

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2085

By Committee on Corrections and Juvenile Justice

1-18

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to postrelease supervision; persons convicted of a sexually violent
3 crime; amending K.S.A. 2016 Supp. 22-3717 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 22-3717 is hereby amended to read as
8 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
9 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
10 21-4638 and 21-4642, prior to their repeal; K.S.A. 2016 Supp. 21-6617,
11 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
12 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
13 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
14 K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall be eligible for
15 parole after serving the entire minimum sentence imposed by the court,
16 less good time credits.

17 (b) (1) An inmate sentenced to imprisonment for life without the
18 possibility of parole pursuant to K.S.A. 2016 Supp. 21-6617, and
19 amendments thereto, shall not be eligible for parole.

20 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
21 their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623, 21-6624 and 21-
22 6625, and amendments thereto, an inmate sentenced to imprisonment for
23 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
24 be eligible for parole after serving 25 years of confinement, without
25 deduction of any good time credits; (B) murder in the first degree based
26 upon a finding of premeditated murder committed on or after July 1, 1994,
27 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
28 of confinement, without deduction of any good time credits; and (C)
29 murder in the first degree as described in K.S.A. 2016 Supp. 21-5402(a)
30 (2), and amendments thereto, committed on or after July 1, 2014, shall be
31 eligible for parole after serving 25 years of confinement, without
32 deduction of any good time credits.

33 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
34 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
35 21-4638, prior to their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623,
36 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to

1 imprisonment for an off-grid offense committed on or after July 1, 1993,
2 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
3 of confinement, without deduction of any good time credits and an inmate
4 sentenced to imprisonment for an off-grid offense committed on or after
5 July 1, 1999, shall be eligible for parole after serving 20 years of
6 confinement without deduction of any good time credits.

7 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
8 repeal, an inmate sentenced for a class A felony committed before July 1,
9 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
10 its repeal, or K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall
11 be eligible for parole after serving 15 years of confinement, without
12 deduction of any good time credits.

13 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
14 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
15 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
16 confinement without deduction of any good time credits.

17 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
18 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
19 thereto, committed on or after July 1, 2006, shall be eligible for parole
20 after serving the mandatory term of imprisonment without deduction of
21 any good time credits.

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

26 (A) The aggregate minimum sentences, as determined pursuant to
27 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2016 Supp. 21-6606, and
28 amendments thereto, less good time credits for those crimes which are not
29 class A felonies; and

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

32 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
33 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
34 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
35 eligible for parole after serving the mandatory term of imprisonment.

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

41 (A) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
43 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July

1 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
2 July 1, 2012, must serve 36 months on postrelease supervision.

3 (B) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
5 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
6 drug severity level 4 crimes committed on or after July 1, 2012, must serve
7 24 months on postrelease supervision.

8 (C) Except as provided in subparagraphs (D) and (E), persons
9 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
10 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
11 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
12 must serve 12 months on postrelease supervision.

13 (D) Persons sentenced to a term of imprisonment that includes a
14 sentence for ~~a sexually violent crime as defined in K.S.A. 22-3717, and~~
15 ~~amendments thereto, a sexually violent crime as defined in K.S.A. 22-~~
16 **3717, and amendments thereto, committed on or after July 1, 1993,**
17 **but prior to July 1, 2006,** a sexually motivated crime in which the
18 offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)
19 (vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523,
20 prior to its repeal, or K.S.A. 2016 Supp. 21-5509, and amendments
21 thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or
22 K.S.A. 2016 Supp. 21-5512, and amendments thereto, shall serve the
23 period of postrelease supervision as provided in subsections (d)(1)(A), (d)
24 (1)(B) or (d)(1)(C), plus the amount of good time and program credit
25 earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or
26 K.S.A. 2016 Supp. 21-6821, and amendments thereto, on postrelease
27 supervision.

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

32 (ii) If the sentencing judge departs from the presumptive postrelease
33 supervision period, the judge shall state on the record at the time of
34 sentencing the substantial and compelling reasons for the departure.
35 Departures in this section are subject to appeal pursuant to K.S.A. 21-
36 4721, prior to its repeal, or K.S.A. 2016 Supp. 21-6820, and amendments
37 thereto.

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

40 (a) Written briefs or oral arguments submitted by either the defendant
41 or the state;

42 (b) any evidence received during the proceeding;

43 (c) the presentence report, the victim's impact statement and any

1 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
2 4714(e), prior to its repeal, or K.S.A. 2016 Supp. 21-6813(e), and
3 amendments thereto; and

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

5 (iv) The sentencing judge may order that a psychological evaluation
6 be prepared and the recommended programming be completed by the
7 offender. The department of corrections or the prisoner review board shall
8 ensure that court ordered sex offender treatment be carried out.

9 (v) In carrying out the provisions of subsection (d)(1)(D), the court
10 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2016 Supp. 21-
11 6817, and amendments thereto.

12 (vi) Upon petition and payment of any restitution ordered pursuant to
13 K.S.A. 2016 Supp. 21-6604, and amendments thereto, the prisoner review
14 board may provide for early discharge from the postrelease supervision
15 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
16 court ordered programs and completion of the presumptive postrelease
17 supervision period, as determined by the crime of conviction, pursuant to
18 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
19 postrelease supervision is at the discretion of the board.

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

23 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
24 repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto, shall be
25 required to participate in a treatment program for sex offenders during the
26 postrelease supervision period.

27 (E) The period of postrelease supervision provided in subparagraphs
28 (A) and (B) may be reduced by up to 12 months and the period of
29 postrelease supervision provided in subparagraph (C) may be reduced by
30 up to six months based on the offender's compliance with conditions of
31 supervision and overall performance while on postrelease supervision. The
32 reduction in the supervision period shall be on an earned basis pursuant to
33 rules and regulations adopted by the secretary of corrections.

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

39 (G) *(i)* Except as provided in subsection (u), persons ~~convicted of~~
40 *sentenced to imprisonment for* a sexually violent crime committed on or
41 after July 1, 2006, *when the offender was 18 years of age or older*; and
42 who are released from prison, shall be released to a mandatory period of
43 postrelease supervision for the duration of the person's natural life.

1 (ii) *Persons sentenced to imprisonment for a sexually violent crime*
2 *committed on or after the effective date of this act, when the offender was*
3 *under 18 years of age, and who are released from prison, shall be released*
4 *to a mandatory period of postrelease supervision for 60 months, plus the*
5 *amount of good time and program credit earned and retained pursuant to*
6 *K.S.A. 21-4722, prior to its repeal, or K.S.A. 2016 Supp. 21-6821, and*
7 *amendments thereto.*

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

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

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

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

24 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp.
25 21-5503, and amendments thereto;

26 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
27 or K.S.A. 2016 Supp. 21-5506(a), and amendments thereto;

28 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
29 to its repeal, or K.S.A. 2016 Supp. 21-5506(b), and amendments thereto;

30 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
31 repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) and (a)(4), and amendments
32 thereto;

33 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
34 or K.S.A. 2016 Supp. 21-5504(b), and amendments thereto;

35 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
36 or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto;

37 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
38 to its repeal, or K.S.A. 2016 Supp. 21-5508(b), and amendments thereto;

39 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
40 or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

41 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
42 K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

43 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.

1 2016 Supp. 21-5604(b), and amendments thereto;

2 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
3 prior to its repeal, or K.S.A. 2016 Supp. 21-5426(b), and amendments
4 thereto, if committed in whole or in part for the purpose of the sexual
5 gratification of the defendant or another;

6 (L) commercial sexual exploitation of a child, as defined in K.S.A.
7 2016 Supp. 21-6422, and amendments thereto; or

8 (M) an attempt, conspiracy or criminal solicitation, as defined in
9 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016
10 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
11 sexually violent crime as defined in this section.

12 (6) As used in this subsection, "sexually motivated" means that one of
13 the purposes for which the defendant committed the crime was for the
14 purpose of the defendant's sexual gratification.

15 (e) If an inmate is sentenced to imprisonment for a crime committed
16 while on parole or conditional release, the inmate shall be eligible for
17 parole as provided by subsection (c), except that the prisoner review board
18 may postpone the inmate's parole eligibility date by assessing a penalty not
19 exceeding the period of time which could have been assessed if the
20 inmate's parole or conditional release had been violated for reasons other
21 than conviction of a crime.

22 (f) If a person is sentenced to prison for a crime committed on or after
23 July 1, 1993, while on probation, parole, conditional release or in a
24 community corrections program, for a crime committed prior to July 1,
25 1993, and the person is not eligible for retroactive application of the
26 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
27 4724, prior to its repeal, the new sentence shall not be aggregated with the
28 old sentence, but shall begin when the person is paroled or reaches the
29 conditional release date on the old sentence. If the offender was past the
30 offender's conditional release date at the time the new offense was
31 committed, the new sentence shall not be aggregated with the old sentence
32 but shall begin when the person is ordered released by the prisoner review
33 board or reaches the maximum sentence expiration date on the old
34 sentence, whichever is earlier. The new sentence shall then be served as
35 otherwise provided by law. The period of postrelease supervision shall be
36 based on the new sentence, except that those offenders whose old sentence
37 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
38 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
39 term of life imprisonment, for which there is no conditional release or
40 maximum sentence expiration date, shall remain on postrelease
41 supervision for life or until discharged from supervision by the prisoner
42 review board.

43 (g) Subject to the provisions of this section, the prisoner review board

1 may release on parole those persons confined in institutions who are
2 eligible for parole when: (1) The board believes that the inmate should be
3 released for hospitalization, deportation or to answer the warrant or other
4 process of a court and is of the opinion that there is reasonable probability
5 that the inmate can be released without detriment to the community or to
6 the inmate; or (2) the secretary of corrections has reported to the board in
7 writing that the inmate has satisfactorily completed the programs required
8 by any agreement entered under K.S.A. 75-5210a, and amendments
9 thereto, or any revision of such agreement, and the board believes that the
10 inmate is able and willing to fulfill the obligations of a law abiding citizen
11 and is of the opinion that there is reasonable probability that the inmate
12 can be released without detriment to the community or to the inmate.
13 Parole shall not be granted as an award of clemency and shall not be
14 considered a reduction of sentence or a pardon.

15 (h) The prisoner review board shall hold a parole hearing at least the
16 month prior to the month an inmate will be eligible for parole under
17 subsections (a), (b) and (c). At least one month preceding the parole
18 hearing, the county or district attorney of the county where the inmate was
19 convicted shall give written notice of the time and place of the public
20 comment sessions for the inmate to any victim of the inmate's crime who
21 is alive and whose address is known to the county or district attorney or, if
22 the victim is deceased, to the victim's family if the family's address is
23 known to the county or district attorney. Except as otherwise provided,
24 failure to notify pursuant to this section shall not be a reason to postpone a
25 parole hearing. In the case of any inmate convicted of an off-grid felony or
26 a class A felony, the secretary of corrections shall give written notice of the
27 time and place of the public comment session for such inmate at least one
28 month preceding the public comment session to any victim of such
29 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
30 amendments thereto. If notification is not given to such victim or such
31 victim's family in the case of any inmate convicted of an off-grid felony or
32 a class A felony, the board shall postpone a decision on parole of the
33 inmate to a time at least 30 days after notification is given as provided in
34 this section. Nothing in this section shall create a cause of action against
35 the state or an employee of the state acting within the scope of the
36 employee's employment as a result of the failure to notify pursuant to this
37 section. If granted parole, the inmate may be released on parole on the date
38 specified by the board, but not earlier than the date the inmate is eligible
39 for parole under subsections (a), (b) and (c). At each parole hearing and, if
40 parole is not granted, at such intervals thereafter as it determines
41 appropriate, the board shall consider: (1) Whether the inmate has
42 satisfactorily completed the programs required by any agreement entered
43 under K.S.A. 75-5210a, and amendments thereto, or any revision of such

1 agreement; and (2) all pertinent information regarding such inmate,
2 including, but not limited to, the circumstances of the offense of the
3 inmate; the presentence report; the previous social history and criminal
4 record of the inmate; the conduct, employment, and attitude of the inmate
5 in prison; the reports of such physical and mental examinations as have
6 been made, including, but not limited to, risk factors revealed by any risk
7 assessment of the inmate; comments of the victim and the victim's family
8 including in person comments, contemporaneous comments and
9 prerecorded comments made by any technological means; comments of
10 the public; official comments; any recommendation by the staff of the
11 facility where the inmate is incarcerated; proportionality of the time the
12 inmate has served to the sentence a person would receive under the Kansas
13 sentencing guidelines for the conduct that resulted in the inmate's
14 incarceration; and capacity of state correctional institutions.

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

25 (j) (1) Before ordering the parole of any inmate, the prisoner review
26 board shall have the inmate appear either in person or via a video
27 conferencing format and shall interview the inmate unless impractical
28 because of the inmate's physical or mental condition or absence from the
29 institution. Every inmate while on parole shall remain in the legal custody
30 of the secretary of corrections and is subject to the orders of the secretary.
31 Whenever the board formally considers placing an inmate on parole and
32 no agreement has been entered into with the inmate under K.S.A. 75-
33 5210a, and amendments thereto, the board shall notify the inmate in
34 writing of the reasons for not granting parole. If an agreement has been
35 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
36 has not satisfactorily completed the programs specified in the agreement,
37 or any revision of such agreement, the board shall notify the inmate in
38 writing of the specific programs the inmate must satisfactorily complete
39 before parole will be granted. If parole is not granted only because of a
40 failure to satisfactorily complete such programs, the board shall grant
41 parole upon the secretary's certification that the inmate has successfully
42 completed such programs. If an agreement has been entered under K.S.A.
43 75-5210a, and amendments thereto, and the secretary of corrections has

1 reported to the board in writing that the inmate has satisfactorily
2 completed the programs required by such agreement, or any revision
3 thereof, the board shall not require further program participation.
4 However, if the board determines that other pertinent information
5 regarding the inmate warrants the inmate's not being released on parole,
6 the board shall state in writing the reasons for not granting the parole. If
7 parole is denied for an inmate sentenced for a crime other than a class A or
8 class B felony or an off-grid felony, the board shall hold another parole
9 hearing for the inmate not later than one year after the denial unless the
10 board finds that it is not reasonable to expect that parole would be granted
11 at a hearing if held in the next three years or during the interim period of a
12 deferral. In such case, the board may defer subsequent parole hearings for
13 up to three years but any such deferral by the board shall require the board
14 to state the basis for its findings. If parole is denied for an inmate
15 sentenced for a class A or class B felony or an off-grid felony, the board
16 shall hold another parole hearing for the inmate not later than three years
17 after the denial unless the board finds that it is not reasonable to expect
18 that parole would be granted at a hearing if held in the next 10 years or
19 during the interim period of a deferral. In such case, the board may defer
20 subsequent parole hearings for up to 10 years, but any such deferral shall
21 require the board to state the basis for its findings.

22 (2) Inmates sentenced for a class A or class B felony who have not
23 had a board hearing in the five years prior to July 1, 2010, shall have such
24 inmates' cases reviewed by the board on or before July 1, 2012. Such
25 review shall begin with the inmates with the oldest deferral date and
26 progress to the most recent. Such review shall be done utilizing existing
27 resources unless the board determines that such resources are insufficient.
28 If the board determines that such resources are insufficient, then the
29 provisions of this paragraph are subject to appropriations therefor.

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

33 (2) Parolees and persons on postrelease supervision are, and shall
34 agree in writing to be, subject to searches of the person and the person's
35 effects, vehicle, residence and property by a parole officer or a department
36 of corrections enforcement, apprehension and investigation officer, at any
37 time of the day or night, with or without a search warrant and with or
38 without cause. Nothing in this subsection shall be construed to authorize
39 such officers to conduct arbitrary or capricious searches or searches for the
40 sole purpose of harassment.

41 (3) Parolees and persons on postrelease supervision are, and shall
42 agree in writing to be, subject to searches of the person and the person's
43 effects, vehicle, residence and property by any law enforcement officer

1 based on reasonable suspicion of the person violating conditions of parole
2 or postrelease supervision or reasonable suspicion of criminal activity. Any
3 law enforcement officer who conducts such a search shall submit a written
4 report to the appropriate parole officer no later than the close of the next
5 business day after such search. The written report shall include the facts
6 leading to such search, the scope of such search and any findings resulting
7 from such search.

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

16 (m) Whenever the prisoner review board orders the parole of an
17 inmate or establishes conditions for an inmate placed on postrelease
18 supervision, the board:

19 (1) Unless it finds compelling circumstances which would render a
20 plan of payment unworkable, shall order as a condition of parole or
21 postrelease supervision that the parolee or the person on postrelease
22 supervision pay any transportation expenses resulting from returning the
23 parolee or the person on postrelease supervision to this state to answer
24 criminal charges or a warrant for a violation of a condition of probation,
25 assignment to a community correctional services program, parole,
26 conditional release or postrelease supervision;

27 (2) to the extent practicable, shall order as a condition of parole or
28 postrelease supervision that the parolee or the person on postrelease
29 supervision make progress towards or successfully complete the
30 equivalent of a secondary education if the inmate has not previously
31 completed such educational equivalent and is capable of doing so;

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

36 (4) may order the parolee or person on postrelease supervision to pay
37 the administrative fee imposed pursuant to K.S.A. 22-4529, and
38 amendments thereto, unless the board finds compelling circumstances
39 which would render payment unworkable;

40 (5) unless it finds compelling circumstances which would render a
41 plan of payment unworkable, shall order that the parolee or person on
42 postrelease supervision reimburse the state for all or part of the
43 expenditures by the state board of indigents' defense services to provide

1 counsel and other defense services to the person. In determining the
2 amount and method of payment of such sum, the prisoner review board
3 shall take account of the financial resources of the person and the nature of
4 the burden that the payment of such sum will impose. Such amount shall
5 not exceed the amount claimed by appointed counsel on the payment
6 voucher for indigents' defense services or the amount prescribed by the
7 board of indigents' defense services reimbursement tables as provided in
8 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
9 previous payments for such services;

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

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

23 (n) If the court which sentenced an inmate specified at the time of
24 sentencing the amount and the recipient of any restitution ordered as a
25 condition of parole or postrelease supervision, the prisoner review board
26 shall order as a condition of parole or postrelease supervision that the
27 inmate pay restitution in the amount and manner provided in the journal
28 entry unless the board finds compelling circumstances which would render
29 a plan of restitution unworkable.

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

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

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

41 (r) An inmate who is allocated regular good time credits as provided
42 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
43 good time credits in increments of not more than 90 days per meritorious

1 act. These credits may be awarded by the secretary of corrections when an
2 inmate has acted in a heroic or outstanding manner in coming to the
3 assistance of another person in a life threatening situation, preventing
4 injury or death to a person, preventing the destruction of property or taking
5 actions which result in a financial savings to the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
34 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments
35 thereto, for crimes committed on or after July 1, 2006, shall be placed on
36 parole for life and shall not be discharged from supervision by the prisoner
37 review board. When the board orders the parole of an inmate pursuant to
38 this subsection, the board shall order as a condition of parole that the
39 inmate be electronically monitored for the duration of the inmate's natural
40 life.

41 (v) Whenever the prisoner review board orders a person to be
42 electronically monitored pursuant to this section, or the court orders a
43 person to be electronically monitored pursuant to K.S.A. 2016 Supp. 21-

1 6604(r), and amendments thereto, the board shall order the person to
2 reimburse the state for all or part of the cost of such monitoring. In
3 determining the amount and method of payment of such sum, the board
4 shall take account of the financial resources of the person and the nature of
5 the burden that the payment of such sum will impose.

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

11 (A) As used in this subsection, "pornographic materials" means any
12 obscene material or performance depicting sexual conduct, sexual contact
13 or a sexual performance; and any visual depiction of sexually explicit
14 conduct.

15 (B) As used in this subsection, all other terms have the meanings
16 provided by K.S.A. 2016 Supp. 21-5510, and amendments thereto.

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

22 Sec. 2. K.S.A. 2016 Supp. 22-3717 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the Kansas register.