

HOUSE BILL No. 2213

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to the parole board; relating to postrelease supervision of sexually
3 violent offenders; amending K.S.A. 2010 Supp. 22-3717 and repealing
4 the existing section; also repealing K.S.A. 2010 Supp. 22-3717c.
5

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

7 Section 1. K.S.A. 2010 Supp. 22-3717 is hereby amended to read as
8 follows: 22-3717. (a) Except as otherwise provided by this section;
9 K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through
10 21-4638, *prior to their repeal*; K.S.A. 21-4624, *prior to its repeal*; K.S.A.
11 21-4642, *prior to its repeal*; sections 260, 263, 264 and 265 of chapter
12 136 of the 2010 Session Laws of Kansas, and amendments thereto; K.S.A.
13 8-1567, and amendments thereto; ~~K.S.A. 21-4642 section 266 of chapter~~
14 ~~136 of the 2010 Session Laws of Kansas, and amendments thereto; and~~
15 ~~K.S.A. 21-4624 section 257 of chapter 136 of the 2010 Session Laws of~~
16 *Kansas, and amendments thereto, an inmate, including an inmate*
17 *sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or section 276*
18 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
19 *thereto, shall be eligible for parole after serving the entire minimum*
20 *sentence imposed by the court, less good time credits.*

21 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638,
22 *prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136*
23 *of the 2010 Session Laws of Kansas, and amendments thereto, an inmate*
24 *sentenced to imprisonment for the crime of capital murder, or an inmate*
25 *sentenced for the crime of murder in the first degree based upon a finding*
26 *of premeditated murder, committed on or after July 1, 1994, shall be*
27 *eligible for parole after serving 25 years of confinement, without*
28 *deduction of any good time credits.*

29 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
30 Supp. 21-4628, prior to its repeal, ~~and~~ K.S.A. 21-4635 through 21-4638,
31 *prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136*
32 *of the 2010 Session Laws of Kansas, and amendments thereto, an inmate*
33 *sentenced to imprisonment for an off-grid offense committed on or after*
34 *July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after*
35 *serving 15 years of confinement, without deduction of any good time*
36 *credits and an inmate sentenced to imprisonment for an off-grid offense*

1 committed on or after July 1, 1999, shall be eligible for parole after
2 serving 20 years of confinement without deduction of any good time
3 credits.

4 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its
5 repeal, an inmate sentenced for a class A felony committed before July 1,
6 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior to*
7 *its repeal, or section 276 of chapter 136 of the 2010 Session Laws of*
8 *Kansas*, and amendments thereto, shall be eligible for parole after
9 serving 15 years of confinement, without deduction of any good time
10 credits.

11 (4) An inmate sentenced to imprisonment for a violation of
12 subsection (a) of K.S.A. 21-3402, *prior to its repeal, or subsection (a) of*
13 *section 38 of chapter 136 of the 2010 Session Laws of Kansas*, and
14 amendments thereto, committed on or after July 1, 1996, but prior to July
15 1, 1999, shall be eligible for parole after serving 10 years of confinement
16 without deduction of any good time credits.

17 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
18 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
19 *Session Laws of Kansas*, and amendments thereto, committed on or after
20 July 1, 2006, shall be eligible for parole after serving the mandatory term
21 of imprisonment without deduction of any good time credits.

22 (c) (1) Except as provided in subsection (e), if an inmate is
23 sentenced 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 section 246 of chapter 136 of the*
28 *2010 Session Laws of Kansas*, and amendments thereto, less good time
29 credits for those crimes which are not 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) (A) If an inmate is sentenced to imprisonment pursuant to K.S.A.
33 21-4643, ~~and amendments thereto~~ *prior to its repeal*, for crimes
34 committed on or after July 1, 2006, *but prior to July 1, 2011*, the inmate
35 shall be eligible for parole after serving the mandatory term of
36 imprisonment.

37 (B) *If an inmate is sentenced to imprisonment pursuant to section*
38 *267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
39 *thereto, for crimes committed on or after July 1, 2011, the inmate shall be*
40 *eligible for parole after serving the mandatory term of imprisonment.*

41 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
42 committed on or after July 1, 1993, or persons subject to subparagraph
43 (G), will not be eligible for parole, but will be released to a mandatory

1 period of postrelease supervision upon completion of the prison portion
2 of their sentence as follows:

3 (A) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity level 1 through 4 crimes and drug severity
5 levels 1 and 2 crimes must serve 36 months, plus the amount of good
6 time and program credit earned and retained pursuant to K.S.A. 21-4722,
7 *prior to its repeal, or section 302 of chapter 136 of the 2010 Session*
8 *Laws of Kansas*, and amendments thereto, on postrelease supervision.

9 (B) Except as provided in subparagraphs (D) and (E), persons
10 sentenced for nondrug severity levels 5 and 6 crimes and drug severity
11 level 3 crimes must serve 24 months, plus the amount of good time and
12 program credit earned and retained pursuant to K.S.A. 21-4722, *prior to*
13 *its repeal, or section 302 of chapter 136 of the 2010 Session Laws of*
14 *Kansas*, and amendments thereto, on postrelease supervision.

15 (C) Except as provided in subparagraphs (D) and (E), persons
16 sentenced for nondrug severity level 7 through 10 crimes and drug
17 severity level 4 crimes must serve 12 months, plus the amount of good
18 time and program credit earned and retained pursuant to K.S.A. 21-4722,
19 *prior to its repeal, or section 302 of chapter 136 of the 2010 Session*
20 *Laws of Kansas*, and amendments thereto, on postrelease supervision.

21 (D) (i) The sentencing judge shall impose the postrelease
22 supervision period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)
23 (1)(C), unless the judge finds substantial and compelling reasons to
24 impose a departure based upon a finding that the current crime of
25 conviction was sexually motivated. In that event, departure may be
26 imposed to extend the postrelease supervision to a period of up to 60
27 months.

28 (ii) If the sentencing judge departs from the presumptive postrelease
29 supervision period, the judge shall state on the record at the time of
30 sentencing the substantial and compelling reasons for the departure.
31 Departures in this section are subject to appeal pursuant to K.S.A. 21-
32 4721, *prior to its repeal, or section 301 of chapter 136 of the 2010*
33 *Session Laws of Kansas*, and amendments thereto.

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

36 (a) Written briefs or oral arguments submitted by either the
37 defendant or the state;

38 (b) any evidence received during the proceeding;

39 (c) the presentence report, the victim's impact statement and any
40 psychological evaluation as ordered by the court pursuant to subsection
41 (e) of K.S.A. 21-4714, *prior to its repeal, or subsection (e) of section 294*
42 *of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
43 thereto; and

- 1 (d) any other evidence the court finds trustworthy and reliable.
- 2 (iv) The sentencing judge may order that a psychological evaluation
3 be prepared and the recommended programming be completed by the
4 offender. The department of corrections or the parole board shall ensure
5 that court ordered sex offender treatment be carried out.
- 6 (v) In carrying out the provisions of subparagraph (d)(1)(D), the
7 court shall refer to K.S.A. 21-4718, *prior to its repeal, or section 298 of*
8 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments
9 thereto.
- 10 (vi) Upon petition, the parole board may provide for early discharge
11 from the postrelease supervision period upon completion of court ordered
12 programs and completion of the presumptive postrelease supervision
13 period, as determined by the crime of conviction, pursuant to
14 subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
15 postrelease supervision is at the discretion of the parole board.
- 16 (vii) Persons convicted of crimes deemed sexually violent or
17 sexually motivated, shall be registered according to the offender
18 registration act, K.S.A. 22-4901 through 22-4910, and amendments
19 thereto.
- 20 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, *prior to their*
21 *repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas*,
22 and amendments thereto, shall be required to participate in a treatment
23 program for sex offenders during the postrelease supervision period.
- 24 (E) The period of postrelease supervision provided in subparagraphs
25 (A) and (B) may be reduced by up to 12 months and the period of
26 postrelease supervision provided in subparagraph (C) may be reduced by
27 up to six months based on the offender's compliance with conditions of
28 supervision and overall performance while on postrelease supervision.
29 The reduction in the supervision period shall be on an earned basis
30 pursuant to rules and regulations adopted by the secretary of corrections.
- 31 (F) In cases where sentences for crimes from more than one severity
32 level have been imposed, the offender shall serve the longest period of
33 postrelease supervision as provided by this section available for any
34 crime upon which sentence was imposed irrespective of the severity level
35 of the crime. Supervision periods will not aggregate.
- 36 (G) Except as provided in subsection (u), persons convicted of a
37 sexually violent crime committed on or after July 1, 2006, and who are
38 released from prison, shall be released to a mandatory period of
39 postrelease supervision for the duration of the person's natural life: *unless*
40 *the court finds substantial and compelling reasons to impose a term of*
41 *not less than 60 months but less than such person's natural life.*
- 42 (i) *A person subject to lifetime postrelease supervision pursuant to*
43 *this subsection may file a motion requesting that lifetime postrelease*

1 supervision be terminated. Such person shall not file such motion until
2 such person has served 60 months of such person's lifetime postrelease
3 supervision.

4 (ii) At the hearing the court may consider any evidence relevant to
5 such person's danger to the public. If the court determines that such
6 person has proven by clear and convincing evidence that such person's
7 lifetime postrelease supervision is no longer necessary to protect the
8 public, the court may grant such motion and release such person from
9 such supervision or order any term of postrelease supervision the court
10 finds necessary to protect the public.

11 (iii) If such motion is denied after such hearing, such person shall
12 not file a subsequent motion for termination of lifetime postrelease
13 supervision until five years from the date of such denial.

14 (iv) Persons sentenced to lifetime postrelease supervision pursuant
15 to this subsection on or after July 1, 2006 may file a motion seeking
16 release from lifetime postrelease supervision, but such person shall not
17 file such motion until such person has served 60 months of such person's
18 lifetime postrelease supervision.

19 (2) As used in this section, "sexually violent crime" means:

20 (A) Rape, K.S.A. 21-3502, prior to its repeal, or section 67 of
21 chapter 136 of the 2010 Session Laws of Kansas, and amendments
22 thereto;

23 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its
24 repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session
25 Laws of Kansas, and amendments thereto;

26 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
27 to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010
28 Session Laws of Kansas, and amendments thereto;

29 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-
30 3505, prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of
31 chapter 136 of the 2010 Session Laws of Kansas, and amendments
32 thereto;

33 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
34 or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws
35 of Kansas, and amendments thereto;

36 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its
37 repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session
38 Laws of Kansas, and amendments thereto;

39 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511,
40 prior to its repeal, or subsection (b) of section 72 of chapter 136 of the
41 2010 Session Laws of Kansas, and amendments thereto;

42 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its
43 repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas,

1 and amendments thereto;

2 (I) aggravated sexual battery, K.S.A. 21-3518, *prior to its repeal, or*
3 *subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of*
4 *Kansas*, and amendments thereto;

5 (J) aggravated incest, K.S.A. 21-3603, *prior to its repeal, or*
6 *subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of*
7 *Kansas*, and amendments thereto; or

8 (K) 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 sections*
10 *33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas*, and
11 amendments thereto, of a sexually violent crime as defined in this section.

12 "Sexually motivated" means that one of the purposes for which the
13 defendant committed the crime was for the purpose of the defendant's
14 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 Kansas parole board
18 may postpone the inmate's parole eligibility date by assessing a penalty
19 not 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
23 after 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*, and amendments thereto, the new sentence shall
28 not be aggregated with the old sentence, but shall begin when the person
29 is paroled or reaches the conditional release date on the old sentence. If
30 the offender was past the offender's conditional release date at the time
31 the new offense was committed, the new sentence shall not be aggregated
32 with the old sentence but shall begin when the person is ordered released
33 by the Kansas parole board or reaches the maximum sentence expiration
34 date on the old sentence, whichever is earlier. The new sentence shall
35 then be served as otherwise provided by law. The period of postrelease
36 supervision shall be based on the new sentence, except that those
37 offenders whose old sentence is a term of imprisonment for life, imposed
38 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an
39 indeterminate sentence with a maximum term of life imprisonment, for
40 which there is no conditional release or maximum sentence expiration
41 date, shall remain on postrelease supervision for life or until discharged
42 from supervision by the Kansas parole board.

43 (g) Subject to the provisions of this section, the Kansas parole 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, for deportation or to answer the warrant or
4 other process of a court and is of the opinion that there is reasonable
5 probability that the inmate can be released without detriment to the
6 community or to the inmate; or (2) the secretary of corrections has
7 reported to the board in writing that the inmate has satisfactorily
8 completed the programs required by any agreement entered under K.S.A.
9 75-5210a, and amendments thereto, or any revision of such agreement,
10 and the board believes that the inmate is able and willing to fulfill the
11 obligations of a law abiding citizen and is of the opinion that there is
12 reasonable probability that the inmate can be released without detriment
13 to the community or to the inmate. Parole shall not be granted as an
14 award of clemency and shall not be considered a reduction of sentence or
15 a pardon.

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

1 any agreement entered under K.S.A. 75-5210a, and amendments thereto,
2 or any revision of such agreement; and (2) all pertinent information
3 regarding such inmate, including, but not limited to, the circumstances of
4 the offense of the inmate; the presentence report; the previous social
5 history and criminal record of the inmate; the conduct, employment, and
6 attitude of the inmate in prison; the reports of such physical and mental
7 examinations as have been made, including, but not limited to, risk
8 factors revealed by any risk assessment of the inmate; comments of the
9 victim and the victim's family including in person comments,
10 contemporaneous comments and prerecorded comments made by any
11 technological means; comments of the public; official comments; any
12 recommendation by the staff of the facility where the inmate is
13 incarcerated; proportionality of the time the inmate has served to the
14 sentence a person would receive under the Kansas sentencing guidelines
15 for the conduct that resulted in the inmate's incarceration; and capacity of
16 state correctional institutions.

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

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

1 successfully completed such programs. If an agreement has been entered
2 under K.S.A. 75-5210a, and amendments thereto, and the secretary of
3 corrections has reported to the board in writing that the inmate has
4 satisfactorily completed the programs required by such agreement, or any
5 revision thereof, the board shall not require further program participation.
6 However, if the board determines that other pertinent information
7 regarding the inmate warrants the inmate's not being released on parole,
8 the board shall state in writing the reasons for not granting the parole. If
9 parole is denied for an inmate sentenced for a crime other than a class A
10 or class B felony or an off-grid felony, the board shall hold another parole
11 hearing for the inmate not later than one year after the denial unless the
12 parole board finds that it is not reasonable to expect that parole would be
13 granted at a hearing if held in the next three years or during the interim
14 period of a deferral. In such case, the parole board may defer subsequent
15 parole hearings for up to three years but any such deferral by the board
16 shall require the board to state the basis for its findings. If parole is
17 denied for an inmate sentenced for a class A or class B felony or an off-
18 grid felony, the board shall hold another parole hearing for the inmate not
19 later than three years after the denial unless the parole board finds that it
20 is not reasonable to expect that parole would be granted at a hearing if
21 held in the next 10 years or during the interim period of a deferral. In
22 such case, the parole board may defer subsequent parole hearings for up
23 to 10 years but any such deferral shall require the board to state the basis
24 for its findings.

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

34 (k) Parolees and persons on postrelease supervision shall be
35 assigned, upon release, to the appropriate level of supervision pursuant to
36 the criteria established by the secretary of corrections.

37 (l) The Kansas parole board shall adopt rules and regulations in
38 accordance with K.S.A. 77-415 et seq., and amendments thereto, not
39 inconsistent with the law and as it may deem proper or necessary, with
40 respect to the conduct of parole hearings, postrelease supervision reviews,
41 revocation hearings, orders of restitution, reimbursement of expenditures
42 by the state board of indigents' defense services and other conditions to
43 be imposed upon parolees or releasees. Whenever an order for parole or

1 postrelease supervision is issued it shall recite the conditions thereof.

2 (m) Whenever the Kansas parole board orders the parole of an
3 inmate or establishes conditions for an inmate placed on postrelease
4 supervision, the board:

5 (1) Unless it finds compelling circumstances which would render a
6 plan of payment unworkable, shall order as a condition of parole or
7 postrelease supervision that the parolee or the person on postrelease
8 supervision pay any transportation expenses resulting from returning the
9 parolee or the person on postrelease supervision to this state to answer
10 criminal charges or a warrant for a violation of a condition of probation,
11 assignment to a community correctional services program, parole,
12 conditional release or postrelease supervision;

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

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

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

26 (5) unless it finds compelling circumstances which would render a
27 plan of payment unworkable, shall order that the parolee or person on
28 postrelease supervision reimburse the state for all or part of the
29 expenditures by the state board of indigents' defense services to provide
30 counsel and other defense services to the person. In determining the
31 amount and method of payment of such sum, the parole board shall take
32 account of the financial resources of the person and the nature of the
33 burden that the payment of such sum will impose. Such amount shall not
34 exceed the amount claimed by appointed counsel on the payment voucher
35 for indigents' defense services or the amount prescribed by the board of
36 indigents' defense services reimbursement tables as provided in K.S.A.
37 22-4522, and amendments thereto, whichever is less, minus any previous
38 payments for such services.

39 (n) If the court which sentenced an inmate specified at the time of
40 sentencing the amount and the recipient of any restitution ordered as a
41 condition of parole or postrelease supervision, the Kansas parole board
42 shall order as a condition of parole or postrelease supervision that the
43 inmate pay restitution in the amount and manner provided in the journal

1 entry unless the board finds compelling circumstances which would
2 render a plan of restitution unworkable.

3 (o) Whenever the Kansas parole board grants the parole of an
4 inmate, the board, within ~~40~~ 14 days of the date of the decision to grant
5 parole, shall give written notice of the decision to the county or district
6 attorney of the county where the inmate was sentenced.

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

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

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

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

24 (t) For offenders sentenced prior to the effective date of this act who
25 are eligible for modification of their postrelease supervision obligation,
26 the department of corrections shall modify the period of postrelease
27 supervision as provided for by this section for offenders convicted of
28 severity level 9 and 10 crimes on the sentencing guidelines grid for
29 nondrug crimes and severity level 4 crimes on the sentencing guidelines
30 grid for drug crimes on or before September 1, 2000; for offenders
31 convicted of severity level 7 and 8 crimes on the sentencing guidelines
32 grid for nondrug crimes on or before November 1, 2000; and for
33 offenders convicted of severity level 5 and 6 crimes on the sentencing
34 guidelines grid for nondrug crimes and severity level 3 crimes on the
35 sentencing guidelines grid for drug crimes on or before January 1, 2001.

36 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
37 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
38 *Session Laws of Kansas*, and amendments thereto, for crimes committed
39 on or after July 1, 2006, shall be placed on parole for life and shall not be
40 discharged from supervision by the Kansas parole board. When the board
41 orders the parole of an inmate pursuant to this subsection, the board shall
42 order as a condition of parole that the inmate be electronically monitored
43 for the duration of the inmate's natural life.

1 (v) Whenever the Kansas parole board or the court orders a person
2 to be electronically monitored, the board or court shall order the person to
3 reimburse the state for all or part of the cost of such monitoring. In
4 determining the amount and method of payment of such sum, the board
5 or court shall take account of the financial resources of the person and the
6 nature of the burden that the payment of such sum will impose.

7 Sec. 2. K.S.A. 2010 Supp. 22-3717 and 22-3717c are hereby
8 repealed.

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

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