

## HOUSE BILL No. 2654

By Committee on Corrections and Juvenile Justice

Requested by Alex Falk on behalf of the Kansas County and District Attorneys  
Association

1-31

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; calculation of confinement; excluding certain types of  
3 incarceration time from the allowance of time against a person's  
4 criminal sentence; amending K.S.A. 21-6615 and repealing the existing  
5 section.  
6

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

8 Section 1. K.S.A. 21-6615 is hereby amended to read as follows: 21-  
9 6615. (a) (1) In any criminal action in which the defendant is convicted,  
10 the judge, if the judge sentences the defendant to confinement, shall direct  
11 that for the purpose of computing *the* defendant's sentence and parole  
12 eligibility and conditional release dates thereunder, that such sentence is to  
13 be computed from a date, to be specifically designated by the court in the  
14 sentencing order of the journal entry of judgment. Such date shall be  
15 established to reflect and shall be computed as an allowance for the time  
16 ~~which~~ *that* the defendant has spent incarcerated pending the disposition of  
17 the defendant's case. In recording the commencing date of such sentence  
18 the date as specifically set forth by the court shall be used as the date of  
19 sentence and all good time allowances as are authorized by the secretary of  
20 corrections are to be allowed on such sentence from such date as though  
21 the defendant were actually incarcerated in any of the institutions of the  
22 state correctional system.

23 (2) *When computing the defendant's sentence, the following shall not*  
24 *be considered time spent incarcerated pending disposition of the*  
25 *defendant's case:*

26 (A) *Any time awarded as jail credit in another case;*

27 (B) *any time spent incarcerated in another county or jurisdiction;*  
28 *and*

29 (C) *any time spent incarcerated in another case in the same county if*  
30 *the defendant remains on bond in the case being sentenced.*

31 (b) In any criminal action in which probation; ~~or assignment to a~~  
32 ~~conservation camp or assignment~~ to community corrections is revoked and  
33 the defendant is sentenced to confinement, for the purpose of computing  
34 the defendant's sentence and parole eligibility and conditional release date,

1 the defendant's sentence is to be computed from a date, hereafter to be  
2 specifically designated in the sentencing order of the journal entry of  
3 judgment. Such date shall be established to reflect and shall be computed  
4 as an allowance for the time ~~which~~ *that* the defendant has spent in a  
5 residential facility while on probation; *or* assignment ~~to a conservation~~  
6 ~~camp or assignment~~ to community correctional residential services  
7 program. The commencing date of such sentence shall be used as the date  
8 of sentence and all good time allowances as are authorized by law are to  
9 be allowed on such sentence from such date as though the defendant were  
10 actually incarcerated in a correctional institution.

11 (c) Such credit is not to be considered to reduce the minimum or  
12 maximum terms of confinement authorized by law for the offense of  
13 which the defendant has been convicted.

14 Sec. 2. K.S.A. 21-6615 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its  
16 publication in the Kansas register.