represent months of imprisonment.

3 (c) The sentencing guidelines grid is a two-dimensional crime
4 severity and criminal history classification tool. The grid's vertical axis is
5 the crime severity scale which classifies current crimes of conviction. The
6 grid's horizontal axis is the criminal history scale which classifies criminal
7 histories.

8 (d) The sentencing guidelines grid for nondrug crimes as provided in
9 this section defines presumptive punishments for felony convictions,
10 subject to the sentencing court's discretion to enter a departure sentence.
11 The appropriate punishment for a felony conviction should depend on the
12 severity of the crime of conviction when compared to all other crimes and
13 the offender's criminal history.

14 (e) (1) The sentencing court has discretion to sentence at any place
15 within the sentencing range. In the usual case it is recommended that the
16 sentencing judge select the center of the range and reserve the upper and
17 lower limits for aggravating and mitigating factors insufficient to warrant a
18 departure.

19 (2) In presumptive imprisonment cases, the sentencing court shall
20 pronounce the complete sentence which shall include the:

21 (A) Prison sentence;

22 (B) maximum potential reduction to such sentence as a result of good
23 time; and

24 (C) period of postrelease supervision at the sentencing hearing.
25 Failure to pronounce the period of postrelease supervision shall not negate
26 the existence of such period of postrelease supervision.

27 (3) In presumptive nonprison cases, the sentencing court shall
28 pronounce the:

29 (A) Prison sentence; and

30 (B) duration of the nonprison sanction at the sentencing hearing.

31 (f) Each grid block states the presumptive sentencing range for an
32 offender whose crime of conviction and criminal history place such
33 offender in that grid block. If an offense is classified in a grid block below
34 the dispositional line, the presumptive disposition shall be
35 nonimprisonment. If an offense is classified in a grid block above the
36 dispositional line, the presumptive disposition shall be imprisonment. If an
37 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
38 an optional nonprison sentence as provided in subsection (q).

39 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,
40 aggravated battery against a law enforcement officer committed prior to
41 July 1, 2006, or a violation of K.S.A. 2020 Supp. 21-5412(d), and
42 amendments thereto, aggravated assault against a law enforcement officer,
43 which places the defendant's sentence in grid block 6-H or 6-I shall be
44 presumed imprisonment. The court may impose an optional nonprison
45 sentence as provided in subsection (q).

46 (h) When a firearm is used to commit any person felony, the

1 offender's sentence shall be presumed imprisonment. The court may
2 impose an optional nonprison sentence as provided in subsection (q).

3 (i) (1) The sentence for the violation of the felony provision of K.S.A.
4 8-2,144 and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
5 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
6 amendments thereto, shall be as provided by the specific mandatory
7 sentencing requirements of that section and shall not be subject to the
8 provisions of this section or K.S.A. 2020 Supp. 21-6807, and amendments
9 thereto.

10 (2) If because of the offender's criminal history classification the
11 offender is subject to presumptive imprisonment or if the judge departs
12 from a presumptive probation sentence and the offender is subject to
13 imprisonment, the provisions of this section and K.S.A. 2020 Supp. 21-
14 6807, and amendments thereto, shall apply and the offender shall not be
15 subject to the mandatory sentence as provided in K.S.A. 2020 Supp. 21-
16 5823, and amendments thereto.

17 (3) Notwithstanding the provisions of any other section, the term of
18 imprisonment imposed for the violation of the felony provision of K.S.A.
19 8-2,144, and 8-1567, *and amendments thereto*, and K.S.A. 2020 Supp. 21-
20 5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
21 amendments thereto, shall not be served in a state facility in the custody of
22 the secretary of corrections, except that the term of imprisonment for
23 felony violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto,
24 may be served in a state correctional facility designated by the secretary of
25 corrections if the secretary determines that substance abuse treatment
26 resources and facility capacity is available. The secretary's determination
27 regarding the availability of treatment resources and facility capacity shall
28 not be subject to review. Prior to imposing any sentence pursuant to this
29 subsection, the court may consider assigning the defendant to a house
30 arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments
31 thereto.

32 (j) (1) The sentence for any persistent sex offender whose current
33 convicted crime carries a presumptive term of imprisonment shall be
34 double the maximum duration of the presumptive imprisonment term. The
35 sentence for any persistent sex offender whose current conviction carries a
36 presumptive nonprison term shall be presumed imprisonment and shall be
37 double the maximum duration of the presumptive imprisonment term.

38 (2) Except as otherwise provided in this subsection, as used in this
39 subsection, "persistent sex offender" means a person who:

40 (A) (i) Has been convicted in this state of a sexually violent crime, as
41 defined in K.S.A. 22-3717, and amendments thereto; and

42 (ii) at the time of the conviction under subsection (j)(2)(A)(i) has ~~at~~
43 ~~least~~ one conviction for a sexually violent crime, as defined in K.S.A. 22-

1 3717, and amendments thereto, in this state or comparable felony under
2 the laws of another state, the federal government or a foreign government;
3 or

4 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,
5 prior to its repeal, or K.S.A. 2020 Supp. 21-5503, and amendments
6 thereto; and

7 (ii) at the time of the conviction under subsection (j)(2)(B)(i) has ~~at~~
8 ~~least~~ one conviction for rape in this state or comparable felony under the
9 laws of another state, the federal government or a foreign government.

10 (3) Except as provided in subsection (j)(2)(B), the provisions of this
11 subsection shall not apply to any person whose current convicted crime is
12 a severity level 1 or 2 felony.

13 (k) (1) If it is shown at sentencing that the offender committed any
14 felony violation for the benefit of, at the direction of, or in association with
15 any criminal street gang, with the specific intent to promote, further or
16 assist in any criminal conduct by gang members, the offender's sentence
17 shall be presumed imprisonment. The court may impose an optional
18 nonprison sentence as provided in subsection (q).

19 (2) As used in this subsection, "criminal street gang" means any
20 organization, association or group of three or more persons, whether
21 formal or informal, having as one of its primary activities:

22 (A) The commission of one or more person felonies; or

23 (B) the commission of felony violations of article 57 of chapter 21 of
24 the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010
25 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony
26 violation of any provision of the uniform controlled substances act prior to
27 July 1, 2009; and

28 (C) its members have a common name or common identifying sign or
29 symbol; and

30 (D) its members, individually or collectively, engage in or have
31 engaged in the commission, attempted commission, conspiracy to commit
32 or solicitation of two or more person felonies or felony violations of article
33 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
34 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
35 transfer, any felony violation of any provision of the uniform controlled
36 substances act prior to July 1, 2009, or any substantially similar offense
37 from another jurisdiction.

38 (l) Except as provided in subsection (o), the sentence for a violation
39 of K.S.A. 2020 Supp. 21-5807(a)(1), and amendments thereto, or any
40 attempt or conspiracy, as defined in K.S.A. 2020 Supp. 21-5301 and 21-
41 5302, and amendments thereto, to commit such offense, when such person
42 being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a)
43 or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2020 Supp.

1 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any
2 attempt or conspiracy to commit such offense, shall be presumptive
3 imprisonment.

4 (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2020
5 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive
6 imprisonment. If an offense under such sections is classified in grid blocks
7 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison
8 sentence as provided in subsection (q).

9 (n) The sentence for a violation of criminal deprivation of property, as
10 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
11 such property is a motor vehicle, and when such person being sentenced
12 has any combination of two or more prior convictions of K.S.A. 21-
13 3705(b), prior to its repeal, or of criminal deprivation of property, as
14 defined in K.S.A. 2020 Supp. 21-5803, and amendments thereto, when
15 such property is a motor vehicle, shall be presumptive imprisonment. Such
16 sentence shall not be considered a departure and shall not be subject to
17 appeal.

18 (o) The sentence for a felony violation of theft of property as defined
19 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or burglary as
20 defined in K.S.A. 2020 Supp. 21-5807(a), and amendments thereto, when
21 such person being sentenced has no prior convictions for a violation of
22 K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as
23 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
24 burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and amendments
25 thereto; or the sentence for a felony violation of theft of property as
26 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when
27 such person being sentenced has one or two prior felony convictions for a
28 violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or
29 theft of property as defined in K.S.A. 2020 Supp. 21-5801, and
30 amendments thereto, or burglary or aggravated burglary as defined in
31 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
32 felony violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a),
33 and amendments thereto, when such person being sentenced has one prior
34 felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716,
35 prior to their repeal, or theft of property as defined in K.S.A. 2020 Supp.
36 21-5801, and amendments thereto, or burglary or aggravated burglary as
37 defined in K.S.A. 2020 Supp. 21-5807, and amendments thereto, shall be
38 the sentence as provided by this section, except that the court may order an
39 optional nonprison sentence for a defendant to participate in a drug
40 treatment program, including, but not limited to, an approved after-care
41 plan, if the court makes the following findings on the record:

42 (1) Substance abuse was an underlying factor in the commission of
43 the crime;

1 (2) substance abuse treatment in the community is likely to be more
2 effective than a prison term in reducing the risk of offender recidivism;
3 and

4 (3) participation in an intensive substance abuse treatment program
5 will serve community safety interests.

6 A defendant sentenced to an optional nonprison sentence under this
7 subsection shall be supervised by community correctional services. The
8 provisions of K.S.A. 2020 Supp. 21-6824(f)(1), and amendments thereto,
9 shall apply to a defendant sentenced under this subsection. The sentence
10 under this subsection shall not be considered a departure and shall not be
11 subject to appeal.

12 (p) The sentence for a felony violation of theft of property as defined
13 in K.S.A. 2020 Supp. 21-5801, and amendments thereto, when such
14 person being sentenced has any combination of three or more prior felony
15 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to
16 their repeal, or theft of property as defined in K.S.A. 2020 Supp. 21-5801,
17 and amendments thereto, or burglary or aggravated burglary as defined in
18 K.S.A. 2020 Supp. 21-5807, and amendments thereto; or the sentence for a
19 violation of burglary as defined in K.S.A. 2020 Supp. 21-5807(a), and
20 amendments thereto, when such person being sentenced has any
21 combination of two or more prior convictions for violations of K.S.A. 21-
22 3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as
23 defined in K.S.A. 2020 Supp. 21-5801, and amendments thereto, or
24 burglary or aggravated burglary as defined in K.S.A. 2020 Supp. 21-5807,
25 and amendments thereto, shall be presumed imprisonment and the
26 defendant shall be sentenced to prison as provided by this section, except
27 that the court may recommend that an offender be placed in the custody of
28 the secretary of corrections, in a facility designated by the secretary to
29 participate in an intensive substance abuse treatment program, upon
30 making the following findings on the record:

31 (1) Substance abuse was an underlying factor in the commission of
32 the crime;

33 (2) substance abuse treatment with a possibility of an early release
34 from imprisonment is likely to be more effective than a prison term in
35 reducing the risk of offender recidivism; and

36 (3) participation in an intensive substance abuse treatment program
37 with the possibility of an early release from imprisonment will serve
38 community safety interests by promoting offender reformation.

39 The intensive substance abuse treatment program shall be determined
40 by the secretary of corrections, but shall be for a period of at least four
41 months. Upon the successful completion of such intensive treatment
42 program, the offender shall be returned to the court and the court may
43 modify the sentence by directing that a less severe penalty be imposed in

1 lieu of that originally adjudged within statutory limits. If the offender's
2 term of imprisonment expires, the offender shall be placed under the
3 applicable period of postrelease supervision. The sentence under this
4 subsection shall not be considered a departure and shall not be subject to
5 appeal.

6 (q) As used in this section, an "optional nonprison sentence" is a
7 sentence which the court may impose, in lieu of the presumptive sentence,
8 upon making the following findings on the record:

9 (1) An appropriate treatment program exists which is likely to be
10 more effective than the presumptive prison term in reducing the risk of
11 offender recidivism; and

12 (2) the recommended treatment program is available and the offender
13 can be admitted to such program within a reasonable period of time; or

14 (3) the nonprison sanction will serve community safety interests by
15 promoting offender reformation.

16 Any decision made by the court regarding the imposition of an optional
17 nonprison sentence shall not be considered a departure and shall not be
18 subject to appeal.

19 (r) The sentence for a violation of K.S.A. 2020 Supp. 21-5413(c)(2),
20 and amendments thereto, shall be presumptive imprisonment and shall be
21 served consecutively to any other term or terms of imprisonment imposed.
22 Such sentence shall not be considered a departure and shall not be subject
23 to appeal.

24 (s) The sentence for a violation of K.S.A. 2020 Supp. 21-5512, and
25 amendments thereto, shall be presumptive imprisonment. Such sentence
26 shall not be considered a departure and shall not be subject to appeal.

27 (t) (1) If the trier of fact makes a finding beyond a reasonable doubt
28 that an offender wore or used ballistic resistant material in the commission
29 of, or attempt to commit, or flight from any felony, in addition to the
30 sentence imposed pursuant to the Kansas sentencing guidelines act, the
31 offender shall be sentenced to an additional 30 months' imprisonment.

32 (2) The sentence imposed pursuant to subsection (t)(1) shall be
33 presumptive imprisonment and shall be served consecutively to any other
34 term or terms of imprisonment imposed. Such sentence shall not be
35 considered a departure and shall not be subject to appeal.

36 (3) As used in this subsection, "ballistic resistant material" means:

37 (A) Any commercially produced material designed with the purpose
38 of providing ballistic and trauma protection, including, but not limited to,
39 bulletproof vests and kevlar vests; and

40 (B) any homemade or fabricated substance or item designed with the
41 purpose of providing ballistic and trauma protection.

42 (u) The sentence for a violation of K.S.A. 2020 Supp. 21-6107, and
43 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.

1 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit
2 such offense, when such person being sentenced has a prior conviction for
3 a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2020 Supp. 21-
4 6107, and amendments thereto, or any attempt or conspiracy to commit
5 such offense, shall be presumptive imprisonment. Such sentence shall not
6 be considered a departure and shall not be subject to appeal.

7 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,
8 and amendments thereto, shall be presumptive imprisonment and shall be
9 served consecutively to any other term or terms of imprisonment imposed.
10 Such sentence shall not be considered a departure and shall not be subject
11 to appeal.

12 (w) The sentence for aggravated criminal damage to property as
13 defined in K.S.A. 2020 Supp. 21-5813(b), and amendments thereto, when
14 such person being sentenced has a prior conviction for any nonperson
15 felony shall be presumptive imprisonment. Such sentence shall not be
16 considered a departure and shall not be subject to appeal.

17 (x) The sentence for a violation of K.S.A. 2020 Supp. 21-5807(a)(1),
18 and amendments thereto, shall be presumptive imprisonment if the offense
19 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
20 sentence shall not be considered a departure and shall not be subject to
21 appeal.

22 (y) (1) Except as provided in subsection (y)(3), if the trier of fact
23 makes a finding beyond a reasonable doubt that an offender committed a
24 nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A.
25 2020 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a
26 nondrug felony offense, against a law enforcement officer, as defined in
27 K.S.A. 2020 Supp. 21-5111(p)(1) and (3), and amendments thereto, while
28 such officer was engaged in the performance of such officer's duty, or in
29 whole or in any part because of such officer's status as a law enforcement
30 officer, the sentence for such offense shall be:

31 (A) If such offense is classified in severity level 2 through 10, one
32 severity level above the appropriate level for such offense; and

33 (B) (i) if such offense is classified in severity level 1, except as
34 otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and
35 such offender shall not be eligible for probation or suspension,
36 modification or reduction of sentence. In addition, such offender shall not
37 be eligible for parole prior to serving 25 years' imprisonment, and such 25
38 years' imprisonment shall not be reduced by the application of good time
39 credits. No other sentence shall be permitted.

40 (ii) The provisions of subsection (y)(1)(B)(i) requiring the court to
41 impose a mandatory minimum term of imprisonment of 25 years shall not
42 apply if the court finds the offender, because of the offender's criminal
43 history classification, is subject to presumptive imprisonment and the

1 sentencing range exceeds 300 months. In such case, the offender is
2 required to serve a mandatory minimum term equal to the sentence
3 established pursuant to the sentencing range.

4 (2) The sentence imposed pursuant to subsection (y)(1) shall not be
5 considered a departure and shall not be subject to appeal.

6 (3) The provisions of this subsection shall not apply to an offense
7 described in subsection (y)(1) if the factual aspect concerning a law
8 enforcement officer is a statutory element of such offense.

9 Sec. 2. K.S.A. 2020 Supp. 22-3717 is hereby amended to read as
10 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
11 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
12 21-4638 and 21-4642, prior to their repeal; K.S.A. 2020 Supp. 21-6617,
13 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
14 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
15 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
16 K.S.A. 2020 Supp. 21-6707, and amendments thereto, shall be eligible for
17 parole after serving the entire minimum sentence imposed by the court,
18 less good time credits.

19 (b) (1) An inmate sentenced to imprisonment for life without the
20 possibility of parole pursuant to K.S.A. 2020 Supp. 21-6617, and
21 amendments thereto, shall not be eligible for parole.

22 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
23 their repeal, and K.S.A. 2020 Supp. 21-6620, 21-6623, 21-6624 and 21-
24 6625, and amendments thereto, an inmate sentenced to imprisonment for
25 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
26 be eligible for parole after serving 25 years of confinement, without
27 deduction of any good time credits; (B) murder in the first degree based
28 upon a finding of premeditated murder committed on or after July 1, 1994,
29 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
30 of confinement, without deduction of any good time credits; and (C)
31 murder in the first degree as described in K.S.A. 2020 Supp. 21-5402(a)
32 (2), and amendments thereto, committed on or after July 1, 2014, shall be
33 eligible for parole after serving 25 years of confinement, without
34 deduction of any good time credits.

35 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
36 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
37 21-4638, prior to their repeal, and K.S.A. 2020 Supp. 21-6620, 21-6623,
38 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to
39 imprisonment for an off-grid offense committed on or after July 1, 1993,
40 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
41 of confinement, without deduction of any good time credits and an inmate
42 sentenced to imprisonment for an off-grid offense committed on or after
43 July 1, 1999, shall be eligible for parole after serving 20 years of

1 confinement without deduction of any good time credits.

2 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
3 repeal, an inmate sentenced for a class A felony committed before July 1,
4 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
5 its repeal, or K.S.A. 2020 Supp. 21-6707, and amendments thereto, shall
6 be eligible for parole after serving 15 years of confinement, without
7 deduction of any good time credits.

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

12 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
13 4643, prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments
14 thereto, committed on or after July 1, 2006, shall be eligible for parole
15 after serving the mandatory term of imprisonment without deduction of
16 any good time credits.

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

21 (A) The aggregate minimum sentences, as determined pursuant to
22 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2020 Supp. 21-6606, and
23 amendments thereto, less good time credits for those crimes which are not
24 class A felonies; and

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

27 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
28 4643, prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments
29 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
30 eligible for parole after serving the mandatory term of imprisonment.

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

36 (A) Except as provided in subparagraphs (D) and (E), persons
37 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
38 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
39 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
40 July 1, 2012, must serve 36 months on postrelease supervision.

41 (B) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
43 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and

1 drug severity level 4 crimes committed on or after July 1, 2012, must serve
2 24 months on postrelease supervision.

3 (C) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
5 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
6 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
7 must serve 12 months on postrelease supervision.

8 (D) Persons sentenced to a term of imprisonment that includes a
9 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
10 amendments thereto, committed on or after July 1, 1993, but prior to July
11 1, 2006, a sexually motivated crime in which the offender has been
12 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
13 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
14 repeal, or K.S.A. 2020 Supp. 21-5509, and amendments thereto, or
15 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.
16 2020 Supp. 21-5512, and amendments thereto, shall serve the period of
17 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or
18 (d)(1)(C), plus the amount of good time and program credit earned and
19 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2020
20 Supp. 21-6821, and amendments thereto, on postrelease supervision.

21 (i) If the sentencing judge finds substantial and compelling reasons to
22 impose a departure based upon a finding that the current crime of
23 conviction was sexually motivated, departure may be imposed to extend
24 the postrelease supervision to a period of up to 60 months.

25 (ii) If the sentencing judge departs from the presumptive postrelease
26 supervision period, the judge shall state on the record at the time of
27 sentencing the substantial and compelling reasons for the departure.
28 Departures in this section are subject to appeal pursuant to K.S.A. 21-
29 4721, prior to its repeal, or K.S.A. 2020 Supp. 21-6820, and amendments
30 thereto.

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

33 (a) Written briefs or oral arguments submitted by either the defendant
34 or the state;

35 (b) any evidence received during the proceeding;

36 (c) the presentence report, the victim's impact statement and any
37 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
38 4714(e), prior to its repeal, or K.S.A. 2020 Supp. 21-6813(e), and
39 amendments thereto; and

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

41 (iv) The sentencing judge may order that a psychological evaluation
42 be prepared and the recommended programming be completed by the
43 offender. The department of corrections or the prisoner review board shall

1 ensure that court ordered sex offender treatment be carried out.

2 (v) In carrying out the provisions of subsection (d)(1)(D), the court
3 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2020 Supp. 21-
4 6817, and amendments thereto.

5 (vi) Upon petition and payment of any restitution ordered pursuant to
6 K.S.A. 2020 Supp. 21-6604, and amendments thereto, the prisoner review
7 board may provide for early discharge from the postrelease supervision
8 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
9 court ordered programs and completion of the presumptive postrelease
10 supervision period, as determined by the crime of conviction, pursuant to
11 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
12 postrelease supervision is at the discretion of the board.

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

16 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
17 repeal, or K.S.A. 2020 Supp. 21-5508, and amendments thereto, shall be
18 required to participate in a treatment program for sex offenders during the
19 postrelease supervision period.

20 (E) The period of postrelease supervision provided in subparagraphs
21 (A) and (B) may be reduced by up to 12 months and the period of
22 postrelease supervision provided in subparagraph (C) may be reduced by
23 up to six months based on the offender's compliance with conditions of
24 supervision and overall performance while on postrelease supervision. The
25 reduction in the supervision period shall be on an earned basis pursuant to
26 rules and regulations adopted by the secretary of corrections.

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

32 (G) (i) Except as provided in subsection (u), persons sentenced to
33 imprisonment for a sexually violent crime committed on or after July 1,
34 2006, *but prior to July 1, 2021, or a severity level 1 through 5 sexually*
35 *violent crime committed on or after July 1, 2021*, when the offender was
36 18 years of age or older, and who are released from prison, shall be
37 released to a mandatory period of postrelease supervision for the duration
38 of the person's natural life.

39 (ii) Persons sentenced to imprisonment for a sexually violent crime
40 committed on or after the effective date of this act, when the offender was
41 under 18 years of age, and who are released from prison, shall be released
42 to a mandatory period of postrelease supervision for 60 months, plus the
43 amount of good time and program credit earned and retained pursuant to

1 K.S.A. 21-4722, prior to its repeal, or K.S.A. 2020 Supp. 21-6821, and
2 amendments thereto.

3 *(iii) Upon petition and payment of restitution, the prisoner review*
4 *board may provide for an early discharge from the postrelease supervision*
5 *period imposed pursuant to subsection (d)(1)(G)(i) upon completion of*
6 *court-ordered programs and completion of 10 years of postrelease*
7 *supervision. Early discharge from postrelease supervision shall be at the*
8 *discretion of the board.*

9 *(iv) The petition requesting early discharge from postrelease*
10 *supervision shall be served on the county or district attorney of the county*
11 *where the offender was sentenced. The county or district attorney shall*
12 *provide victim notification. At the hearing, the prisoner review board may*
13 *consider any evidence relevant to the offender's danger to the public. The*
14 *offender shall prove, by clear and convincing evidence, that lifetime*
15 *postrelease supervision is no longer necessary to protect the public.*

16 *(v) If a petition filed pursuant to this paragraph is denied, the*
17 *offender shall not file a subsequent petition for early discharge from*
18 *lifetime postrelease supervision until five years from the date of denial.*

19 (2) Persons serving a period of postrelease supervision pursuant to
20 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
21 review board for early discharge. Upon payment of restitution, the prisoner
22 review board may provide for early discharge.

23 (3) Persons serving a period of incarceration for a supervision
24 violation shall not have the period of postrelease supervision modified
25 until such person is released and returned to postrelease supervision.

26 (4) Offenders whose crime of conviction was committed on or after
27 July 1, 2013, and whose probation, assignment to a community
28 correctional services program, suspension of sentence or nonprison
29 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
30 thereto, or whose underlying prison term expires while serving a sanction
31 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a
32 period of postrelease supervision upon the completion of the underlying
33 prison term.

34 (5) As used in this subsection, "sexually violent crime" means:

35 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2020 Supp.
36 21-5503, and amendments thereto;

37 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
38 or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;

39 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
40 to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto;

41 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
42 repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) and (a)(4), and amendments
43 thereto;

- 1 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
2 or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;
- 3 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
4 or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto;
- 5 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
6 to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto;
- 7 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
8 or K.S.A. 2020 Supp. 21-5510, and amendments thereto;
- 9 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
10 K.S.A. 2020 Supp. 21-5505(b), and amendments thereto;
- 11 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
12 2020 Supp. 21-5604(b), and amendments thereto;
- 13 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
14 prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments
15 thereto, if committed in whole or in part for the purpose of the sexual
16 gratification of the defendant or another;
- 17 (L) internet trading in child pornography, as defined in K.S.A. 2020
18 Supp. 21-5514(a), and amendments thereto;
- 19 (M) aggravated internet trading in child pornography, as defined in
20 K.S.A. 2020 Supp. 21-5514(b), and amendments thereto;
- 21 (N) commercial sexual exploitation of a child, as defined in K.S.A.
22 2020 Supp. 21-6422, and amendments thereto; or
- 23 (O) an attempt, conspiracy or criminal solicitation, as defined in
24 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020
25 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
26 sexually violent crime as defined in this section.
- 27 (6) As used in this subsection, "sexually motivated" means that one of
28 the purposes for which the defendant committed the crime was for the
29 purpose of the defendant's sexual gratification.
- 30 (e) If an inmate is sentenced to imprisonment for a crime committed
31 while on parole or conditional release, the inmate shall be eligible for
32 parole as provided by subsection (c), except that the prisoner review board
33 may postpone the inmate's parole eligibility date by assessing a penalty not
34 exceeding the period of time which could have been assessed if the
35 inmate's parole or conditional release had been violated for reasons other
36 than conviction of a crime.
- 37 (f) If a person is sentenced to prison for a crime committed on or after
38 July 1, 1993, while on probation, parole, conditional release or in a
39 community corrections program, for a crime committed prior to July 1,
40 1993, and the person is not eligible for retroactive application of the
41 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
42 4724, prior to its repeal, the new sentence shall not be aggregated with the
43 old sentence, but shall begin when the person is paroled or reaches the

1 conditional release date on the old sentence. If the offender was past the
2 offender's conditional release date at the time the new offense was
3 committed, the new sentence shall not be aggregated with the old sentence
4 but shall begin when the person is ordered released by the prisoner review
5 board or reaches the maximum sentence expiration date on the old
6 sentence, whichever is earlier. The new sentence shall then be served as
7 otherwise provided by law. The period of postrelease supervision shall be
8 based on the new sentence, except that those offenders whose old sentence
9 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
10 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
11 term of life imprisonment, for which there is no conditional release or
12 maximum sentence expiration date, shall remain on postrelease
13 supervision for life or until discharged from supervision by the prisoner
14 review board.

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

30 (h) The prisoner review board shall hold a parole hearing at least the
31 month prior to the month an inmate will be eligible for parole under
32 subsections (a), (b) and (c). At least one month preceding the parole
33 hearing, the county or district attorney of the county where the inmate was
34 convicted shall give written notice of the time and place of the public
35 comment sessions for the inmate to any victim of the inmate's crime who
36 is alive and whose address is known to the county or district attorney or, if
37 the victim is deceased, to the victim's family if the family's address is
38 known to the county or district attorney. Except as otherwise provided,
39 failure to notify pursuant to this section shall not be a reason to postpone a
40 parole hearing. In the case of any inmate convicted of an off-grid felony or
41 a class A felony, the secretary of corrections shall give written notice of the
42 time and place of the public comment session for such inmate at least one
43 month preceding the public comment session to any victim of such

1 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
2 amendments thereto. If notification is not given to such victim or such
3 victim's family in the case of any inmate convicted of an off-grid felony or
4 a class A felony, the board shall postpone a decision on parole of the
5 inmate to a time at least 30 days after notification is given as provided in
6 this section. Nothing in this section shall create a cause of action against
7 the state or an employee of the state acting within the scope of the
8 employee's employment as a result of the failure to notify pursuant to this
9 section. If granted parole, the inmate may be released on parole on the date
10 specified by the board, but not earlier than the date the inmate is eligible
11 for parole under subsections (a), (b) and (c). At each parole hearing and, if
12 parole is not granted, at such intervals thereafter as it determines
13 appropriate, the board shall consider: (1) Whether the inmate has
14 satisfactorily completed the programs required by any agreement entered
15 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
16 agreement; and (2) all pertinent information regarding such inmate,
17 including, but not limited to, the circumstances of the offense of the
18 inmate; the presentence report; the previous social history and criminal
19 record of the inmate; the conduct, employment, and attitude of the inmate
20 in prison; the reports of such physical and mental examinations as have
21 been made, including, but not limited to, risk factors revealed by any risk
22 assessment of the inmate; comments of the victim and the victim's family
23 including in person comments, contemporaneous comments and
24 prerecorded comments made by any technological means; comments of
25 the public; official comments; any recommendation by the staff of the
26 facility where the inmate is incarcerated; proportionality of the time the
27 inmate has served to the sentence a person would receive under the Kansas
28 sentencing guidelines for the conduct that resulted in the inmate's
29 incarceration; and capacity of state correctional institutions.

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

40 (j) (1) Before ordering the parole of any inmate, the prisoner review
41 board shall have the inmate appear either in person or via a video
42 conferencing format and shall interview the inmate unless impractical
43 because of the inmate's physical or mental condition or absence from the

1 institution. Every inmate while on parole shall remain in the legal custody
2 of the secretary of corrections and is subject to the orders of the secretary.
3 Whenever the board formally considers placing an inmate on parole and
4 no agreement has been entered into with the inmate under K.S.A. 75-
5 5210a, and amendments thereto, the board shall notify the inmate in
6 writing of the reasons for not granting parole. If an agreement has been
7 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
8 has not satisfactorily completed the programs specified in the agreement,
9 or any revision of such agreement, the board shall notify the inmate in
10 writing of the specific programs the inmate must satisfactorily complete
11 before parole will be granted. If parole is not granted only because of a
12 failure to satisfactorily complete such programs, the board shall grant
13 parole upon the secretary's certification that the inmate has successfully
14 completed such programs. If an agreement has been entered under K.S.A.
15 75-5210a, and amendments thereto, and the secretary of corrections has
16 reported to the board in writing that the inmate has satisfactorily
17 completed the programs required by such agreement, or any revision
18 thereof, the board shall not require further program participation.
19 However, if the board determines that other pertinent information
20 regarding the inmate warrants the inmate's not being released on parole,
21 the board shall state in writing the reasons for not granting the parole. If
22 parole is denied for an inmate sentenced for a crime other than a class A or
23 class B felony or an off-grid felony, the board shall hold another parole
24 hearing for the inmate not later than one year after the denial unless the
25 board finds that it is not reasonable to expect that parole would be granted
26 at a hearing if held in the next three years or during the interim period of a
27 deferral. In such case, the board may defer subsequent parole hearings for
28 up to three years but any such deferral by the board shall require the board
29 to state the basis for its findings. If parole is denied for an inmate
30 sentenced for a class A or class B felony or an off-grid felony, the board
31 shall hold another parole hearing for the inmate not later than three years
32 after the denial unless the board finds that it is not reasonable to expect
33 that parole would be granted at a hearing if held in the next 10 years or
34 during the interim period of a deferral. In such case, the board may defer
35 subsequent parole hearings for up to 10 years, but any such deferral shall
36 require the board to state the basis for its findings.

37 (2) Inmates sentenced for a class A or class B felony who have not
38 had a board hearing in the five years prior to July 1, 2010, shall have such
39 inmates' cases reviewed by the board on or before July 1, 2012. Such
40 review shall begin with the inmates with the oldest deferral date and
41 progress to the most recent. Such review shall be done utilizing existing
42 resources unless the board determines that such resources are insufficient.
43 If the board determines that such resources are insufficient, then the

1 provisions of this paragraph are subject to appropriations therefor.

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

5 (2) Parolees and persons on postrelease supervision are, and shall
6 agree in writing to be, subject to searches of the person and the person's
7 effects, vehicle, residence and property by a parole officer or a department
8 of corrections enforcement, apprehension and investigation officer, at any
9 time of the day or night, with or without a search warrant and with or
10 without cause. Nothing in this subsection shall be construed to authorize
11 such officers to conduct arbitrary or capricious searches or searches for the
12 sole purpose of harassment.

13 (3) Parolees and persons on postrelease supervision are, and shall
14 agree in writing to be, subject to searches of the person and the person's
15 effects, vehicle, residence and property by any law enforcement officer
16 based on reasonable suspicion of the person violating conditions of parole
17 or postrelease supervision or reasonable suspicion of criminal activity. Any
18 law enforcement officer who conducts such a search shall submit a written
19 report to the appropriate parole officer no later than the close of the next
20 business day after such search. The written report shall include the facts
21 leading to such search, the scope of such search and any findings resulting
22 from such search.

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

31 (m) Whenever the prisoner review board orders the parole of an
32 inmate or establishes conditions for an inmate placed on postrelease
33 supervision, the board:

34 (1) Unless it finds compelling circumstances that would render a plan
35 of payment unworkable, shall order as a condition of parole or postrelease
36 supervision that the parolee or the person on postrelease supervision pay
37 any transportation expenses resulting from returning the parolee or the
38 person on postrelease supervision to this state to answer criminal charges
39 or a warrant for a violation of a condition of probation, assignment to a
40 community correctional services program, parole, conditional release or
41 postrelease supervision;

42 (2) to the extent practicable, shall order as a condition of parole or
43 postrelease supervision that the parolee or the person on postrelease

1 supervision make progress towards or successfully complete the
2 equivalent of a secondary education if the inmate has not previously
3 completed such educational equivalent and is capable of doing so;

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

8 (4) may order the parolee or person on postrelease supervision to pay
9 the administrative fee imposed pursuant to K.S.A. 22-4529, and
10 amendments thereto, unless the board finds compelling circumstances that
11 would render payment unworkable;

12 (5) unless it finds compelling circumstances that would render a plan
13 of payment unworkable, shall order that the parolee or person on
14 postrelease supervision reimburse the state for all or part of the
15 expenditures by the state board of indigents' defense services to provide
16 counsel and other defense services to the person. In determining the
17 amount and method of payment of such sum, the prisoner review board
18 shall take account of the financial resources of the person and the nature of
19 the burden that the payment of such sum will impose. Such amount shall
20 not exceed the amount claimed by appointed counsel on the payment
21 voucher for indigents' defense services or the amount prescribed by the
22 board of indigents' defense services reimbursement tables as provided in
23 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
24 previous payments for such services;

25 (6) shall order that the parolee or person on postrelease supervision
26 agree in writing to be subject to searches of the person and the person's
27 effects, vehicle, residence and property by a parole officer or a department
28 of corrections enforcement, apprehension and investigation officer, at any
29 time of the day or night, with or without a search warrant and with or
30 without cause. Nothing in this subsection shall be construed to authorize
31 such officers to conduct arbitrary or capricious searches or searches for the
32 sole purpose of harassment; and

33 (7) shall order that the parolee or person on postrelease supervision
34 agree in writing to be subject to searches of the person and the person's
35 effects, vehicle, residence and property by any law enforcement officer
36 based on reasonable suspicion of the person violating conditions of parole
37 or postrelease supervision or reasonable suspicion of criminal activity.

38 (n) If the court that sentenced an inmate specified at the time of
39 sentencing the amount and the recipient of any restitution ordered as a
40 condition of parole or postrelease supervision, the prisoner review board
41 shall order as a condition of parole or postrelease supervision that the
42 inmate pay restitution in the amount and manner provided in the journal
43 entry unless the board finds compelling circumstances that would render a

1 plan of restitution unworkable.

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

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

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

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

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

23 (t) For offenders sentenced prior to July 1, 2014, who are eligible for
24 modification of their postrelease supervision obligation, the department of
25 corrections shall modify the period of postrelease supervision as provided
26 for by this section:

27 (1) On or before September 1, 2013, for offenders convicted of:

28 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
29 for nondrug crimes;

30 (B) severity level 4 crimes on the sentencing guidelines grid for drug
31 crimes committed prior to July 1, 2012; and

32 (C) severity level 5 crimes on the sentencing guidelines grid for drug
33 crimes committed on and after July 1, 2012;

34 (2) on or before November 1, 2013, for offenders convicted of:

35 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
36 grid for nondrug crimes;

37 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
38 committed prior to July 1, 2012; and

39 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
40 committed on or after July 1, 2012; and

41 (3) on or before January 1, 2014, for offenders convicted of:

42 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
43 guidelines grid for nondrug crimes;

1 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
2 for drug crimes committed at any time; and

3 (C) severity level 3 crimes on the sentencing guidelines grid for drug
4 crimes committed on or after July 1, 2012.

5 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
6 4643, prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments
7 thereto, for crimes committed on or after July 1, 2006, shall be placed on
8 parole for life and shall not be discharged from supervision by the prisoner
9 review board. When the board orders the parole of an inmate pursuant to
10 this subsection, the board shall order as a condition of parole that the
11 inmate be electronically monitored for the duration of the inmate's natural
12 life.

13 (v) Whenever the prisoner review board orders a person to be
14 electronically monitored pursuant to this section, or the court orders a
15 person to be electronically monitored pursuant to K.S.A. 2020 Supp. 21-
16 6604(r), and amendments thereto, the board shall order the person to
17 reimburse the state for all or part of the cost of such monitoring. In
18 determining the amount and method of payment of such sum, the board
19 shall take account of the financial resources of the person and the nature of
20 the burden that the payment of such sum will impose.

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

26 (A) As used in this subsection, "pornographic materials" means any
27 obscene material or performance depicting sexual conduct, sexual contact
28 or a sexual performance; and any visual depiction of sexually explicit
29 conduct.

30 (B) As used in this subsection, all other terms have the meanings
31 provided by K.S.A. 2020 Supp. 21-5510, and amendments thereto.

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

37 Sec. 3. K.S.A. 2020 Supp. 21-6804 and 22-3717 are hereby repealed.

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