

HOUSE BILL No. 2717

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; house arrest; electronic monitoring; secretary of
3 corrections; alternative incarceration credit; amending K.S.A. 2017
4 Supp. 21-6603, 21-6604, 21-6607, 21-6609 and 21-6821 and repealing
5 the existing sections.
6

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

8 Section 1. K.S.A. 2017 Supp. 21-6603 is hereby amended to read as
9 follows: 21-6603. As used in K.S.A. 2017 Supp. 21-6601 through 21-
10 6616, 21-6702 through 21-6712, and 21-6801 through 21-6805, and
11 amendments thereto:

12 (a) "Court" means any court having jurisdiction and power to
13 sentence offenders for violations of the laws of this state;

14 (b) "community correctional services program" means a program
15 which operates under the community corrections act and to which a
16 defendant is assigned for supervision, confinement, detention, care or
17 treatment, subject to conditions imposed by the court. A defendant
18 assigned to a community correctional services program shall be subject to
19 the continuing jurisdiction of the court and in no event shall be considered
20 to be in the custody of or under the supervision of the secretary of
21 corrections;

22 (c) "correctional institution" means any correctional institution
23 established by the state for the confinement of offenders, and under control
24 of the secretary of corrections;

25 (d) ~~"house arrest" is an individualized program in which the freedom~~
26 ~~of an inmate is restricted within the community, home or noninstitutional~~
27 ~~residential placement and specific sanctions are imposed and enforced.~~
28 ~~"House arrest" may include:~~

29 (1) ~~Electronic monitoring which requires a transmitter to be worn by~~
30 ~~the defendant or inmate which broadcasts an encoded signal to the receiver~~
31 ~~located in the defendant's or inmate's home. The receiver is connected to a~~
32 ~~central office computer and is notified of any absence of the defendant or~~
33 ~~inmate; or~~

34 (2) ~~voice identification encoder which consists of an encoder worn by~~
35 ~~the defendant or inmate. A computer is programmed to randomly call the~~
36 ~~defendant or inmate and such defendant or inmate is required to provide~~

1 ~~voice identification and then insert the encoder into the verifier box,~~
2 ~~confirming identity;~~

3 (e) "parole" means the release of a prisoner to the community by the
4 prisoner review board prior to the expiration of such prisoner's term,
5 subject to conditions imposed by the board and to the secretary of
6 correction's supervision. Parole also means the release by a court of
7 competent jurisdiction of a person confined in the county jail or other local
8 place of detention after conviction and prior to expiration of such person's
9 term, subject to conditions imposed by the court and its supervision.
10 Where a court or other authority has filed a warrant against the prisoner,
11 the prisoner review board or paroling court may release the prisoner on
12 parole to answer the warrant of such court or authority;

13 (f) (e) "postrelease supervision," for crimes committed on or after
14 July 1, 1993, means the same as in K.S.A. 2017 Supp. 21-6803, and
15 amendments thereto;

16 (g) (f) "probation" means a procedure under which a defendant,
17 convicted of a crime, is released by the court after imposition of sentence,
18 without imprisonment except as provided in felony cases, subject to
19 conditions imposed by the court and subject to the supervision of the
20 probation service of the court or community corrections. In felony cases,
21 the court may include confinement in a county jail not to exceed 60 days,
22 which need not be served consecutively, as a condition of an original
23 probation sentence and up to 60 days in a county jail upon each revocation
24 of the probation sentence pursuant to ~~subsection (b)(3) of~~ K.S.A. 2017
25 Supp. 21-6702(b)(3), and amendments thereto; and

26 (h) (g) "suspension of sentence" means a procedure under which a
27 defendant, convicted of a crime, is released by the court without
28 imposition of sentence. The release may be with or without supervision in
29 the discretion of the court. In felony cases, the court may include
30 confinement in a county jail not to exceed 60 days, which need not be
31 served consecutively, as a condition of suspension of sentence pursuant to
32 ~~subsection (b)(4) of~~ K.S.A. 2017 Supp. 21-6702(b)(4), and amendments
33 thereto.

34 Sec. 2. K.S.A. 2017 Supp. 21-6604 is hereby amended to read as
35 follows: 21-6604. (a) Whenever any person has been found guilty of a
36 crime, the court may adjudge any of the following:

37 (1) Commit the defendant to the custody of the secretary of
38 corrections if the current crime of conviction is a felony and the sentence
39 presumes imprisonment, or the sentence imposed is a dispositional
40 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
41 for the term provided by law;

42 (2) impose the fine applicable to the offense and may impose the
43 provisions of subsection (q);

1 (3) release the defendant on probation if the current crime of
2 conviction and criminal history fall within a presumptive nonprison
3 category or through a departure for substantial and compelling reasons
4 subject to such conditions as the court may deem appropriate. In felony
5 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2017
6 Supp. 8-1025, and amendments thereto, the court may include
7 confinement in a county jail not to exceed 60 days, which need not be
8 served consecutively, as a condition of an original probation sentence;

9 (4) assign the defendant to a community correctional services
10 program as provided in K.S.A. 75-5291, and amendments thereto, or
11 through a departure for substantial and compelling reasons subject to such
12 conditions as the court may deem appropriate, including orders requiring
13 full or partial restitution;

14 (5) assign the defendant to a conservation camp for a period not to
15 exceed six months as a condition of probation followed by a six-month
16 period of follow-up through adult intensive supervision by a community
17 correctional services program, if the offender successfully completes the
18 conservation camp program;

19 (6) assign the defendant to ~~a house arrest~~ *an electronic monitoring*
20 program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto;

21 (7) order the defendant to attend and satisfactorily complete an
22 alcohol or drug education or training program as provided by K.S.A. 2017
23 Supp. 21-6602(c), and amendments thereto;

24 (8) order the defendant to repay the amount of any reward paid by
25 any crime stoppers chapter, individual, corporation or public entity which
26 materially aided in the apprehension or conviction of the defendant; repay
27 the amount of any costs and expenses incurred by any law enforcement
28 agency in the apprehension of the defendant, if one of the current crimes
29 of conviction of the defendant includes escape from custody or aggravated
30 escape from custody, as defined in K.S.A. 2017 Supp. 21-5911, and
31 amendments thereto; repay expenses incurred by a fire district, fire
32 department or fire company responding to a fire which has been
33 determined to be arson or aggravated arson as defined in K.S.A. 2017
34 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
35 such crime; repay the amount of any public funds utilized by a law
36 enforcement agency to purchase controlled substances from the defendant
37 during the investigation which leads to the defendant's conviction; or repay
38 the amount of any medical costs and expenses incurred by any law
39 enforcement agency or county. Such repayment of the amount of any such
40 costs and expenses incurred by a county, law enforcement agency, fire
41 district, fire department or fire company or any public funds utilized by a
42 law enforcement agency shall be deposited and credited to the same fund
43 from which the public funds were credited to prior to use by the county,

1 law enforcement agency, fire district, fire department or fire company;

2 (9) order the defendant to pay the administrative fee authorized by
3 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

4 (10) order the defendant to pay a domestic violence special program
5 fee authorized by K.S.A. 20-369, and amendments thereto;

6 (11) if the defendant is convicted of a misdemeanor or convicted of a
7 felony specified in K.S.A. 2017 Supp. 21-6804(i), and amendments
8 thereto, assign the defendant to work release program, other than a
9 program at a correctional institution under the control of the secretary of
10 corrections as defined in K.S.A. 75-5202, and amendments thereto,
11 provided such work release program requires such defendant to return to
12 confinement at the end of each day in the work release program. On a
13 second or subsequent conviction of K.S.A. 8-1567, and amendments
14 thereto, an offender placed into a work release program shall serve the
15 total number of hours of confinement mandated by that section;

16 (12) order the defendant to pay the full amount of unpaid costs
17 associated with the conditions of release of the appearance bond under
18 K.S.A. 22-2802, and amendments thereto;

19 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
20 (7), (8), (9), (10), (11) and (12); or

21 (14) suspend imposition of sentence in misdemeanor cases.

22 (b) (1) In addition to or in lieu of any of the above, the court shall
23 order the defendant to pay restitution, which shall include, but not be
24 limited to, damage or loss caused by the defendant's crime, unless the
25 court finds compelling circumstances which would render a plan of
26 restitution unworkable. In regard to a violation of K.S.A. 2017 Supp. 21-
27 6107, and amendments thereto, such damage or loss shall include, but not
28 be limited to, attorney fees and costs incurred to repair the credit history or
29 rating of the person whose personal identification documents were
30 obtained and used in violation of such section, and to satisfy a debt, lien or
31 other obligation incurred by the person whose personal identification
32 documents were obtained and used in violation of such section. In regard
33 to a violation of K.S.A. 2017 Supp. 21-5801, 21-5807 or 21-5813, and
34 amendments thereto, such damage or loss shall include the cost of repair or
35 replacement of the property that was damaged, the reasonable cost of any
36 loss of production, crops and livestock, reasonable labor costs of any kind,
37 reasonable material costs of any kind and any reasonable costs that are
38 attributed to equipment that is used to abate or repair the damage to the
39 property. If the court finds a plan of restitution unworkable, the court shall
40 state on the record in detail the reasons therefor.

41 (2) If the court orders restitution, the restitution shall be a judgment
42 against the defendant which may be collected by the court by garnishment
43 or other execution as on judgments in civil cases. If, after 60 days from the

1 date restitution is ordered by the court, a defendant is found to be in
2 noncompliance with the plan established by the court for payment of
3 restitution, and the victim to whom restitution is ordered paid has not
4 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
5 amendments thereto, the court shall assign an agent procured by the
6 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
7 collect the restitution on behalf of the victim. The chief judge of each
8 judicial district may assign such cases to an appropriate division of the
9 court for the conduct of civil collection proceedings.

10 (c) In addition to or in lieu of any of the above, the court shall order
11 the defendant to submit to and complete an alcohol and drug evaluation,
12 and pay a fee therefor, when required by K.S.A. 2017 Supp. 21-6602(d),
13 and amendments thereto.

14 (d) In addition to any of the above, the court shall order the defendant
15 to reimburse the county general fund for all or a part of the expenditures
16 by the county to provide counsel and other defense services to the
17 defendant. Any such reimbursement to the county shall be paid only after
18 any order for restitution has been paid in full. In determining the amount
19 and method of payment of such sum, the court shall take account of the
20 financial resources of the defendant and the nature of the burden that
21 payment of such sum will impose. A defendant who has been required to
22 pay such sum and who is not willfully in default in the payment thereof
23 may at any time petition the court which sentenced the defendant to waive
24 payment of such sum or any unpaid portion thereof. If it appears to the
25 satisfaction of the court that payment of the amount due will impose
26 manifest hardship on the defendant or the defendant's immediate family,
27 the court may waive payment of all or part of the amount due or modify
28 the method of payment.

29 (e) In releasing a defendant on probation, the court shall direct that
30 the defendant be under the supervision of a court services officer. If the
31 court commits the defendant to the custody of the secretary of corrections
32 or to jail, the court may specify in its order the amount of restitution to be
33 paid and the person to whom it shall be paid if restitution is later ordered
34 as a condition of parole, conditional release or postrelease supervision.

35 (f) (1) When a new felony is committed while the offender is
36 incarcerated and serving a sentence for a felony, or while the offender is on
37 probation, assignment to a community correctional services program,
38 parole, conditional release or postrelease supervision for a felony, a new
39 sentence shall be imposed consecutively pursuant to the provisions of
40 K.S.A. 2017 Supp. 21-6606, and amendments thereto, and the court may
41 sentence the offender to imprisonment for the new conviction, even when
42 the new crime of conviction otherwise presumes a nonprison sentence. In
43 this event, imposition of a prison sentence for the new crime does not

1 constitute a departure.

2 (2) When a new felony is committed during a period of time during
3 which the defendant would have been on probation, assignment to a
4 community correctional services program, parole, conditional release or
5 postrelease supervision for a felony had the defendant not been granted
6 release by the court pursuant to K.S.A. 2017 Supp. 21-6608(d), and
7 amendments thereto, or the prisoner review board pursuant to K.S.A. 22-
8 3717, and amendments thereto, the court may sentence the offender to
9 imprisonment for the new conviction, even when the new crime of
10 conviction otherwise presumes a nonprison sentence. In this event,
11 imposition of a prison sentence for the new crime does not constitute a
12 departure.

13 (3) When a new felony is committed while the offender is
14 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
15 prior to its repeal, or K.S.A. 2017 Supp. 38-2373, and amendments
16 thereto, for an offense, which if committed by an adult would constitute
17 the commission of a felony, upon conviction, the court shall sentence the
18 offender to imprisonment for the new conviction, even when the new
19 crime of conviction otherwise presumes a nonprison sentence. In this
20 event, imposition of a prison sentence for the new crime does not
21 constitute a departure. The conviction shall operate as a full and complete
22 discharge from any obligations, except for an order of restitution, imposed
23 on the offender arising from the offense for which the offender was
24 committed to a juvenile correctional facility.

25 (4) When a new felony is committed while the offender is on release
26 for a felony pursuant to the provisions of article 28 of chapter 22 of the
27 Kansas Statutes Annotated, and amendments thereto, or similar provisions
28 of the laws of another jurisdiction, a new sentence may be imposed
29 consecutively pursuant to the provisions of K.S.A. 2017 Supp. 21-6606,
30 and amendments thereto, and the court may sentence the offender to
31 imprisonment for the new conviction, even when the new crime of
32 conviction otherwise presumes a nonprison sentence. In this event,
33 imposition of a prison sentence for the new crime does not constitute a
34 departure.

35 (g) Prior to imposing a dispositional departure for a defendant whose
36 offense is classified in the presumptive nonprison grid block of either
37 sentencing guideline grid, prior to sentencing a defendant to incarceration
38 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
39 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
40 of the sentencing guidelines grid for drug crimes committed prior to July
41 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
42 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
43 sentencing a defendant to incarceration whose offense is classified in grid

1 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
2 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
3 the sentencing guidelines grid for drug crimes committed on or after July
4 1, 2012, and whose offense does not meet the requirements of K.S.A. 2017
5 Supp. 21-6824, and amendments thereto, prior to revocation of a
6 nonprison sanction of a defendant whose offense is classified in grid
7 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
8 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
9 the sentencing guidelines grid for drug crimes committed on or after July
10 1, 2012, and whose offense does not meet the requirements of K.S.A. 2017
11 Supp. 21-6824, and amendments thereto, or prior to revocation of a
12 nonprison sanction of a defendant whose offense is classified in the
13 presumptive nonprison grid block of either sentencing guideline grid or
14 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
15 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
16 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
17 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
18 crimes committed on or after July 1, 2012, the court shall consider
19 placement of the defendant in the Labette correctional conservation camp,
20 conservation camps established by the secretary of corrections pursuant to
21 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
22 sanction center. Pursuant to this subsection the defendant shall not be
23 sentenced to imprisonment if space is available in a conservation camp or
24 community intermediate sanction center and the defendant meets all of the
25 conservation camp's or community intermediate sanction center's
26 placement criteria unless the court states on the record the reasons for not
27 placing the defendant in a conservation camp or community intermediate
28 sanction center.

29 (h) In committing a defendant to the custody of the secretary of
30 corrections, the court shall fix a term of confinement within the limits
31 provided by law. In those cases where the law does not fix a term of
32 confinement for the crime for which the defendant was convicted, the
33 court shall fix the term of such confinement.

34 (i) In addition to any of the above, the court shall order the defendant
35 to reimburse the state general fund for all or part of the expenditures by the
36 state board of indigents' defense services to provide counsel and other
37 defense services to the defendant. In determining the amount and method
38 of payment of such sum, the court shall take account of the financial
39 resources of the defendant and the nature of the burden that payment of
40 such sum will impose. A defendant who has been required to pay such sum
41 and who is not willfully in default in the payment thereof may at any time
42 petition the court which sentenced the defendant to waive payment of such
43 sum or any unpaid portion thereof. If it appears to the satisfaction of the

1 court that payment of the amount due will impose manifest hardship on the
2 defendant or the defendant's immediate family, the court may waive
3 payment of all or part of the amount due or modify the method of
4 payment. The amount of attorney fees to be included in the court order for
5 reimbursement shall be the amount claimed by appointed counsel on the
6 payment voucher for indigents' defense services or the amount prescribed
7 by the board of indigents' defense services reimbursement tables as
8 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

9 (j) This section shall not deprive the court of any authority conferred
10 by any other Kansas statute to decree a forfeiture of property, suspend or
11 cancel a license, remove a person from office or impose any other civil
12 penalty as a result of conviction of crime.

13 (k) An application for or acceptance of probation or assignment to a
14 community correctional services program shall not constitute an
15 acquiescence in the judgment for purpose of appeal, and any convicted
16 person may appeal from such conviction, as provided by law, without
17 regard to whether such person has applied for probation, suspended
18 sentence or assignment to a community correctional services program.

19 (l) The secretary of corrections is authorized to make direct
20 placement to the Labette correctional conservation camp or a conservation
21 camp established by the secretary pursuant to K.S.A. 75-52,127, and
22 amendments thereto, of an inmate sentenced to the secretary's custody if
23 the inmate:

24 (1) Has been sentenced to the secretary for a probation revocation, as
25 a departure from the presumptive nonimprisonment grid block of either
26 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I
27 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks
28 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
29 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
30 the sentencing guidelines grid for drug crimes committed on or after July
31 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of
32 the sentencing guidelines grid for drug crimes committed prior to July 1,
33 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines
34 grid for drug crimes committed on or after July 1, 2012, and such offense
35 does not meet the requirements of K.S.A. 2017 Supp. 21-6824, and
36 amendments thereto; and

37 (2) otherwise meets admission criteria of the camp.

38 If the inmate successfully completes a conservation camp program, the
39 secretary of corrections shall report such completion to the sentencing
40 court and the county or district attorney. The inmate shall then be assigned
41 by the court to six months of follow-up supervision conducted by the
42 appropriate community corrections services program. The court may also
43 order that supervision continue thereafter for the length of time authorized

1 by K.S.A. 2017 Supp. 21-6608, and amendments thereto.

2 (m) When it is provided by law that a person shall be sentenced
3 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions
4 of this section shall not apply.

5 (n) (1) Except as provided by K.S.A. 2017 Supp. 21-6630 and 21-
6 6805(f), and amendments thereto, in addition to any of the above, for
7 felony violations of K.S.A. 2017 Supp. 21-5706, and amendments thereto,
8 the court shall require the defendant who meets the requirements
9 established in K.S.A. 2017 Supp. 21-6824, and amendments thereto, to
10 participate in a certified drug abuse treatment program, as provided in
11 K.S.A. 2017 Supp. 75-52,144, and amendments thereto, including, but not
12 limited to, an approved after-care plan. The amount of time spent
13 participating in such program shall not be credited as service on the
14 underlying prison sentence.

15 (2) If the defendant fails to participate in or has a pattern of
16 intentional conduct that demonstrates the defendant's refusal to comply
17 with or participate in the treatment program, as established by judicial
18 finding, the defendant shall be subject to sanction or revocation pursuant
19 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
20 defendant's probation is revoked, the defendant shall serve the underlying
21 prison sentence as established in K.S.A. 2017 Supp. 21-6805, and
22 amendments thereto.

23 (A) Except as provided in subsection (n)(2)(B), for those offenders
24 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon
25 completion of the underlying prison sentence, the offender shall not be
26 subject to a period of postrelease supervision.

27 (B) Offenders whose crime of conviction was committed on or after
28 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-
29 3716(c), and amendments thereto, or whose underlying prison term expires
30 while serving a sanction pursuant to K.S.A. 22-3716(c)(1)(C) or (c)(1)(D),
31 and amendments thereto, shall serve a period of postrelease supervision
32 upon the completion of the underlying prison term.

33 (o) (1) Except as provided in paragraph (3), in addition to any other
34 penalty or disposition imposed by law, upon a conviction for unlawful
35 possession of a controlled substance or controlled substance analog in
36 violation of K.S.A. 2017 Supp. 21-5706, and amendments thereto, in
37 which the trier of fact makes a finding that the unlawful possession
38 occurred while transporting the controlled substance or controlled
39 substance analog in any vehicle upon a highway or street, the offender's
40 driver's license or privilege to operate a motor vehicle on the streets and
41 highways of this state shall be suspended for one year.

42 (2) Upon suspension of a license pursuant to this subsection, the court
43 shall require the person to surrender the license to the court, which shall

1 transmit the license to the division of motor vehicles of the department of
2 revenue, to be retained until the period of suspension expires. At that time,
3 the licensee may apply to the division for return of the license. If the
4 license has expired, the person may apply for a new license, which shall be
5 issued promptly upon payment of the proper fee and satisfaction of other
6 conditions established by law for obtaining a license unless another
7 suspension or revocation of the person's privilege to operate a motor
8 vehicle is in effect.

9 (3) (A) In lieu of suspending the driver's license or privilege to
10 operate a motor vehicle on the highways of this state of any person as
11 provided in paragraph (1), the judge of the court in which such person was
12 convicted may enter an order which places conditions on such person's
13 privilege of operating a motor vehicle on the highways of this state, a
14 certified copy of which such person shall be required to carry any time
15 such person is operating a motor vehicle on the highways of this state. Any
16 such order shall prescribe the duration of the conditions imposed, which in
17 no event shall be for a period of more than one year.

18 (B) Upon entering an order restricting a person's license hereunder,
19 the judge shall require such person to surrender such person's driver's
20 license to the judge who shall cause it to be transmitted to the division of
21 vehicles, together with a copy of the order. Upon receipt thereof, the
22 division of vehicles shall issue without charge a driver's license which
23 shall indicate on its face that conditions have been imposed on such
24 person's privilege of operating a motor vehicle and that a certified copy of
25 the order imposing such conditions is required to be carried by the person
26 for whom the license was issued any time such person is operating a motor
27 vehicle on the highways of this state. If the person convicted is a
28 nonresident, the judge shall cause a copy of the order to be transmitted to
29 the division and the division shall forward a copy of it to the motor vehicle
30 administrator of such person's state of residence. Such judge shall furnish
31 to any person whose driver's license has had conditions imposed on it
32 under this paragraph a copy of the order, which shall be recognized as a
33 valid Kansas driver's license until such time as the division shall issue the
34 restricted license provided for in this paragraph.

35 (C) Upon expiration of the period of time for which conditions are
36 imposed pursuant to this subsection, the licensee may apply to the division
37 for the return of the license previously surrendered by such licensee. In the
38 event such license has expired, such person may apply to the division for a
39 new license, which shall be issued immediately by the division upon
40 payment of the proper fee and satisfaction of the other conditions
41 established by law, unless such person's privilege to operate a motor
42 vehicle on the highways of this state has been suspended or revoked prior
43 thereto. If any person shall violate any of the conditions imposed under

1 this paragraph, such person's driver's license or privilege to operate a
2 motor vehicle on the highways of this state shall be revoked for a period of
3 not less than 60 days nor more than one year by the judge of the court in
4 which such person is convicted of violating such conditions.

5 (4) As used in this subsection, "highway" and "street" mean the same
6 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

7 (p) In addition to any of the above, for any criminal offense that
8 includes the domestic violence designation pursuant to K.S.A. 2017 Supp.
9 22-4616, and amendments thereto, the court shall require the defendant to:

10 (1) Undergo a domestic violence offender assessment conducted by a
11 certified batterer intervention program; and (2) follow all
12 recommendations made by such program, unless otherwise ordered by the
13 court or the department of corrections. The court may order a domestic
14 violence offender assessment and any other evaluation prior to sentencing
15 if the assessment or evaluation would assist the court in determining an
16 appropriate sentence. The entity completing the assessment or evaluation
17 shall provide the assessment or evaluation and recommendations to the
18 court and the court shall provide the domestic violence offender
19 assessment to any entity responsible for supervising such defendant. A
20 defendant ordered to undergo a domestic violence offender assessment
21 shall be required to pay for the assessment and, unless otherwise ordered
22 by the court or the department of corrections, for completion of all
23 recommendations.

24 (q) In imposing a fine, the court may authorize the payment thereof in
25 installments. In lieu of payment of any fine imposed, the court may order
26 that the person perform community service specified by the court. The
27 person shall receive a credit on the fine imposed in an amount equal to \$5
28 for each full hour spent by the person in the specified community service.
29 The community service ordered by the court shall be required to be
30 performed by the later of one year after the fine is imposed or one year
31 after release from imprisonment or jail, or by an earlier date specified by
32 the court. If by the required date the person performs an insufficient
33 amount of community service to reduce to zero the portion of the fine
34 required to be paid by the person, the remaining balance shall become due
35 on that date. If conditional reduction of any fine is rescinded by the court
36 for any reason, then pursuant to the court's order the person may be
37 ordered to perform community service by one year after the date of such
38 rescission or by an earlier date specified by the court. If by the required
39 date the person performs an insufficient amount of community service to
40 reduce to zero the portion of the fine required to be paid by the person, the
41 remaining balance of the fine shall become due on that date. All credits for
42 community service shall be subject to review and approval by the court.

43 (r) In addition to any other penalty or disposition imposed by law, for

1 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
2 prior to its repeal, or K.S.A. 2017 Supp. 21-6627, and amendments
3 thereto, for crimes committed on or after July 1, 2006, the court shall order
4 that the defendant be electronically monitored upon release from
5 imprisonment for the duration of the defendant's natural life and that the
6 defendant shall reimburse the state for all or part of the cost of such
7 monitoring as determined by the prisoner review board.

8 (s) Whenever the court has released the defendant on probation
9 pursuant to subsection (a)(3), the defendant's supervising court services
10 officer, with the concurrence of the chief court services officer, may
11 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),
12 and amendments thereto, without further order of the court, unless:

13 (1) The court has specifically withheld this authority in its sentencing
14 order; or

15 (2) the defendant, after being apprised of the right to a revocation
16 hearing before the court pursuant to K.S.A. 22-3716(b), and amendments
17 thereto, refuses to waive such right.

18 (t) Whenever the court has assigned the defendant to a community
19 correctional services program pursuant to subsection (a)(4), the defendant's
20 community corrections officer, with the concurrence of the community
21 corrections director, may impose the violation sanctions as provided in
22 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
23 of the court unless:

24 (1) The court has specifically withheld this authority in its sentencing
25 order; or

26 (2) the defendant, after being apprised of the right to a revocation
27 hearing before the court pursuant to K.S.A. 22-3716(b), and amendments
28 thereto, refuses to waive such right.

29 Sec. 3. K.S.A. 2017 Supp. 21-6607 is hereby amended to read as
30 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
31 section shall be construed to limit the authority of the court to impose or
32 modify any general or specific conditions of probation, suspension of
33 sentence or assignment to a community correctional services program. The
34 court services officer or community correctional services officer may
35 recommend, and the court may order, the imposition of any conditions of
36 probation, suspension of sentence or assignment to a community
37 correctional services program. For crimes committed on or after July 1,
38 1993, in presumptive nonprison cases, the court services officer or
39 community correctional services officer may recommend, and the court
40 may order, the imposition of any conditions of probation or assignment to
41 a community correctional services program. The court may at any time
42 order the modification of such conditions, after notice to the court services
43 officer or community correctional services officer and an opportunity for

1 such officer to be heard thereon. The court shall cause a copy of any such
 2 order to be delivered to the court services officer and the probationer or to
 3 the community correctional services officer and the community corrections
 4 participant, as the case may be. The provisions of K.S.A. 75-5291, and
 5 amendments thereto, shall be applicable to any assignment to a community
 6 correctional services program pursuant to this section.

7 (b) The court may impose any conditions of probation, suspension of
 8 sentence or assignment to a community correctional services program that
 9 the court deems proper, including, but not limited to, requiring that the
 10 defendant:

11 (1) Avoid such injurious or vicious habits, as directed by the court,
 12 court services officer or community correctional services officer;

13 (2) avoid such persons or places of disreputable or harmful character,
 14 as directed by the court, court services officer or community correctional
 15 services officer;

16 (3) report to the court services officer or community correctional
 17 services officer as directed;

18 (4) permit the court services officer or community correctional
 19 services officer to visit the defendant at home or elsewhere;

20 (5) work faithfully at suitable employment insofar as possible;

21 (6) remain within the state unless the court grants permission to
 22 leave;

23 (7) pay a fine or costs, applicable to the offense, in one or several
 24 sums and in the manner as directed by the court;

25 (8) support the defendant's dependents;

26 (9) reside in a residential facility located in the community and
 27 participate in educational, counseling, work and other correctional or
 28 rehabilitative programs;

29 (10) perform community or public service work for local
 30 governmental agencies, private corporations organized not for profit, or
 31 charitable or social service organizations performing services for the
 32 community;

33 (11) perform services under a system of day fines whereby the
 34 defendant is required to satisfy fines, costs or reparation or restitution
 35 obligations by performing services for a period of days, determined by the
 36 court on the basis of ability to pay, standard of living, support obligations
 37 and other factors;

38 (12) participate in ~~a house arrest~~ *an electronic monitoring* program
 39 pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto;

40 (13) order the defendant to pay the administrative fee authorized by
 41 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

42 (14) in felony cases, except for violations of K.S.A. 8-1567, and
 43 amendments thereto, be confined in a county jail not to exceed 60 days,

1 which need not be served consecutively.

2 (c) In addition to any other conditions of probation, suspension of
3 sentence or assignment to a community correctional services program, the
4 court shall order the defendant to comply with each of the following
5 conditions:

6 (1) The defendant shall obey all laws of the United States, the state of
7 Kansas and any other jurisdiction to the laws of which the defendant may
8 be subject;

9 (2) make reparation or restitution to the aggrieved party for the
10 damage or loss caused by the defendant's crime, in an amount and manner
11 determined by the court and to the person specified by the court, unless the
12 court finds compelling circumstances which would render a plan of
13 restitution unworkable. If the court finds a plan of restitution unworkable,
14 the court shall state on the record in detail the reasons therefore;

15 (3) (A) pay a correctional supervision fee of \$60 if the person was
16 convicted of a misdemeanor or a fee of \$120 if the person was convicted
17 of a felony. In any case the amount of the correctional supervision fee
18 specified by this paragraph may be reduced or waived by the judge if the
19 person is unable to pay that amount;

20 (B) the correctional supervision fee imposed by this paragraph shall
21 be charged and collected by the district court. The clerk of the district
22 court shall remit all revenues received under this paragraph from
23 correctional supervision fees to the state treasurer in accordance with the
24 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
25 each such remittance, the state treasurer shall deposit the entire amount in
26 the state treasury to the credit of the state general fund, a sum equal to
27 41.67% of such remittance, and to the correctional supervision fund, a sum
28 equal to 58.33% of such remittance;

29 (C) this paragraph shall apply to persons placed on felony or
30 misdemeanor probation or released on misdemeanor parole to reside in
31 Kansas and supervised by Kansas court services officers under the
32 interstate compact for offender supervision; and

33 (D) this paragraph shall not apply to persons placed on probation or
34 released on parole to reside in Kansas under the uniform act for out-of-
35 state parolee supervision;

36 (4) reimburse the state general fund for all or a part of the
37 expenditures by the state board of indigents' defense services to provide
38 counsel and other defense services to the defendant. In determining the
39 amount and method of payment of such sum, the court shall take account
40 of the financial resources of the defendant and the nature of the burden that
41 payment of such sum will impose. A defendant who has been required to
42 pay such sum and who is not willfully in default in the payment thereof
43 may at any time petition the court which sentenced the defendant to waive

1 payment of such sum or of any unpaid portion thereof. If it appears to the
2 satisfaction of the court that payment of the amount due will impose
3 manifest hardship on the defendant or the defendant's immediate family,
4 the court may waive payment of all or part of the amount due or modify
5 the method of payment. The amount of attorney fees to be included in the
6 court order for reimbursement shall be the amount claimed by appointed
7 counsel on the payment voucher for indigents' defense services or the
8 amount prescribed by the board of indigents' defense services
9 reimbursement tables as provided in K.S.A. 22-4522, and amendments
10 thereto, whichever is less;

11 (5) be subject to searches of the defendant's person, effects, vehicle,
12 residence and property by a court services officer, a community
13 correctional services officer and any other law enforcement officer based
14 on reasonable suspicion of the defendant violating conditions of probation
15 or criminal activity; and

16 (6) be subject to random, but reasonable, tests for drug and alcohol
17 consumption as ordered by a court services officer or community
18 correctional services officer.

19 (d) Any law enforcement officer conducting a search pursuant to
20 subsection (c)(5) shall submit a written report to the appropriate court
21 services officer or community correctional services officer no later than
22 the close of the next business day after such search. The written report
23 shall include the facts leading to such search, the scope of such search and
24 any findings resulting from such search.

25 (e) There is hereby established in the state treasury the correctional
26 supervision fund. All moneys credited to the correctional supervision fund
27 shall be used for: (1) The implementation of and training for use of a
28 statewide, mandatory, standardized risk assessment tool or instrument as
29 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-
30 5291, and amendments thereto; (2) the implementation of and training for
31 use of a statewide, mandatory, standardized risk assessment tool or
32 instrument for juveniles adjudicated to be juvenile offenders; and (3)
33 evidence-based adult and juvenile offender supervision programs by
34 judicial branch personnel. If all expenditures for the program have been
35 paid and moneys remain in the correctional supervision fund for a fiscal
36 year, remaining moneys may be expended from the correctional
37 supervision fund to support adult and juvenile offender supervision by
38 court services officers. All expenditures from the correctional supervision
39 fund shall be made in accordance with appropriation acts upon warrants of
40 the director of accounts and reports issued pursuant to vouchers approved
41 by the chief justice of the Kansas supreme court or by a person or persons
42 designated by the chief justice.

43 Sec. 4. K.S.A. 2017 Supp. 21-6609 is hereby amended to read as

1 follows: 21-6609. (a) The court or the secretary of corrections may
 2 implement ~~a house arrest~~ *an electronic monitoring* program for defendants
 3 or inmates being sentenced by the court or in the custody of the secretary
 4 of corrections, or as a sanction for offenders who have failed to comply
 5 with the conditions of probation, parole or postrelease supervision, ~~except~~
 6 *only as provided in this section.*

7 (1) ~~No~~ *A* defendant shall *not* be placed by the court under ~~house arrest~~
 8 *an electronic monitoring program* if found guilty of:

9 (A) Any crime designated as a class A or B felony in article 34 or 35
 10 of the Kansas Statutes Annotated, prior to their repeal;

11 (B) ~~subsection (b) of~~ K.S.A. 2017 Supp. 21-5604(b), and
 12 amendments thereto;

13 (C) K.S.A. 2017 Supp. 21-5602, and amendments thereto;

14 (D) any off-grid felony; or

15 (E) any nondrug crime ranked in severity levels 1 through 5 ~~or any~~
 16 ~~felony ranked in severity levels 1 through 3 of the drug grid, unless the~~
 17 ~~offender has been sentenced to probation;~~ 3.

18 (2) *Except as otherwise provided in this section, a defendant shall be*
 19 *placed by the court under an electronic monitoring program:*

20 (A) *For failing to comply with the conditions of probation; or*

21 (B) *if found guilty of any felony ranked in severity level 4 or 5 of the*
 22 *drug grid.*

23 (3) ~~no~~ *An* inmate shall *not* be placed under ~~house arrest~~ *an electronic*
 24 *monitoring program* if:

25 (A) Such inmate's security status is greater than minimum security; or

26 ~~(B) no inmate shall be placed under house arrest who~~ *such inmate*
 27 *has been denied parole by the prisoner review board within the last six*
 28 *months. Any inmate who, while participating in the* ~~house arrest~~ *electronic*
 29 *monitoring program, is denied parole by the prisoner review board shall be*
 30 *allowed to remain under* ~~house arrest~~ *the program* until the completion of
 31 the sentence or until the inmate is otherwise removed from the program.

32 (b) At the time of placement of ~~an inmate under house arrest~~ *a person*
 33 *under an electronic monitoring program*, the court, secretary or ~~house~~
 34 ~~arrest~~ *electronic monitoring program* staff shall provide written
 35 notification *of such placement* to the sheriff and district or county attorney
 36 of the county in which ~~any such person under house arrest~~ is to be placed
 37 and to the chief law enforcement officer of any incorporated city or town
 38 in which such person is to be placed ~~of the placement of the person under~~
 39 ~~house arrest within the county or incorporated city or town.~~

40 (c) ~~House arrest~~ *Electronic monitoring program* sanctions shall be
 41 administered by the court and the secretary of corrections, respectively,
 42 through rules and regulations, and may include, but are not limited to,
 43 *restrictions through geofencing, rehabilitative restitution in money or in*

1 kind, curfew, revocation or suspension of the driver's license, community
 2 service, deprivation of nonessential activities or privileges, or other
 3 appropriate restraints on the inmate's liberty.

4 ~~(d)~~ Upon placement in ~~a house arrest~~ *an electronic monitoring*
 5 program, the court, secretary or ~~house arrest~~ *electronic monitoring*
 6 program staff shall inform the offender, and any other people residing with
 7 such offender, of the nature and extent of such ~~house arrest monitoring~~
 8 program, and shall obtain the written agreement of such offender to
 9 comply with all requirements of the program.

10 ~~(e)~~ The offender shall remain within the property boundaries of the
 11 offender's residence at all times during the term of house arrest, except as
 12 provided under the house arrest agreement with such offender.

13 ~~(f)~~ The offender shall allow any law enforcement officer, community
 14 corrections officer, court services officer or duly authorized agent of the
 15 department of corrections, to enter such offender's residence at any time to
 16 verify the offender's compliance with the conditions of the ~~house release~~
 17 *electronic monitoring program*.

18 ~~(g)~~ ~~(f)~~ As a condition of ~~house arrest~~ *an electronic monitoring*
 19 program, the court or secretary may require an offender placed under
 20 house arrest the program to pay any supervision costs associated with the
 21 house arrest program.

22 ~~(h)~~ ~~(g)~~ The offender shall consent to be monitored by:

- 23 (1) An electronic monitoring device on such offender's person;
- 24 (2) an electronic monitoring device in such offender's home;
- 25 (3) a remote blood alcohol monitoring device;
- 26 (4) a home telephone verification procedure;
- 27 (5) radio frequency devices; or
- 28 (6) any combination of monitoring methods as the court, secretary or
 29 ~~house arrest~~ *electronic monitoring program* staff finds necessary.

30 ~~(i)~~ ~~(h)~~ The secretary or the court may contract for independent
 31 *electronic* monitoring services. Such independent *electronic* monitoring
 32 service shall be able to provide monitoring 24 hours a day, every day of
 33 the year, and any other services as determined by the secretary or the court.

34 ~~(j)~~ ~~(i)~~ An offender violating the provisions of K.S.A. 8-1567, and
 35 amendments thereto, if placed under ~~house arrest~~ *an electronic monitoring*
 36 program, shall be monitored by an electronic monitoring device, which
 37 verifies the offender's location. On a second or subsequent conviction of
 38 K.S.A. 8-1567, and amendments thereto, an offender placed under ~~house~~
 39 ~~arrest~~ *an electronic monitoring program* shall serve the total number of
 40 hours of confinement mandated by that section.

41 ~~(k)~~ ~~(j)~~ As used in this section:

42 (1) "~~House arrest~~ *Electronic monitoring program* staff" means an
 43 independent contractor or government entity, and agents thereof, utilized

1 by the secretary or court to administer the provisions of a ~~house arrest~~ *an*
2 *electronic monitoring* program;

3 (2) "electronic monitoring device" means *a monitoring device*
4 *attached to the offender's ankle that shall:*

5 ~~(A) An active or passive global positioning system-enabled device~~
6 ~~capable of recording and transmitting an offender's location at all times or~~
7 ~~at designated intervals. Such monitoring device may record or transmit~~
8 ~~sound, visual images or other information regarding such offender's~~
9 ~~location, via wireless communication; or~~ *Provide continuous verification*
10 *of the offender's location through a global positioning system;*

11 ~~(B) a radio frequency device capable of monitoring an offender's~~
12 ~~location; and provide two-way and three-way voice calling to the offender;~~

13 ~~(C) be equipped with a secure ankle cuff that shall trigger an alarm if~~
14 ~~tampered with or removed; and~~

15 ~~(D) be continuously monitored by a 24-hour call center capable of~~
16 ~~alerting the appropriate authorities of alarms;~~

17 (3) "remote alcohol monitoring device" means a device capable of
18 monitoring an offender's blood alcohol content via micro fuel cell or deep
19 lung tissue sample. Such monitoring devices shall be of comparable
20 accuracy to roadside breath alcohol testing devices utilized by law
21 enforcement, and shall have wireless or landline telephone transmission
22 capabilities. Such device may be used in conjunction with an alcohol and
23 drug-sensing bracelet to monitor such offender's compliance with the
24 terms of ~~house arrest~~ *an electronic monitoring program; and*

25 (4) "geofencing" means *the use of global positioning technology to*
26 *create a virtual geographic boundary restricting an offender's movements*
27 *and enabling the software to trigger an alarm when an electronic*
28 *monitoring device enters or leaves a particular predetermined area.*

29 Sec. 5. K.S.A. 2017 Supp. 21-6821 is hereby amended to read as
30 follows: 21-6821. (a) The secretary of corrections is hereby authorized to
31 adopt rules and regulations providing for a system of good time
32 calculations. Such rules and regulations shall provide circumstances upon
33 which an inmate may earn good time credits and for the forfeiture of
34 earned credits. Such circumstances may include factors related to program
35 and work participation and conduct and the inmate's willingness to
36 examine and confront past behavioral patterns that resulted in the
37 commission of the inmate's crimes.

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

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

42 (2) the amount of good time ~~which~~ *that* can be earned by an inmate
43 and subtracted from any sentence is limited to:

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

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

6 (C) for a drug severity level 3 or 4 crime committed on or after
7 January 1, 2008, but prior to July 1, 2012, or a drug severity level 3
8 through 5 crime committed on or after July 1, 2012, an amount equal to
9 20% of the prison part of the sentence.

10 (c) The postrelease supervision term of a person sentenced to a term
11 of imprisonment that includes a sentence for a sexually violent crime as
12 defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated
13 crime in which the offender has been ordered to register pursuant to
14 K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic
15 solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2017 Supp. 21-
16 5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-
17 3520, prior to its repeal, or K.S.A. 2017 Supp. 21-5512, and amendments
18 thereto, shall have any time ~~which~~ *that* is earned and subtracted from the
19 prison part of such sentence and any other consecutive or concurrent
20 sentence pursuant to good time calculation added to such inmate's
21 postrelease supervision term.

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

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

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

29 (3) testified falsely or otherwise submitted false evidence or
30 information to the court;

31 (4) attempted to create or obtain a false affidavit, testimony or
32 evidence; or

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

34 (e) (1) For purposes of determining release of an inmate who is
35 serving only a sentence for a nondrug severity level 4 through 10 crime or
36 a drug severity level 3 or 4 crime committed on or after January 1, 2008,
37 but prior to July 1, 2012, or an inmate who is serving only a sentence for a
38 nondrug severity level 4 through 10 crime or a drug severity level 3
39 through 5 crime committed on or after July 1, 2012, the secretary of
40 corrections is hereby authorized to adopt rules and regulations regarding
41 program credit calculations. Such rules and regulations shall provide
42 circumstances upon which an inmate may earn program credits and for the
43 forfeiture of earned credits and such circumstances may include factors

1 substantially related to program participation and conduct. In addition to
2 any good time credits earned and retained, the following shall apply with
3 regard to program credit calculations:

4 (A) A system shall be developed whereby program credits may be
5 earned by inmates for the successful completion of requirements for a
6 general education diploma, a technical or vocational training program, a
7 substance abuse treatment program or any other program designated by the
8 secretary ~~which~~ *that* has been shown to reduce offenders' risk after release;
9 and

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

13 (2) Any time ~~which~~ *that* is earned and subtracted from the prison part
14 of the sentence of any inmate pursuant to program credit calculation shall
15 not be added to such inmate's postrelease supervision term, if applicable,
16 except that the postrelease supervision term of a person sentenced to a
17 term of imprisonment that includes a sentence for a sexually violent crime
18 as defined in K.S.A. 22-3717, and amendments thereto, a sexually
19 motivated crime in which the offender has been ordered to register
20 pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto,
21 electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2017
22 Supp. 21-5509, and amendments thereto, or unlawful sexual relations,
23 K.S.A. 21-3520, prior to its repeal, or K.S.A. 2017 Supp. 21-5512, and
24 amendments thereto, shall have any time ~~which~~ *that* is earned and
25 subtracted from the prison part of such sentence and any other consecutive
26 or concurrent sentence pursuant to program credit calculation added to
27 such inmate's postrelease supervision term.

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

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

35 (5) The secretary of corrections shall report to the Kansas sentencing
36 commission and the Kansas reentry policy council the data on the program
37 credit calculations.

38 (f) *On or before July 1, 2019, the secretary of corrections shall adopt*
39 *rules and regulations providing for a system of calculating alternative*
40 *incarceration credit. Such rules and regulations shall provide*
41 *circumstances upon which an inmate may earn alternative incarceration*
42 *credit and for the forfeiture of earned credit. Such circumstances may*
43 *include factors related to program and work participation and conduct*

1 *and the inmate's willingness to examine and confront past behavioral*
 2 *patterns that resulted in the commission of the inmate's crimes. The*
 3 *amount of time that can be earned and retained by an inmate as*
 4 *alternative incarceration credit is limited to not more than 30% of the*
 5 *prison part of the sentence.*

6 (g) *On or before July 1, 2019, the secretary shall adopt rules and*
 7 *regulations providing for a system allowing any inmate who is determined*
 8 *to be low risk by use of a standardized risk assessment tool or instrument*
 9 *specified by the Kansas sentencing commission to petition the prisoner*
 10 *review board to be approved for alternative incarceration. An inmate who*
 11 *makes a petition to the prisoner review board and does not have a risk*
 12 *assessment on a standardized risk assessment tool shall be assessed and*
 13 *assigned a risk level within 30 days after the inmate's petition is filed.*

14 (h) (1) *An inmate who earns alternative incarceration credit pursuant*
 15 *to subsection (f) shall serve the time credited pursuant to subsection (f) at*
 16 *the end of such inmate's sentence in an electronic monitoring program*
 17 *pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto.*

18 (2) *An inmate who has a petition approved by the prisoner review*
 19 *board pursuant to subsection (g) shall serve the remainder of such*
 20 *inmate's sentence in an electronic monitoring program pursuant to K.S.A.*
 21 *2017 Supp. 21-6609, and amendments thereto.*

22 (3) *Any time that is served in an electronic monitoring program*
 23 *pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, as*
 24 *provided in this section, shall not be added to an inmate's postrelease*
 25 *supervision term, if applicable.*

26 (i) *The state of Kansas, the secretary of corrections and the secretary's*
 27 *agents or employees shall not be liable for damages caused by any*
 28 *negligent or wrongful act or omission in making the good time—and,*
 29 *program credit or alternative incarceration credit calculations—authorized*
 30 *by this section.*

31 ~~(g) (1) The secretary of corrections shall make the good time and~~
 32 ~~program credit calculations authorized by section 1 of chapter 54 of the~~
 33 ~~2015 Session Laws of Kansas no later than January 1, 2016.~~

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

37 ~~(h) (j)~~ *The amendments to this section by this act and by section 1 of*
 38 *chapter 54 of the 2015 session laws of Kansas and this act shall be*
 39 *construed and applied retroactively.*

40 Sec. 6. K.S.A. 2017 Supp. 21-6603, 21-6604, 21-6607, 21-6609 and
 41 21-6821 are hereby repealed.

42 Sec. 7. This act shall take effect and be in force from and after its
 43 publication in the statute book.