

Conditions of Probation, Parole, and Postrelease Supervision; Transfer of Kansas Parole Board Duties to Prisoner Review Board; Sex Offenders; House Sub. for Sub. for SB 159

House Sub. for Sub. for SB 159 requires as a condition of probation that the defendant be subject to searches of the defendant's person, effects, vehicle, residence, and property by a court services officer, community correctional services officer, and any other law enforcement officer, if there is reasonable suspicion the defendant violated conditions of probation or engaged in criminal activity. Any law enforcement officer conducting a search pursuant to this provision is required to submit a written report containing specified information regarding the search to the appropriate court services officer or community correctional services officer by the close of the next business day after the search. The defendant also is subject to random but reasonable drug and alcohol testing.

The bill adds a provision stating parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by a parole officer or Department of Corrections enforcement, apprehension, and investigation officer at any time, with or without a search warrant and with or without cause. The provision emphasizes it is not to be construed to authorize arbitrary or capricious searches or searches for the sole purpose of harassment.

Additionally, a parolee or person on postrelease supervision is subject to search or seizure by any law enforcement officer based on reasonable suspicion of a violation of the conditions of parole or postrelease supervision or of criminal activity. The parolee or person on supervision is required to agree to this provision in writing. Any law enforcement officer conducting such a search is required to submit a written report by the close of the next business day after the search.

The bill updates statutory references to the Kansas Parole Board to reflect the transfer of its duties to the Prisoner Review Board and would require the Prisoner Review Board, in granting parole or establishing conditions for postrelease supervision, to order the parolee or person on postrelease supervision to agree in writing to the new search provisions.

Finally, the bill requires any sex offender granted parole or placed on postrelease supervision to agree in writing to not possess pornographic materials. The bill defines "pornographic materials" and makes this provision retroactive to every sex offender on parole or postrelease supervision on July 1, 2012.