

HOUSE BILL No. 2658

By Committee on Corrections and Juvenile Justice

2-9

Proposed Amendments to HB 2658 - law enforcement report
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 17, 2022

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; conditions of probation or suspended sentence; replacing
3 the list of standard conditions of probation and allowing for special
4 conditions to be imposed; amending K.S.A. 2021 Supp. 21-6607 and
5 repealing the existing section.
6

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

8 Section 1. K.S.A. 2021 Supp. 21-6607 is hereby amended to read as
9 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
10 section shall be construed to limit the authority of the court to impose or
11 modify any ~~general or specific~~ *special* conditions of probation, suspension
12 of sentence or assignment to a community correctional services program.
13 The court services officer or community correctional services officer may
14 recommend, and the court may order, the imposition of any *special*
15 conditions of probation, suspension of sentence or assignment to a
16 community correctional services program. For crimes committed on or
17 after July 1, 1993, in presumptive nonprison cases, the court services
18 officer or community correctional services officer may recommend, and
19 the court may order, the imposition of any *special* conditions of probation
20 or assignment to a community correctional services program. The court
21 may at any time order the modification of such *special* conditions, after
22 notice to the court services officer or community correctional services
23 officer and an opportunity for such officer to be heard thereon. The court
24 shall cause a copy of any such order to be delivered to the court services
25 officer and the probationer or to the community correctional services
26 officer and the community corrections participant, as the case may be. The
27 provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable
28 to any assignment to a community correctional services program pursuant
29 to this section.

30 (b) The court may impose any *special* conditions of probation,
31 suspension of sentence or assignment to a community correctional services
32 program that the court deems proper, ~~including, but not limited to,~~ *In*
33 *addition to any special conditions of supervision, the court shall impose*
34 *the following general conditions of supervision* requiring that the
35 defendant:

36 ~~(1) Avoid such injurious or vicious habits, as directed by the court,~~

- 1 (3) not use, purchase or possess a dangerous weapon, including a
- 2 firearm, if the defendant has been convicted of a felony or is otherwise
- 3 prohibited by law from possessing such dangerous weapon;
- 4 (4) report to the defendant's supervision officer as directed and be
- 5 truthful in all matters;
- 6 (5) remain within the state of Kansas and other specified areas as
- 7 defined by the defendant's supervision officer;
- 8 (6) reside at the defendant's approved residence unless the
- 9 defendant's supervision officer has authorized the defendant to relocate
- 10 and notify such supervision officer of any emergency changes in residence
- 11 or contact information within 24 hours;
- 12 (7) not possess, use or distribute any illegal drugs or controlled
- 13 substances, except that a defendant may possess and use medications
- 14 prescribed by a licensed healthcare provider;
- 15 (8) not possess or consume any form of alcohol or intoxicating
- 16 substance and not enter any establishment where alcohol is sold or
- 17 consumed as the primary business;
- 18 (9) submit to any form of alcohol or substance use testing at the
- 19 direction of the defendant's supervision officer and not alter or tamper
- 20 with the specimen or test;
- 21 (10) participate in assessments, treatment, programming or other
- 22 directives by the court or the defendant's supervision officer;
- 23 (11) pay restitution, court costs, supervision fees and other costs as
- 24 directed by the court or the defendant's supervision officer;
- 25 (12) submit to searches of the defendant's person, effects, vehicle,
- 26 residence and property by the defendant's supervision officer or a law
- 27 enforcement officer based on reasonable suspicion that the defendant
- 28 violated conditions of supervision ~~or engaged in criminal activity.~~
- 29 ~~(13)~~ (13) make reparation or restitution to the aggrieved party for the
- 30 damage or loss caused by the defendant's crime in accordance with K.S.A.
- 31 2021 Supp. 21-6604(b), and amendments thereto;
- 32 ~~(14)~~ (14) (A) pay a correctional supervision fee of \$60 if the person
- 33 was convicted of a misdemeanor or a fee of \$120 if the person was
- 34 convicted of a felony. In any case the amount of the correctional
- 35 supervision fee specified by this paragraph may be reduced or waived by
- 36 the judge if the person is unable to pay that amount;
- 37 (B) the correctional supervision fee imposed by this paragraph shall
- 38 be charged and collected by the district court. The clerk of the district
- 39 court shall remit all revenues received under this paragraph from
- 40 correctional supervision fees to the state treasurer in accordance with the
- 41 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
- 42 each such remittance, the state treasurer shall deposit the entire amount in
- 43 the state treasury to the credit of the state general fund, a sum equal to

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