

## HOUSE BILL No. 2455

By Representative Fairchild

11-15

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; authorizing early release from prison for blood donation;  
3 requiring the secretary of corrections to create a system for inmates to  
4 earn blood donation credit; amending K.S.A. 2021 Supp. 21-6821 and  
5 repealing the existing section.  
6

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

8 Section 1. K.S.A. 2021 Supp. 21-6821 is hereby amended to read as  
9 follows: 21-6821. (a) The secretary of corrections is hereby authorized to  
10 adopt rules and regulations providing for a system of good time  
11 calculations. Such rules and regulations shall provide circumstances upon  
12 which an inmate may earn good time credits and for the forfeiture of  
13 earned credits. Such circumstances may include factors related to program  
14 and work participation and conduct and the inmate's willingness to  
15 examine and confront past behavioral patterns that resulted in the  
16 commission of the inmate's crimes.

17 (b) For purposes of determining release of an inmate, the following  
18 shall apply with regard to good time calculations:

19 (1) Good behavior by inmates is the expected norm and negative  
20 behavior will be punished; and

21 (2) the amount of good time which can be earned by an inmate and  
22 subtracted from any sentence is limited to:

23 (A) For a crime committed on or after July 1, 1993, an amount equal  
24 to 15% of the prison part of the sentence;

25 (B) for a nondrug severity level 7 through 10 crime committed on or  
26 after January 1, 2008, an amount equal to 20% of the prison part of the  
27 sentence; or

28 (C) for a drug severity level 3 or 4 crime committed on or after  
29 January 1, 2008, but prior to July 1, 2012, or a drug severity level 3  
30 through 5 crime committed on or after July 1, 2012, an amount equal to  
31 20% of the prison part of the sentence.

32 (c) The postrelease supervision term of a person sentenced to a term  
33 of imprisonment that includes a sentence for a sexually violent crime as  
34 defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated  
35 crime in which the offender has been ordered to register pursuant to  
36 K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic

1 solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2021 Supp. 21-  
2 5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-  
3 3520, prior to its repeal, or K.S.A. 2021 Supp. 21-5512, and amendments  
4 thereto, shall have any time which is earned and subtracted from the prison  
5 part of such sentence and any other consecutive or concurrent sentence  
6 pursuant to good time calculation added to such inmate's postrelease  
7 supervision term.

8 (d) An inmate shall not be awarded good time credits pursuant to this  
9 section for any review period established by the secretary of corrections in  
10 which a court finds that the inmate has done any of the following while in  
11 the custody of the secretary of corrections:

12 (1) Filed a false or malicious action or claim with the court;

13 (2) brought an action or claim with the court solely or primarily for  
14 delay or harassment;

15 (3) testified falsely or otherwise submitted false evidence or  
16 information to the court;

17 (4) attempted to create or obtain a false affidavit, testimony or  
18 evidence; or

19 (5) abused the discovery process in any judicial action or proceeding.

20 (e) (1) For purposes of determining release of an inmate who is  
21 serving only a sentence for a nondrug severity level 4 through 10 crime or  
22 a drug severity level 3 or 4 crime committed on or after January 1, 2008,  
23 but prior to July 1, 2012, or an inmate who is serving only a sentence for a  
24 nondrug severity level 4 through 10 crime or a drug severity level 3  
25 through 5 crime committed on or after July 1, 2012, the secretary of  
26 corrections is hereby authorized to adopt rules and regulations regarding  
27 program credit calculations. Such rules and regulations shall provide  
28 circumstances upon which an inmate may earn program credits and for the  
29 forfeiture of earned credits and such circumstances may include factors  
30 substantially related to program participation and conduct. In addition to  
31 any good time credits earned and retained, the following shall apply with  
32 regard to program credit calculations:

33 (A) A system shall be developed whereby program credits may be  
34 earned by inmates for the successful completion of requirements for a  
35 general education diploma, a technical or vocational training program, a  
36 substance abuse treatment program or any other program designated by the  
37 secretary which has been shown to reduce offenders' risk after release; and

38 (B) the amount of time ~~which~~ *that* can be earned and retained by an  
39 inmate for the successful completion of programs and subtracted from any  
40 sentence is limited to not more than 120 days.

41 (2) Any time ~~which~~ *that* is earned and subtracted from the prison part  
42 of the sentence of any inmate pursuant to program credit calculation shall  
43 not be added to such inmate's postrelease supervision term, if applicable,

1 except that the postrelease supervision term of a person sentenced to a  
2 term of imprisonment that includes a sentence for a sexually violent crime  
3 as defined in K.S.A. 22-3717, and amendments thereto, a sexually  
4 motivated crime in which the offender has been ordered to register  
5 pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto,  
6 electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2021  
7 Supp. 21-5509, and amendments thereto, or unlawful sexual relations,  
8 K.S.A. 21-3520, prior to its repeal, or K.S.A. 2021 Supp. 21-5512, and  
9 amendments thereto, shall have any time which is earned and subtracted  
10 from the prison part of such sentence and any other consecutive or  
11 concurrent sentence pursuant to program credit calculation added to such  
12 inmate's postrelease supervision term.

13 (3) When separate sentences of imprisonment for different crimes are  
14 imposed on a defendant on the same date, a defendant shall only be  
15 eligible for program credits if such crimes are a nondrug severity level 4  
16 through 10, a drug severity level 3 or 4 committed prior to July 1, 2012, or  
17 a drug severity level 3 through 5 committed on or after July 1, 2012.

18 (4) Program credits shall not be earned by any offender successfully  
19 completing a sex offender treatment program.

20 (5) The secretary of corrections shall report *the data on the program*  
21 *credit calculations* to the Kansas sentencing commission and the Kansas  
22 reentry policy council ~~the data on the program credit calculations~~.

23 (f) (1) *For purposes of determining release of an inmate who is*  
24 *servng only a sentence for a drug severity level 1 through 5 crime, the*  
25 *secretary of corrections shall adopt rules and regulations regarding blood*  
26 *donation credit calculations. Such rules and regulations shall provide*  
27 *circumstances upon which an inmate may earn blood donation credit and*  
28 *for the forfeiture of earned credits, including a method for testing the*  
29 *blood quality before such credit is earned. In addition to any good time*  
30 *and program credits earned and retained, the following shall apply with*  
31 *regard to blood donation credit:*

32 (A) *A system shall be developed whereby blood donation credit may*  
33 *be earned by inmates for a successful blood donation;*

34 (B) *the amount of time that can be earned and retained by an inmate*  
35 *for a successful blood donation and subtracted from any sentence shall be*  
36 *10% of the prison part of the sentence for each time the inmate donates*  
37 *blood; and*

38 (C) *an inmate shall only earn blood donation credit one time every*  
39 *three calendar months.*

40 (2) *Any time that is earned and subtracted from the prison part of the*  
41 *sentence of any inmate pursuant to blood donation credit calculation shall*  
42 *not be added to such inmate's postrelease supervision term, if applicable.*

43 (3) *When separate sentences of imprisonment for different crimes are*

1 *imposed on a defendant on the same date, a defendant shall only be*  
2 *eligible for blood donation credit for the crimes that are a drug severity*  
3 *level 1 through 5.*

4 (4) *The secretary of corrections shall report the data on blood*  
5 *donation credit calculations to the Kansas sentencing commission and the*  
6 *Kansas reentry policy council.*

7 (g) The state of Kansas, the secretary of corrections and the  
8 secretary's agents or employees shall not be liable for damages caused by  
9 any negligent or wrongful act or omission in making the good time ~~and~~  
10 program *and blood donation* credit calculations authorized by this section.

11 (g) (1) The secretary of corrections shall make the good time and  
12 program credit calculations authorized by section 1 of chapter 54 of the  
13 2015 Session Laws of Kansas no later than January 1, 2016.

14 (2) The secretary of corrections shall make the program credit  
15 calculations authorized by the amendments to this section by this act no  
16 later than January 1, 2017.

17 (h) The amendments to this section by section 1 of chapter 54 of the  
18 2015 session laws of Kansas and this act shall be construed and applied  
19 retroactively.

20 Sec. 2. K.S.A. 2021 Supp. 21-6821 is hereby repealed.

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