

SENATE BILL No. 132

By Senator Pittman

2-2

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; amending credits on court-imposed fines for community
3 service to the minimum wage; amending K.S.A. 2020 Supp. 21-6604
4 and repealing the existing section.

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

7 Section 1. K.S.A. 2020 Supp. 21-6604 is hereby amended to read as
8 follows: 21-6604. (a) Whenever any person has been found guilty of a
9 crime, the court may adjudge any of the following:

10 (1) Commit the defendant to the custody of the secretary of
11 corrections if the current crime of conviction is a felony and the sentence
12 presumes imprisonment, or the sentence imposed is a dispositional
13 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
14 for the term provided by law;

15 (2) impose the fine applicable to the offense and may impose the
16 provisions of subsection (q);

17 (3) release the defendant on probation if the current crime of
18 conviction and criminal history fall within a presumptive nonprison
19 category or through a departure for substantial and compelling reasons
20 subject to such conditions as the court may deem appropriate. In felony
21 cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments
22 thereto, the court may include confinement in a county jail not to exceed
23 60 days, which need not be served consecutively, as a condition of an
24 original probation sentence;

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

30 (5) assign the defendant to a conservation camp for a period not to
31 exceed six months as a condition of probation followed by a six-month
32 period of follow-up through adult intensive supervision by a community
33 correctional services program, if the offender successfully completes the
34 conservation camp program;

35 (6) assign the defendant to a house arrest program pursuant to K.S.A.
36 2020 Supp. 21-6609, and amendments thereto;

1 (7) order the defendant to attend and satisfactorily complete an
2 alcohol or drug education or training program as provided by K.S.A. 2020
3 Supp. 21-6602(c), and amendments thereto;

4 (8) order the defendant to repay the amount of any reward paid by
5 any crime stoppers chapter, individual, corporation or public entity that
6 materially aided in the apprehension or conviction of the defendant; repay
7 the amount of any costs and expenses incurred by any law enforcement
8 agency in the apprehension of the defendant, if one of the current crimes
9 of conviction of the defendant includes escape from custody or aggravated
10 escape from custody, as defined in K.S.A. 2020 Supp. 21-5911, and
11 amendments thereto; repay expenses incurred by a fire district, fire
12 department or fire company responding to a fire that has been determined
13 to be arson or aggravated arson as defined in K.S.A. 2020 Supp. 21-5812,
14 and amendments thereto, if the defendant is convicted of such crime; repay
15 the amount of any public funds utilized by a law enforcement agency to
16 purchase controlled substances from the defendant during the investigation
17 that leads to the defendant's conviction; or repay the amount of any
18 medical costs and expenses incurred by any law enforcement agency or
19 county. Such repayment of the amount of any such costs and expenses
20 incurred by a county, law enforcement agency, fire district, fire department
21 or fire company or any public funds utilized by a law enforcement agency
22 shall be deposited and credited to the same fund from which the public
23 funds were credited to prior to use by the county, law enforcement agency,
24 fire district, fire department or fire company;

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

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

29 (11) if the defendant is convicted of a misdemeanor or convicted of a
30 felony specified in K.S.A. 2020 Supp. 21-6804(i), and amendments
31 thereto, assign the defendant to work release program, other than a
32 program at a correctional institution under the control of the secretary of
33 corrections as defined in K.S.A. 75-5202, and amendments thereto,
34 provided such work release program requires such defendant to return to
35 confinement at the end of each day in the work release program. On a
36 second or subsequent conviction of K.S.A. 8-1567, and amendments
37 thereto, an offender placed into a work release program shall serve the
38 total number of hours of confinement mandated by that section;

39 (12) order the defendant to pay the full amount of unpaid costs
40 associated with the conditions of release of the appearance bond under
41 K.S.A. 22-2802, and amendments thereto;

42 (13) impose any appropriate combination of *paragraphs* (1), ~~(2)~~, ~~(3)~~,
43 ~~(4)~~, ~~(5)~~, ~~(6)~~, ~~(7)~~, ~~(8)~~, ~~(9)~~, ~~(10)~~, ~~(11)~~ and *through* (12); or

1 (14) suspend imposition of sentence in misdemeanor cases.

2 (b) (1) In addition to or in lieu of any of the above, the court shall
3 order the defendant to pay restitution, which shall include, but not be
4 limited to, damage or loss caused by the defendant's crime. Restitution
5 shall be due immediately unless: (A) The court orders that the defendant
6 be given a specified time to pay or be allowed to pay in specified
7 installments; or (B) the court finds compelling circumstances that would
8 render restitution unworkable, either in whole or in part. In regard to a
9 violation of K.S.A. 2020 Supp. 21-6107, and amendments thereto, such
10 damage or loss shall include, but not be limited to, attorney fees and costs
11 incurred to repair the credit history or rating of the person whose personal
12 identification documents were obtained and used in violation of such
13 section, and to satisfy a debt, lien or other obligation incurred by the
14 person whose personal identification documents were obtained and used in
15 violation of such section. In regard to a violation of K.S.A. 2020 Supp. 21-
16 5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss
17 shall include the cost of repair or replacement of the property that was
18 damaged, the reasonable cost of any loss of production, crops and
19 livestock, reasonable labor costs of any kind, reasonable material costs of
20 any kind and any reasonable costs that are attributed to equipment that is
21 used to abate or repair the damage to the property. If the court finds
22 restitution unworkable, either in whole or in part, the court shall state on
23 the record in detail the reasons therefor.

24 (2) If the court orders restitution, the restitution shall be a judgment
25 against the defendant that may be collected by the court by garnishment or
26 other execution as on judgments in civil cases. If, after 60 days from the
27 date restitution is ordered by the court, a defendant is found to be in
28 noncompliance with the restitution order, and the victim to whom
29 restitution is ordered paid has not initiated proceedings in accordance with
30 K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an
31 agent procured by the judicial administrator pursuant to K.S.A. 20-169,
32 and amendments thereto, to collect the restitution on behalf of the victim.
33 The chief judge of each judicial district may assign such cases to an
34 appropriate division of the court for the conduct of civil collection
35 proceedings.

36 (3) If a restitution order entered prior to the effective date of this act
37 does not give the defendant a specified time to pay or set payment in
38 specified installments, the defendant may file a motion with the court prior
39 to December 31, 2020, proposing payment of restitution in specified
40 installments. The court may recall the restitution order from the agent
41 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the
42 court rules on such motion. If the court does not order payment in
43 specified installments or if the defendant does not file a motion prior to

1 December 31, 2020, the restitution shall be due immediately.

2 (c) In addition to or in lieu of any of the above, the court shall order
3 the defendant to submit to and complete an alcohol and drug evaluation,
4 and pay a fee therefor, when required by K.S.A. 2020 Supp. 21-6602(d),
5 and amendments thereto.

6 (d) In addition to any of the above, the court shall order the defendant
7 to reimburse the county general fund for all or a part of the expenditures
8 by the county to provide counsel and other defense services to the
9 defendant. Any such reimbursement to the county shall be paid only after
10 any order for restitution has been paid in full. In determining the amount
11 and method of payment of such sum, the court shall take account of the
12 financial resources of the defendant and the nature of the burden that
13 payment of such sum will impose. A defendant who has been required to
14 pay such sum and who is not willfully in default in the payment thereof
15 may at any time petition the court that sentenced the defendant to waive
16 payment of such sum or any unpaid portion thereof. If it appears to the
17 satisfaction of the court that payment of the amount due will impose
18 manifest hardship on the defendant or the defendant's immediate family,
19 the court may waive payment of all or part of the amount due or modify
20 the method of payment.

21 (e) In releasing a defendant on probation, the court shall direct that
22 the defendant be under the supervision of a court services officer. If the
23 court commits the defendant to the custody of the secretary of corrections
24 or to jail, the court may specify in its order the amount of restitution to be
25 paid and the person to whom it shall be paid if restitution is later ordered
26 as a condition of parole, conditional release or postrelease supervision.

27 (f) (1) When a new felony is committed while the offender is
28 incarcerated and serving a sentence for a felony, or while the offender is on
29 probation, assignment to a community correctional services program,
30 parole, conditional release or postrelease supervision for a felony, a new
31 sentence shall be imposed consecutively pursuant to the provisions of
32 K.S.A. 2020 Supp. 21-6606, and amendments thereto, and the court may
33 sentence the offender to imprisonment for the new conviction, even when
34 the new crime of conviction otherwise presumes a nonprison sentence. In
35 this event, imposition of a prison sentence for the new crime does not
36 constitute a departure.

37 (2) When a new felony is committed during a period of time when the
38 ~~defendant~~ *offender* would have been on probation, assignment to a
39 community correctional services program, parole, conditional release or
40 postrelease supervision for a felony had the ~~defendant~~ *offender* not been
41 granted release by the court pursuant to K.S.A. 2020 Supp. 21-6608(d),
42 and amendments thereto, or the prisoner review board pursuant to K.S.A.
43 22-3717, and amendments thereto, the court may sentence the offender to

1 imprisonment for the new conviction, even when the new crime of
2 conviction otherwise presumes a nonprison sentence. In this event,
3 imposition of a prison sentence for the new crime does not constitute a
4 departure.

5 (3) When a new felony is committed while the offender is
6 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
7 prior to its repeal, or K.S.A. 2020 Supp. 38-2373, and amendments
8 thereto, for an offense, which if committed by an adult would constitute
9 the commission of a felony, upon conviction, the court shall sentence the
10 offender to imprisonment for the new conviction, even when the new
11 crime of conviction otherwise presumes a nonprison sentence. In this
12 event, imposition of a prison sentence for the new crime does not
13 constitute a departure. The conviction shall operate as a full and complete
14 discharge from any obligations, except for an order of restitution, imposed
15 on the offender arising from the offense for which the offender was
16 committed to a juvenile correctional facility.

17 (4) When a new felony is committed while the offender is on release
18 for a felony pursuant to the provisions of article 28 of chapter 22 of the
19 Kansas Statutes Annotated, and amendments thereto, or similar provisions
20 of the laws of another jurisdiction, a new sentence may be imposed
21 consecutively pursuant to the provisions of K.S.A. 2020 Supp. 21-6606,
22 and amendments thereto, and the court may sentence the offender to
23 imprisonment for the new conviction, even when the new crime of
24 conviction otherwise presumes a nonprison sentence. In this event,
25 imposition of a prison sentence for the new crime does not constitute a
26 departure.

27 (g) Prior to imposing a dispositional departure for a defendant whose
28 offense is classified in the presumptive nonprison grid block of either
29 sentencing guideline grid, prior to sentencing a defendant to incarceration
30 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
31 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
32 of the sentencing guidelines grid for drug crimes committed prior to July
33 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
34 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
35 sentencing a defendant to incarceration whose offense is classified in grid
36 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
37 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
38 the sentencing guidelines grid for drug crimes committed on or after July
39 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020
40 Supp. 21-6824, and amendments thereto, prior to revocation of a
41 nonprison sanction of a defendant whose offense is classified in grid
42 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
43 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of

1 the sentencing guidelines grid for drug crimes committed on or after July
2 1, 2012, and whose offense does not meet the requirements of K.S.A. 2020
3 Supp. 21-6824, and amendments thereto, or prior to revocation of a
4 nonprison sanction of a defendant whose offense is classified in the
5 presumptive nonprison grid block of either sentencing guideline grid or
6 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
7 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
8 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
9 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
10 crimes committed on or after July 1, 2012, the court shall consider
11 placement of the defendant in the Labette correctional conservation camp,
12 conservation camps established by the secretary of corrections pursuant to
13 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
14 sanction center. Pursuant to this subsection the defendant shall not be
15 sentenced to imprisonment if space is available in a conservation camp or
16 community intermediate sanction center and the defendant meets all of the
17 conservation camp's or community intermediate sanction center's
18 placement criteria unless the court states on the record the reasons for not
19 placing the defendant in a conservation camp or community intermediate
20 sanction center.

21 (h) In committing a defendant to the custody of the secretary of
22 corrections, the court shall fix a term of confinement within the limits
23 provided by law. In those cases where the law does not fix a term of
24 confinement for the crime for which the defendant was convicted, the
25 court shall fix the term of such confinement.

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

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

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

11 (l) The secretary of corrections is authorized to make direct
12 placement to the Labette correctional conservation camp or a conservation
13 camp established by the secretary pursuant to K.S.A. 75-52,127, and
14 amendments thereto, of an inmate sentenced to the secretary's custody if
15 the inmate:

16 (1) Has been sentenced to the secretary for a probation revocation, as
17 a departure from the presumptive nonimprisonment grid block of either
18 sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or
19 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-
20 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
21 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
22 the sentencing guidelines grid for drug crimes committed on or after July
23 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the
24 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,
25 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for
26 drug crimes committed on or after July 1, 2012, and such offense does not
27 meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments
28 thereto; and

29 (2) otherwise meets admission criteria of the camp.

30 If the inmate successfully completes a conservation camp program, the
31 secretary of corrections shall report such completion to the sentencing
32 court and the county or district attorney. The inmate shall then be assigned
33 by the court to six months of follow-up supervision conducted by the
34 appropriate community corrections services program. The court may also
35 order that supervision continue thereafter for the length of time authorized
36 by K.S.A. 2020 Supp. 21-6608, and amendments thereto.

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

40 (n) (1) Except as provided by K.S.A. 2020 Supp. 21-6630 and 21-
41 6805(f), and amendments thereto, in addition to any of the above, for
42 felony violations of K.S.A. 2020 Supp. 21-5706, and amendments thereto,
43 the court shall require the defendant who meets the requirements

1 established in K.S.A. 2020 Supp. 21-6824, and amendments thereto, to
2 participate in a certified drug abuse treatment program, as provided in
3 K.S.A. 75-52,144, and amendments thereto, including, but not limited to,
4 an approved after-care plan. The amount of time spent participating in
5 such program shall not be credited as service on the underlying prison
6 sentence.

7 (2) If the defendant fails to participate in or has a pattern of
8 intentional conduct that demonstrates the defendant's refusal to comply
9 with or participate in the treatment program, as established by judicial
10 finding, the defendant shall be subject to sanction or revocation pursuant
11 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
12 defendant's probation is revoked, the defendant shall serve the underlying
13 prison sentence as established in K.S.A. 2020 Supp. 21-6805, and
14 amendments thereto.

15 (A) Except as provided in subsection (n)(2)(B), for those offenders
16 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon
17 completion of the underlying prison sentence, the offender shall not be
18 subject to a period of postrelease supervision.

19 (B) Offenders whose crime of conviction was committed on or after
20 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-
21 3716(c), and amendments thereto, or whose underlying prison term expires
22 while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and
23 amendments thereto, shall serve a period of postrelease supervision upon
24 the completion of the underlying prison term.

25 (o) (1) Except as provided in paragraph (3), in addition to any other
26 penalty or disposition imposed by law, upon a conviction for unlawful
27 possession of a controlled substance or controlled substance analog in
28 violation of K.S.A. 2020 Supp. 21-5706, and amendments thereto, in
29 which the trier of fact makes a finding that the unlawful possession
30 occurred while transporting the controlled substance or controlled
31 substance analog in any vehicle upon a highway or street, the offender's
32 driver's license or privilege to operate a motor vehicle on the streets and
33 highways of this state shall be suspended for one year.

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

1 (3) (A) In lieu of suspending the driver's license or privilege to
2 operate a motor vehicle on the highways of this state of any person as
3 provided in paragraph (1), the judge of the court in which such person was
4 convicted may enter an order that places conditions on such person's
5 privilege of operating a motor vehicle on the highways of this state, a
6 certified copy of which such person shall be required to carry any time
7 such person is operating a motor vehicle on the highways of this state. Any
8 such order shall prescribe the duration of the conditions imposed, which in
9 no event shall be for a period of more than one year.

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

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

40 (4) As used in this subsection, "highway" and "street" mean the same
41 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

42 (p) In addition to any of the above, for any criminal offense that
43 includes the domestic violence designation pursuant to K.S.A. 2020 Supp.

1 22-4616, and amendments thereto, the court shall require the defendant to:
2 (1) Undergo a domestic violence offender assessment conducted by a
3 certified batterer intervention program; and (2) follow all
4 recommendations made by such program, unless otherwise ordered by the
5 court or the department of corrections. The court may order a domestic
6 violence offender assessment and any other evaluation prior to sentencing
7 if the assessment or evaluation would assist the court in determining an
8 appropriate sentence. The entity completing the assessment or evaluation
9 shall provide the assessment or evaluation and recommendations to the
10 court and the court shall provide the domestic violence offender
11 assessment to any entity responsible for supervising such defendant. A
12 defendant ordered to undergo a domestic violence offender assessment
13 shall be required to pay for the assessment and, unless otherwise ordered
14 by the court or the department of corrections, for completion of all
15 recommendations.

16 (q) In imposing a fine, the court may authorize the payment thereof in
17 installments. In lieu of payment of any fine imposed, the court may order
18 that the person perform community service specified by the court. The
19 person shall receive a credit on the fine imposed in an amount equal to ~~\$5~~
20 *the minimum wage rate set by K.S.A. 44-1203, and amendments thereto,*
21 for each full hour spent by the person in the specified community service.
22 The community service ordered by the court shall be required to be
23 performed by the later of one year after the fine is imposed or one year
24 after release from imprisonment or jail, or by an earlier date specified by
25 the court. If by the required date the person performs an insufficient
26 amount of community service to reduce to zero the portion of the fine
27 required to be paid by the person, the remaining balance shall become due
28 on that date. If conditional reduction of any fine is rescinded by the court
29 for any reason, then pursuant to the court's order the person may be
30 ordered to perform community service by one year after the date of such
31 rescission or by an earlier date specified by the court. If by the required
32 date the person performs an insufficient amount of community service to
33 reduce to zero the portion of the fine required to be paid by the person, the
34 remaining balance of the fine shall become due on that date. All credits for
35 community service shall be subject to review and approval by the court.

36 (r) In addition to any other penalty or disposition imposed by law, for
37 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
38 prior to its repeal, or K.S.A. 2020 Supp. 21-6627, and amendments
39 thereto, for crimes committed on or after July 1, 2006, the court shall order
40 that the defendant be electronically monitored upon release from
41 imprisonment for the duration of the defendant's natural life and that the
42 defendant shall reimburse the state for all or part of the cost of such
43 monitoring as determined by the prisoner review board.

1 (s) Whenever the court has released the defendant on probation
2 pursuant to subsection (a)(3), the defendant's supervising court services
3 officer, with the concurrence of the chief court services officer, may
4 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),
5 and amendments thereto, without further order of the court, unless the
6 defendant, after being apprised of the right to a revocation hearing before
7 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses
8 to waive such right.

9 (t) Whenever the court has assigned the defendant to a community
10 correctional services program pursuant to subsection (a)(4), the defendant's
11 community corrections officer, with the concurrence of the community
12 corrections director, may impose the violation sanctions as provided in
13 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
14 of the court unless the defendant, after being apprised of the right to a
15 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and
16 amendments thereto, refuses to waive such right.

17 (u) In addition to any of the above, the court shall authorize an
18 additional 18 days of confinement in a county jail to be reserved for
19 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and
20 amendments thereto.

21 (v) The amendments made to this section by this act are procedural in
22 nature and shall be construed and applied retroactively.

23 Sec. 2. K.S.A. 2020 Supp. 21-6604 is hereby repealed.

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