

SENATE BILL No. 111

By Committee on Corrections and Juvenile Justice

1-29

1 AN ACT concerning correctional supervision; relating to the correctional
2 supervision fee; correctional supervision fund; amending K.S.A. 2014
3 Supp. 21-6607 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 21-6607 is hereby amended to read as
7 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
8 section shall be construed to limit the authority of the court to impose or
9 modify any general or specific conditions of probation, suspension of
10 sentence or assignment to a community correctional services program. The
11 court services officer or community correctional services officer may
12 recommend, and the court may order, the imposition of any conditions of
13 probation, suspension of sentence or assignment to a community
14 correctional services program. For crimes committed on or after July 1,
15 1993, in presumptive nonprison cases, the court services officer or
16 community correctional services officer may recommend, and the court
17 may order, the imposition of any conditions of probation or assignment to
18 a community correctional services program. The court may at any time
19 order the modification of such conditions, after notice to the court services
20 officer or community correctional services officer and an opportunity for
21 such officer to be heard thereon. The court shall cause a copy of any such
22 order to be delivered to the court services officer and the probationer or to
23 the community correctional services officer and the community corrections
24 participant, as the case may be. The provisions of K.S.A. 75-5291, and
25 amendments thereto, shall be applicable to any assignment to a community
26 correctional services program pursuant to this section.

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

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

33 (2) avoid such persons or places of disreputable or harmful character,
34 as directed by the court, court services officer or community correctional
35 services officer;

36 (3) report to the court services officer or community correctional

1 services officer as directed;

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

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

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

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

8 (8) support the defendant's dependents;

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

12 (10) perform community or public service work for local
13 governmental agencies, private corporations organized not for profit, or
14 charitable or social service organizations performing services for the
15 community;

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

21 (12) participate in a house arrest program pursuant to K.S.A. 2014
22 Supp. 21-6609, and amendments thereto;

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

25 (14) in felony cases, except for violations of K.S.A. 8-1567, and
26 amendments thereto, be confined in a county jail not to exceed 60 days,
27 which need not be served consecutively.

28 (c) In addition to any other conditions of probation, suspension of
29 sentence or assignment to a community correctional services program, the
30 court shall order the defendant to comply with each of the following
31 conditions:

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

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

41 (3) (A) *while under supervision of a court services officer*, pay a
42 correctional supervision fee of ~~\$60~~ \$25 *per month* if the person was
43 convicted of a misdemeanor or a fee of ~~\$120~~ \$50 *per month* if the person

1 was convicted of a felony. In any case the amount of the correctional
2 supervision fee specified by this paragraph may be reduced or waived by
3 the judge if the person is unable to pay that amount;

4 (B) the correctional supervision fee imposed by this paragraph shall
5 be charged and collected by the district court. The clerk of the district
6 court shall remit all revenues received under this paragraph from
7 correctional supervision fees to the state treasurer in accordance with the
8 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
9 each such remittance, the state treasurer shall deposit the entire amount in
10 the state treasury to the credit of the state general fund, a sum equal to
11 41.67% of such remittance, and to the correctional supervision fund, a sum
12 equal to 58.33% of such remittance;

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

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

20 (4) reimburse the state general fund for all or a part of the
21 expenditures by the state board of indigents' defense services to provide
22 counsel and other defense services to the defendant. In determining the
23 amount and method of payment of such sum, the court shall take account
24 of the financial resources of the defendant and the nature of the burden that
25 payment of such sum will impose. A defendant who has been required to
26 pay such sum and who is not willfully in default in the payment thereof
27 may at any time petition the court which sentenced the defendant to waive
28 payment of such sum or of any unpaid portion thereof. If it appears to the
29 satisfaction of the court that payment of the amount due will impose
30 manifest hardship on the defendant or the defendant's immediate family,
31 the court may waive payment of all or part of the amount due or modify
32 the method of payment. The amount of attorney fees to be included in the
33 court order for reimbursement shall be the amount claimed by appointed
34 counsel on the payment voucher for indigents' defense services or the
35 amount prescribed by the board of indigents' defense services
36 reimbursement tables as provided in K.S.A. 22-4522, and amendments
37 thereto, whichever is less;

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

43 (6) be subject to random, but reasonable, tests for drug and alcohol

1 consumption as ordered by a court services officer or community
2 correctional services officer.

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

9 (e) There is hereby established in the state treasury the correctional
10 supervision fund. All moneys credited to the correctional supervision fund
11 shall be used for: (1) The implementation of and training for use of a
12 statewide, mandatory, standardized risk assessment tool or instrument as
13 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-
14 5291, and amendments thereto; (2) the implementation of and training for
15 use of a statewide, mandatory, standardized risk assessment tool or
16 instrument for juveniles adjudicated to be juvenile offenders; ~~and~~ (3)
17 evidence-based adult and juvenile offender supervision programs by
18 judicial branch personnel; *and (4) the retention and recruitment of court*
19 *services officers by maintaining pay and benefits at or within 2.5% of*
20 *market pay and benefits of others performing the same or similar duties in*
21 *Kansas or other surrounding jurisdictions as determined by the court.* If
22 all expenditures for the program have been paid and moneys remain in the
23 correctional supervision fund for a fiscal year, remaining moneys may be
24 expended from the correctional supervision fund to support adult and
25 juvenile offender supervision by court services officers. All expenditures
26 from the correctional supervision fund shall be made in accordance with
27 appropriation acts upon warrants of the director of accounts and reports
28 issued pursuant to vouchers approved by the chief justice of the Kansas
29 supreme court or by a person or persons designated by the chief justice.

30 Sec. 2. K.S.A. 2014 Supp. 21-6607 is hereby repealed.

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