

**HOUSE BILL No. 2326**

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, criminal procedure and punishment; relating  
2 to offender supervision and placement; amending K.S.A. 2010 Supp.  
3 75-5291 and section 244 of chapter 136 of the 2010 Session Laws of  
4 Kansas and repealing the existing sections.

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

7 Section 1. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as  
8 follows: 75-5291. (a) (1) The secretary of corrections may make grants to  
9 counties for the development, implementation, operation and  
10 improvement of community correctional services that address the  
11 criminogenic needs of felony offenders including, but not limited to, adult  
12 intensive supervision, substance abuse and mental health services,  
13 employment and residential services, and facilities for the detention or  
14 confinement, care or treatment of offenders as provided in this section  
15 except that no community corrections funds shall be expended by the  
16 secretary for the purpose of establishing or operating a conservation camp  
17 as provided by K.S.A. 75-52,127, and amendments thereto.

18 (2) Except as otherwise provided, placement of offenders in  
19 community correctional services programs by the court shall be limited to  
20 placement of adult offenders, convicted of a felony offense, *who*:

21 ~~(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the~~  
22 ~~sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,~~  
23 ~~3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In~~  
24 ~~addition, the court may place in a community correctional services~~  
25 ~~program adult offenders, convicted of a felony offense, whose offense is~~  
26 ~~classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of~~  
27 ~~the sentencing guidelines grid for nondrug crimes;~~

28 ~~(B) whose severity level and criminal history score designate a~~  
29 ~~presumptive prison sentence on either sentencing guidelines grid but~~  
30 ~~receive a nonprison sentence as a result of departure;~~

31 ~~(C) all offenders convicted of an offense which satisfies the~~  
32 ~~definition of offender pursuant to K.S.A. 22-4902, and amendments~~  
33 ~~thereto, and which is classified as a severity level 7 or higher offense and~~  
34 ~~who receive a nonprison sentence, regardless of the manner in which the~~  
35 ~~sentence is imposed;~~

36 ~~(D) any offender for whom a violation of conditions of release or~~

1 assignment or a nonprison sanction has been established as provided in  
2 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in  
3 the offender being required to serve any time for the sentence imposed or  
4 which might originally have been imposed in a state facility in the  
5 custody of the secretary of corrections;

6 ~~(E)(A)~~ On and after January 1, 2011, ~~for offenders who have been~~  
7 ~~sentenced to probation~~, are expected to be subject to supervision in  
8 Kansas; ~~who~~and are determined, to be "high risk or needs, or both"  
9 ~~by~~through the use of a statewide, mandatory, standardized risk  
10 assessment tool ~~or instrument which shall be specified by the Kansas~~  
11 sentencing commission; ~~to be at high risk to reoffend. Upon a~~  
12 ~~determination, through the use of such risk assessment tool, that such~~  
13 ~~offender is no longer at high risk to reoffend, such offender may be~~  
14 ~~transferred to the supervision of court services~~

15 ~~(F)~~ placed in community correctional services programs as a  
16 condition of supervision following the successful completion of a  
17 conservation camp program; or

18 ~~(G)(B)~~ who ~~has~~have been sentenced to community corrections  
19 supervision pursuant to K.S.A. 21-4729, and amendments thereto. *Upon*  
20 *successful completion of a substance abuse treatment program, as*  
21 *determined by the treatment provider and supervising officer, a*  
22 *presumption shall exist that such offender shall be discharged from*  
23 *probation, unless the court determines a need for further supervision,*  
24 *including but not limited to nonpayment of outstanding restitution and*  
25 *court costs. If the court determines further supervision is warranted,*  
26 *such supervision shall remain with community corrections. Upon a*  
27 *determination, through the use of such risk assessment tool, that such*  
28 *offender is no longer at high risk to reoffend, such offender may be*  
29 *transferred to the supervision of court services*

30 ~~(3)~~ Notwithstanding any law to the contrary and subject to the  
31 availability of funding therefor, adult offenders sentenced to community  
32 supervision in Johnson county for felony crimes that occurred on or after  
33 July 1, 2002, but before January 1, 2011, shall be placed under court  
34 services or community corrections supervision based upon court rules  
35 issued by the chief judge of the 10th judicial district. The provisions  
36 contained in this subsection shall not apply to offenders transferred by the  
37 assigned agency to an agency located outside of Johnson county. The  
38 provisions of this paragraph shall expire on January 1, 2011.

39 ~~(4)(3)~~ Nothing in this act shall prohibit a community correctional  
40 services program from providing services to juvenile offenders upon  
41 approval by the local community corrections advisory board. Grants from  
42 community corrections funds administered by the secretary of corrections  
43 shall not be expended for such services.

1       ~~(5)~~(4) The court may require an offender for whom a violation of  
2 conditions of release or assignment or a nonprison sanction has been  
3 established, as provided in K.S.A. 22-3716, and amendments thereto, to  
4 serve any time for the sentence imposed or which might originally have  
5 been imposed in a state facility in the custody of the secretary of  
6 corrections without a prior assignment to a community correctional  
7 services program if the court finds and sets forth with particularity the  
8 reasons for finding that the safety of the members of the public will be  
9 jeopardized or that the welfare of the inmate will not be served by such  
10 assignment to a community correctional services program.

11       (5) *Every adult offender convicted of a felony offense and*  
12 *considered for placement in subsection (a)(2) shall be subject to*  
13 *assessment through the use of a statewide, mandatory standardized risk*  
14 *assessment tool specified by the Kansas sentencing commission. Such*  
15 *assessment shall be completed prior to sentencing, and shall determine if*  
16 *such offender shall be placed in a residential center or under the*  
17 *supervision of court services or community corrections. Based on the*  
18 *results of such assessment, an offender may be transferred between*  
19 *supervision by court services or community corrections at any time while*  
20 *such offender is subject to the supervision of either such entity.*

21       (b) (1) In order to establish a mechanism for community correctional  
22 services to participate in the department of corrections annual budget  
23 planning process, the secretary of corrections shall establish a community  
24 corrections advisory committee to identify new or enhanced correctional  
25 or treatment interventions designed to divert offenders from prison.

26       (2) The secretary shall appoint one member from the southeast  
27 community corrections region, one member from the northeast  
28 community corrections region, one member from the central community  
29 corrections region and one member from the western community  
30 corrections region. The deputy secretary of community and field services  
31 shall designate two members from the state at large. The secretary shall  
32 have final appointment approval of the members designated by the deputy  
33 secretary. The committee shall reflect the diversity of community  
34 correctional services with respect to geographical location and average  
35 daily population of offenders under supervision.

36       (3) Each member shall be appointed for a term of three years and  
37 such terms shall be staggered as determined by the secretary. Members  
38 shall be eligible for reappointment.

39       (4) The committee, in collaboration with the deputy secretary of  
40 community and field services or the deputy secretary's designee, shall  
41 routinely examine and report to the secretary on the following issues:

- 42       (A) Efficiencies in the delivery of field supervision services;
- 43       (B) effectiveness and enhancement of existing interventions;

- 1 (C) identification of new interventions; and  
2 (D) statewide performance indicators.  
3 (5) The committee's report concerning enhanced or new  
4 interventions shall address:  
5 (A) Goals and measurable objectives;  
6 (B) projected costs;  
7 (C) the impact on public safety; and  
8 (D) the evaluation process.

9 (6) The committee shall submit its report to the secretary annually  
10 on or before July 15 in order for the enhanced or new interventions to be  
11 considered for inclusion within the department of corrections budget  
12 request for community correctional services or in the department's  
13 enhanced services budget request for the subsequent fiscal year.

14 Sec. 2. Section 244 of chapter 136 of the 2010 Session Laws of  
15 Kansas is hereby amended to read as follows: Sec. 244. (a)  
16 Whenever any person has been found guilty of a crime, the  
17 court may adjudge any of the following:

18 (1) Commit the defendant to the custody of the secretary of  
19 corrections if the current crime of conviction is a felony and the sentence  
20 presumes imprisonment, or the sentence imposed is a dispositional  
21 departure to imprisonment; or, if confinement is for a misdemeanor, to  
22 jail for the term provided by law;

23 (2) impose the fine applicable to the offense;

24 (3) release the defendant on probation as provided if the current  
25 crime of conviction and criminal history fall within a presumptive  
26 nonprison category or through a departure for substantial and compelling  
27 reasons, subject to such conditions as the court may deem appropriate,  
28 *including, but not limited to, orders requiring full or partial restitution or*  
29 *supervision under a community corrections program.* In felony cases  
30 except for violations of K.S.A. 8-1567, and amendments thereto, the  
31 court may include confinement in a county jail not to exceed 60 days,  
32 which need not be served consecutively, as a condition of an original  
33 probation sentence and up to 60 days in a county jail upon each  
34 revocation of the probation sentence, or community corrections  
35 placement;

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

41 (5) (4) assign the defendant to a conservation camp for a period not  
42 to exceed six months as a condition of probation followed by a six-month  
43 period of follow-up through adult intensive supervision by a community

1 correctional services program, if the offender successfully completes the  
2 conservation camp program;

3 ~~(6)~~ (5) assign the defendant to a house arrest program pursuant to  
4 section 249 of chapter 136 of the 2010 Session Laws of Kansas, and  
5 amendments thereto;

6 ~~(7)~~ (6) order the defendant to attend and satisfactorily complete an  
7 alcohol or drug education or training program as provided by subsection  
8 (c) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and  
9 amendments thereto;

10 ~~(8)~~ (7) order the defendant to repay the amount of any reward paid  
11 by any crime stoppers chapter, individual, corporation or public entity  
12 which materially aided in the apprehension or conviction of the  
13 defendant; repay the amount of any costs and expenses incurred by any  
14 law enforcement agency in the apprehension of the defendant, if one of  
15 the current crimes of conviction of the defendant includes escape or  
16 aggravated escape, as defined in section 136 of chapter 136 of the 2010  
17 Session Laws of Kansas, and amendments thereto; repay expenses  
18 incurred by a fire district, fire department or fire company responding to a  
19 fire which has been determined to be arson under section 98 of chapter  
20 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the  
21 defendant is convicted of such crime; repay the amount of any public  
22 funds utilized by a law enforcement agency to purchase controlled  
23 substances from the defendant during the investigation which leads to the  
24 defendant's conviction; or repay the amount of any medical costs and  
25 expenses incurred by any law enforcement agency or county. Such  
26 repayment of the amount of any such costs and expenses incurred by a  
27 county, law enforcement agency, fire district, fire department or fire  
28 company or any public funds utilized by a law enforcement agency shall  
29 be deposited and credited to the same fund from which the public funds  
30 were credited to prior to use by the county, law enforcement agency, fire  
31 district, fire department or fire company;

32 ~~(9)~~ (8) order the defendant to pay the administrative fee authorized  
33 by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

34 ~~(10)~~ (9) order the defendant to pay a domestic violence special  
35 program fee authorized by K.S.A. 20-369, and amendments thereto;

36 ~~(11)~~ (10) impose any appropriate combination of (1), (2), (3), (4),  
37 (5), (6), (7), (8); ~~and (9) and (10)~~; or

38 ~~(12)~~ (11) suspend imposition of sentence in misdemeanor cases.

39 (b) (1) In addition to or in lieu of any of the above, the court shall  
40 order the defendant to pay restitution, which shall include, but not be  
41 limited to, damage or loss caused by the defendant's crime, unless the  
42 court finds compelling circumstances which would render a plan of  
43 restitution unworkable. In regard to a violation of section 177 of chapter

1 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, such  
2 damage or loss shall include, but not be limited to, attorney fees and costs  
3 incurred to repair the credit history or rating of the person whose personal  
4 identification documents were obtained and used in violation of such  
5 section, and to satisfy a debt, lien or other obligation incurred by the  
6 person whose personal identification documents were obtained and used  
7 in violation of such section. If the court finds a plan of restitution  
8 unworkable, the court shall state on the record in detail the reasons  
9 therefor.

10 (2) If the court orders restitution, the restitution shall be a judgment  
11 against the defendant which may be collected by the court by  
12 garnishment or other execution as on judgments in civil cases. If, after 60  
13 days from the date restitution is ordered by the court, a defendant is found  
14 to be in noncompliance with the plan established by the court for payment  
15 of restitution, and the victim to whom restitution is ordered paid has not  
16 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and  
17 amendments thereto, the court shall assign an agent procured by the  
18 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to  
19 collect the restitution on behalf of the victim. The administrative judge of  
20 each judicial district may assign such cases to an appropriate division of  
21 the court for the conduct of civil collection proceedings.

22 (c) In addition to or in lieu of any of the above, the court shall order  
23 the defendant to submit to and complete an alcohol and drug evaluation,  
24 and pay a fee therefor, when required by subsection (d) of section 242 of  
25 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
26 thereto.

27 (d) In addition to any of the above, the court shall order the  
28 defendant to reimburse the county general fund for all or a part of the  
29 expenditures by the county to provide counsel and other defense services  
30 to the defendant. Any such reimbursement to the county shall be paid  
31 only after any order for restitution has been paid in full. In determining  
32 the amount and method of payment of such sum, the court shall take  
33 account of the financial resources of the defendant and the nature of the  
34 burden that payment of such sum will impose. A defendant who has been  
35 required to pay such sum and who is not willfully in default in the  
36 payment thereof may at any time petition the court which sentenced the  
37 defendant to waive payment of such sum or any unpaid portion thereof. If  
38 it appears to the satisfaction of the court that payment of the amount due  
39 will impose manifest hardship on the defendant or the defendant's  
40 immediate family, the court may waive payment of all or part of the  
41 amount due or modify the method of payment.

42 (e) In imposing a fine the court may authorize the payment thereof  
43 in installments. In releasing a defendant on probation, the court shall

1 direct that the defendant be under the supervision of a court services  
2 officer. If the court commits the defendant to the custody of the secretary  
3 of corrections or to jail, the court may specify in its order the amount of  
4 restitution to be paid and the person to whom it shall be paid if restitution  
5 is later ordered as a condition of parole, conditional release or postrelease  
6 supervision.

7 (f) (1) When a new felony is committed while the offender is  
8 incarcerated and serving a sentence for a felony, or while the offender is  
9 on probation, assignment to a community correctional services program,  
10 parole, conditional release or postrelease supervision for a felony, a new  
11 sentence shall be imposed pursuant to the consecutive sentencing  
12 requirements of section 246 of chapter 136 of the 2010 Session Laws of  
13 Kansas, and amendments thereto, and the court may sentence the  
14 offender to imprisonment for the new conviction, even when the new  
15 crime of conviction otherwise presumes a nonprison sentence. In this  
16 event, imposition of a prison sentence for the new crime does not  
17 constitute a departure.

18 (2) When a new felony is committed while the offender is  
19 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-  
20 1671, prior to its repeal, or K.S.A. ~~2009~~2010 Supp. 38-2373, and  
21 amendments thereto, for an offense, which if committed by an adult  
22 would constitute the commission of a felony, upon conviction, the court  
23 shall sentence the offender to imprisonment for the new conviction, even  
24 when the new crime of conviction otherwise presumes a nonprison  
25 sentence. In this event, imposition of a prison sentence for the new crime  
26 does not constitute a departure. The conviction shall operate as a full and  
27 complete discharge from any obligations, except for an order of  
28 restitution, imposed on the offender arising from the offense for which  
29 the offender was committed to a juvenile correctional facility.

30 (3) When a new felony is committed while the offender is on release  
31 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
32 Kansas Statutes Annotated, and amendments thereto, or similar  
33 provisions of the laws of another jurisdiction, a new sentence may be  
34 imposed pursuant to the consecutive sentencing requirements of section  
35 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
36 thereto, and the court may sentence the offender to imprisonment for the  
37 new conviction, even when the new crime of conviction otherwise  
38 presumes a nonprison sentence. In this event, imposition of a prison  
39 sentence for the new crime does not constitute a departure.

40 (g) Prior to imposing a dispositional departure for a defendant whose  
41 offense is classified in the presumptive nonprison grid block of either  
42 sentencing guideline grid, prior to sentencing a defendant to incarceration  
43 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the

1 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,  
2 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to  
3 sentencing a defendant to incarceration whose offense is classified in grid  
4 blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and  
5 whose offense does not meet the requirements of section 305 of chapter  
6 136 of the 2010 Session Laws of Kansas, and amendments thereto, prior  
7 to revocation of a nonprison sanction of a defendant whose offense is  
8 classified in grid blocks 4-E or 4-F of the sentencing guideline grid for  
9 drug crimes and whose offense does not meet the requirements of section  
10 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
11 thereto, or prior to revocation of a nonprison sanction of a defendant  
12 whose offense is classified in the presumptive nonprison grid block of  
13 either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the  
14 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,  
15 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the  
16 court shall consider placement of the defendant in the Labette  
17 correctional conservation camp, conservation camps established by the  
18 secretary of corrections pursuant to K.S.A. 75-52,127, and amendment  
19 thereto, or a community intermediate sanction center. Pursuant to this  
20 paragraph the defendant shall not be sentenced to imprisonment if space  
21 is available in a conservation camp or a community intermediate sanction  
22 center and the defendant meets all of the conservation camp's or a  
23 community intermediate sanction center's placement criteria unless the  
24 court states on the record the reasons for not placing the defendant in a  
25 conservation camp or a community intermediate sanction center.

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

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



1 amount due or modify the method of payment. The amount of attorney  
2 fees to be included in the court order for reimbursement shall be the  
3 amount claimed by appointed counsel on the payment voucher for  
4 indigents' defense services or the amount prescribed by the board of  
5 indigents' defense services reimbursement tables as provided in K.S.A.  
6 22-4522, and amendments thereto, whichever is less.

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

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

17 (l) The secretary of corrections is authorized to make direct  
18 placement to the Labette correctional conservation camp or a  
19 conservation camp established by the secretary pursuant to K.S.A. 75-  
20 52,127, and amendments thereto, of an inmate sentenced to the secretary's  
21 custody if the inmate: (1) Has been sentenced to the secretary for a  
22 probation revocation, as a departure from the presumptive  
23 nonimprisonment grid block of either sentencing grid, for an offense  
24 which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing  
25 guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or  
26 3-I of the sentencing guidelines grid for drug crimes, or for an offense  
27 which is classified in grid blocks 4-E or 4-F of the sentencing guidelines  
28 grid for drug crimes and such offense does not meet the requirements of  
29 section 305 of chapter 136 of the 2010 Session Laws of Kansas, and  
30 amendments thereto; and (2) otherwise meets admission criteria of the  
31 camp. If the inmate successfully completes a conservation camp program,  
32 the secretary of corrections shall report such completion to the sentencing  
33 court and the county or district attorney. The inmate shall then be  
34 assigned by the court to six months of follow-up supervision conducted  
35 by the appropriate community corrections services program. The court  
36 may also order that supervision continue thereafter for the length of time  
37 authorized by section 305 of chapter 136 of the 2010 Session Laws of  
38 Kansas, and amendments thereto.

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

42 (n) Except as provided by subsection (f) of section 286 of chapter  
43 136 of the 2010 Session Laws of Kansas, and amendments thereto, in

1 addition to any of the above, for felony violations of K.S.A. ~~2009~~2010  
2 Supp. 21-36a06, and amendments thereto, the court shall require the  
3 defendant who meets the requirements established in section 305, and  
4 amendments thereto, to participate in a certified drug abuse treatment  
5 program, as provided in K.S.A. ~~2009~~2010 Supp. 75-52,144, and  
6 amendments thereto, including, but not limited to, an approved after-care  
7 plan. If the defendant fails to participate in or has a pattern of intentional  
8 conduct that demonstrates the offender's refusal to comply with or  
9 participate in the treatment program, as established by judicial finding,  
10 the defendant shall be subject to revocation of probation and the  
11 defendant shall serve the underlying prison sentence as established in  
12 section 305 of *chapter 136 of the 2010 Session Laws of Kansas*, and  
13 amendments thereto. For those offenders who are convicted on or after  
14 the effective date of this act, upon completion of the underlying prison  
15 sentence, the defendant shall not be subject to a period of postrelease  
16 supervision. The amount of time spent participating in such program shall  
17 not be credited as service on the underlying prison sentence.

18 (o) (1) Except as provided in paragraph (3), in addition to any other  
19 penalty or disposition imposed by law, upon a conviction for unlawful  
20 possession of a controlled substance or controlled substance analog in  
21 violation of K.S.A. ~~2009~~2010 Supp. 21-36a06, and amendments thereto,  
22 in which the trier of fact makes a finding that the unlawful possession  
23 occurred while transporting the controlled substance or controlled  
24 substance analog in any vehicle upon a highway or street, the offender's  
25 driver's license or privilege to operate a motor vehicle on the streets and  
26 highways of this state shall be suspended for one year.

27 (2) Upon suspension of a license pursuant to this subsection, the  
28 court shall require the person to surrender the license to the court, which  
29 shall transmit the license to the division of motor vehicles of the  
30 department of revenue, to be retained until the period of suspension  
31 expires. At that time, the licensee may apply to the division for return of  
32 the license. If the license has expired, the person may apply for a new  
33 license, which shall be issued promptly upon payment of the proper fee  
34 and satisfaction of other conditions established by law for obtaining a  
35 license unless another suspension or revocation of the person's privilege  
36 to operate a motor vehicle is in effect.

37 (3) (A) In lieu of suspending the driver's license or privilege to  
38 operate a motor vehicle on the highways of this state of any person as  
39 provided in paragraph (1), the judge of the court in which such person  
40 was convicted may enter an order which places conditions on such  
41 person's privilege of operating a motor vehicle on the highways of this  
42 state, a certified copy of which such person shall be required to carry any  
43 time such person is operating a motor vehicle on the highways of this

1 state. Any such order shall prescribe the duration of the conditions  
2 imposed, which in no event shall be for a period of more than one year.

3 (B) Upon entering an order restricting a person's license hereunder,  
4 the judge shall require such person to surrender such person's driver's  
5 license to the judge who shall cause it to be transmitted to the division of  
6 vehicles, together with a copy of the order. Upon receipt thereof, the  
7 division of vehicles shall issue without charge a driver's license which  
8 shall indicate on its face that conditions have been imposed on such  
9 person's privilege of operating a motor vehicle and that a certified copy of  
10 the order imposing such conditions is required to be carried by the person  
11 for whom the license was issued any time such person is operating a  
12 motor vehicle on the highways of this state. If the person convicted is a  
13 nonresident, the judge shall cause a copy of the order to be transmitted to  
14 the division and the division shall forward a copy of it to the motor  
15 vehicle administrator, of such person's state of residence. Such judge shall  
16 furnish to any person whose driver's license has had conditions imposed  
17 on it under this paragraph a copy of the order, which shall be recognized  
18 as a valid Kansas driver's license until such time as the division shall  
19 issue the restricted license provided for in this paragraph.

20 (C) Upon expiration of the period of time for which conditions are  
21 imposed pursuant to this subsection, the licensee may apply to the  
22 division for the return of the license previously surrendered by such  
23 licensee. In the event such license has expired, such person may apply to  
24 the division for a new license, which shall be issued immediately by the  
25 division upon payment of the proper fee and satisfaction of the other  
26 conditions established by law, unless such person's privilege to operate a  
27 motor vehicle on the highways of this state has been suspended or  
28 revoked prior thereto. If any person shall violate any of the conditions  
29 imposed under this paragraph, such person's driver's license or privilege  
30 to operate a motor vehicle on the highways of this state shall be revoked  
31 for a period of not less than 60 days nor more than one year by the judge  
32 of the court in which such person is convicted of violating such  
33 conditions.

34 (4) As used in this subsection, "highway" and "street" have the  
35 meanings provided by K.S.A. 8-1424 and 8-1473, and amendments  
36 thereto.

37 Sec. 3. K.S.A. 2010 Supp. 75-5291 and section 244 of chapter 136  
38 of the 2010 Session Laws of Kansas are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.

41