

HOUSE BILL No. 2031

By Joint Committee on Corrections and Juvenile Justice Oversight

12-31

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; increasing good time and program credits for certain
3 offenders; eliminating liability protection for wrongful act or omission
4 in making calculations; amending K.S.A. 2020 Supp. 21-6821 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. 2020 Supp. 21-6821 is hereby amended to read as
9 follows: 21-6821. (a) The secretary of corrections is hereby authorized to
10 adopt rules and regulations providing for a system of good time
11 calculations. Such rules and regulations shall provide circumstances upon
12 which an inmate may earn good time credits and for the forfeiture of
13 earned credits. Such circumstances may include factors related to program
14 and work participation and conduct and the inmate's willingness to
15 examine and confront past behavioral patterns that resulted in the
16 commission of the inmate's crimes.

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

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

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

23 (A) For a crime committed on or after July 1, 1993, *but prior to June*
24 *30, 2021*, an amount equal to 15% of the prison part of the sentence;

25 (B) for a nondrug severity level 7 through 10 crime committed on or
26 after January 1, 2008, *but prior to June 30, 2021*, an amount equal to 20%
27 of the prison part of the sentence; ~~or~~

28 (C) for a drug severity level 3 or 4 crime committed on or after
29 January 1, 2008, but prior to July 1, 2012, or a drug severity level 3
30 through 5 crime committed on or after July 1, 2012, *but prior to June 30,*
31 *2021*, an amount equal to 20% of the prison part of the sentence; *or*

32 (D) *for a crime committed on or after July 1, 2021, an amount equal*
33 *to:*

34 (i) *25% of the prison part of the sentence for a person felony; and*

35 (ii) *40% of the prison part of the sentence for a nonperson felony.*

36 (c) The postrelease supervision term of a person sentenced to a term

1 of imprisonment that includes a sentence for a sexually violent crime as
2 defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated
3 crime in which the offender has been ordered to register pursuant to
4 K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic
5 solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2020 Supp. 21-
6 5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-
7 3520, prior to its repeal, or K.S.A. 2020 Supp. 21-5512, and amendments
8 thereto, shall have any time which is earned and subtracted from the prison
9 part of such sentence and any other consecutive or concurrent sentence
10 pursuant to good time calculation added to such inmate's postrelease
11 supervision term.

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

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

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

19 (3) testified falsely or otherwise submitted false evidence or
20 information to the court;

21 (4) attempted to create or obtain a false affidavit, testimony or
22 evidence; or

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

24 (e) (1) For purposes of determining release of an inmate who is
25 serving only a sentence for a nondrug severity level 4 through 10 crime or
26 a drug severity level 3 or 4 crime committed on or after January 1, 2008,
27 but prior to July 1, 2012, or an inmate who is serving only a sentence for a
28 nondrug severity level 4 through 10 crime or a drug severity level 3
29 through 5 crime committed on or after July 1, 2012, the secretary of
30 corrections is hereby authorized to adopt rules and regulations regarding
31 program credit calculations. Such rules and regulations shall provide
32 circumstances upon which an inmate may earn program credits and for the
33 forfeiture of earned credits and such circumstances may include factors
34 substantially related to program participation and conduct. In addition to
35 any good time credits earned and retained, the following shall apply with
36 regard to program credit calculations:

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

43 (B) the amount of time ~~which~~ *that* can be earned and retained by an

1 inmate for the successful completion of programs and subtracted from any
2 sentence is limited to not more than ~~120~~ 150 days.

3 (2) Any time ~~which~~ *that* is earned and subtracted from the prison part
4 of the sentence of any inmate pursuant to program credit calculation shall
5 not be added to such inmate's postrelease supervision term, if applicable,
6 except that the postrelease supervision term of a person sentenced to a
7 term of imprisonment that includes a sentence for a sexually violent crime
8 as defined in K.S.A. 22-3717, and amendments thereto, a sexually
9 motivated crime in which the offender has been ordered to register
10 pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto,
11 electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2020
12 Supp. 21-5509, and amendments thereto, or unlawful sexual relations,
13 K.S.A. 21-3520, prior to its repeal, or K.S.A. 2020 Supp. 21-5512, and
14 amendments thereto, shall have any time which is earned and subtracted
15 from the prison part of such sentence and any other consecutive or
16 concurrent sentence pursuant to program credit calculation added to such
17 inmate's postrelease supervision term.

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

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

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

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

32 ~~(g) (1) The secretary of corrections shall make the good time and
33 program credit calculations authorized by section 1 of chapter 54 of the
34 2015 Session Laws of Kansas no later than January 1, 2016.~~

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

38 ~~(h) The amendments to this section by section 1 of chapter 54 of the
39 2015 session laws of Kansas and this act section 1 of chapter 36 of the
40 2016 session laws of Kansas shall be construed and applied retroactively.~~

41 Sec. 2. K.S.A. 2020 Supp. 21-6821 is hereby repealed.

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