

SENATE BILL No. 159

By Senator Pilcher-Cook

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to parole and postrelease supervision for violent offenders and sex
3 offenders; conditions; amending K.S.A. 2010 Supp. 22-3717 and
4 repealing the existing section; also repealing K.S.A. 2010 Supp. 22-
5 3717c.

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

8 Section 1. K.S.A. 2010 Supp. 22-3717 is hereby amended to read as
9 follows: 22-3717. (a) Except as otherwise provided by this section;
10 K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through
11 21-4638, *prior to their repeal*; K.S.A. 21-4624, *prior to its repeal*; K.S.A.
12 21-4642, *prior to its repeal*; sections 260, 263, 264 and 265 of chapter
13 136 of the 2010 Session Laws of Kansas, and amendments thereto; K.S.A.
14 8-1567, and amendments thereto; ~~K.S.A. 21-4642 section 266 of chapter~~
15 ~~136 of the 2010 Session Laws of Kansas, and amendments thereto; and~~
16 ~~K.S.A. 21-4624 section 257 of chapter 136 of the 2010 Session Laws of~~
17 *Kansas, and amendments thereto, an inmate, including an inmate*
18 *sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or section 276*
19 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
20 *thereto, shall be eligible for parole after serving the entire minimum*
21 *sentence imposed by the court, less good time credits.*

22 (b) (1) Except as provided by K.S.A. 21-4635 through 21-4638,
23 *prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136*
24 *of the 2010 Session Laws of Kansas, and amendments thereto, an inmate*
25 *sentenced to imprisonment for the crime of capital murder, or an inmate*
26 *sentenced for the crime of murder in the first degree based upon a finding*
27 *of premeditated murder, committed on or after July 1, 1994, shall be*
28 *eligible for parole after serving 25 years of confinement, without*
29 *deduction of any good time credits.*

30 (2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993
31 Supp. 21-4628, prior to its repeal, ~~and~~ K.S.A. 21-4635 through 21-4638,
32 *prior to their repeal, and sections 260, 263, 264 and 265 of chapter 136*
33 *of the 2010 Session Laws of Kansas, and amendments thereto, an inmate*
34 *sentenced to imprisonment for an off-grid offense committed on or after*
35 *July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after*
36 *servng 15 years of confinement, without deduction of any good time*

1 credits and an inmate sentenced to imprisonment for an off-grid offense
2 committed on or after July 1, 1999, shall be eligible for parole after
3 serving 20 years of confinement without deduction of any good time
4 credits.

5 (3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its
6 repeal, an inmate sentenced for a class A felony committed before July 1,
7 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, *prior to*
8 *its repeal, or section 276 of chapter 136 of the 2010 Session Laws of*
9 *Kansas*, and amendments thereto, shall be eligible for parole after serving
10 15 years of confinement, without deduction of any good time credits.

11 (4) An inmate sentenced to imprisonment for a violation of
12 subsection (a) of K.S.A. 21-3402, *prior to its repeal, or subsection (a) of*
13 *section 38 of chapter 136 of the 2010 Session Laws of Kansas*, and
14 amendments thereto, committed on or after July 1, 1996, but prior to July
15 1, 1999, shall be eligible for parole after serving 10 years of confinement
16 without deduction of any good time credits.

17 (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
18 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
19 *Session Laws of Kansas*, and amendments thereto, committed on or after
20 July 1, 2006, shall be eligible for parole after serving the mandatory term
21 of imprisonment without deduction of any good time credits.

22 (c) (1) Except as provided in subsection (e), if an inmate is
23 sentenced to imprisonment for more than one crime and the sentences run
24 consecutively, the inmate shall be eligible for parole after serving the total
25 of:

26 (A) The aggregate minimum sentences, as determined pursuant to
27 K.S.A. 21-4608, *prior to its repeal, or section 246 of chapter 136 of the*
28 *2010 Session Laws of Kansas*, and amendments thereto, less good time
29 credits for those crimes which are not class A felonies; and

30 (B) an additional 15 years, without deduction of good time credits,
31 for each crime which is a class A felony.

32 (2) (A) If an inmate is sentenced to imprisonment pursuant to K.S.A.
33 21-4643, ~~and amendments thereto~~ *prior to its repeal*, for crimes
34 committed on or after July 1, 2006, *but prior to July 1, 2011*, the inmate
35 shall be eligible for parole after serving the mandatory term of
36 imprisonment.

37 (B) *If an inmate is sentenced to imprisonment pursuant to section*
38 *267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
39 *thereto, for crimes committed on or after July 1, 2011, the inmate shall be*
40 *eligible for parole after serving the mandatory term of imprisonment.*

41 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
42 committed on or after July 1, 1993, or persons subject to subparagraph
43 (G), will not be eligible for parole, but will be released to a mandatory

1 period of postrelease supervision upon completion of the prison portion
2 of their sentence as follows:

3 (A) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity level 1 through 4 crimes and drug severity
5 levels 1 and 2 crimes must serve 36 months, plus the amount of good
6 time and program credit earned and retained pursuant to K.S.A. 21-4722,
7 *prior to its repeal, or section 302 of chapter 136 of the 2010 Session*
8 *Laws of Kansas*, and amendments thereto, on postrelease supervision.

9 (B) Except as provided in subparagraphs (D) and (E), persons
10 sentenced for nondrug severity levels 5 and 6 crimes and drug severity
11 level 3 crimes must serve 24 months, plus the amount of good time and
12 program credit earned and retained pursuant to K.S.A. 21-4722, *prior to*
13 *its repeal, or section 302 of chapter 136 of the 2010 Session Laws of*
14 *Kansas*, and amendments thereto, on postrelease supervision.

15 (C) Except as provided in subparagraphs (D) and (E), persons
16 sentenced for nondrug severity level 7 through 10 crimes and drug
17 severity level 4 crimes must serve 12 months, plus the amount of good
18 time and program credit earned and retained pursuant to K.S.A. 21-4722,
19 *prior to its repeal, or section 302 of chapter 136 of the 2010 Session*
20 *Laws of Kansas*, and amendments thereto, on postrelease supervision.

21 (D) (i) The sentencing judge shall impose the postrelease
22 supervision period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)
23 (1)(C), unless the judge finds substantial and compelling reasons to
24 impose a departure based upon a finding that the current crime of
25 conviction was sexually motivated. In that event, departure may be
26 imposed to extend the postrelease supervision to a period of up to 60
27 months.

28 (ii) If the sentencing judge departs from the presumptive postrelease
29 supervision period, the judge shall state on the record at the time of
30 sentencing the substantial and compelling reasons for the departure.
31 Departures in this section are subject to appeal pursuant to K.S.A. 21-
32 4721, *prior to its repeal, or section 301 of chapter 136 of the 2010*
33 *Session Laws of Kansas*, and amendments thereto.

34 (iii) In determining whether substantial and compelling reasons
35 exist, the court shall consider:

36 (a) Written briefs or oral arguments submitted by either the
37 defendant or the state;

38 (b) any evidence received during the proceeding;

39 (c) the presentence report, the victim's impact statement and any
40 psychological evaluation as ordered by the court pursuant to subsection
41 (e) of K.S.A. 21-4714, *prior to its repeal, or subsection (e) of section 294*
42 *of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
43 thereto; and

1 (d) any other evidence the court finds trustworthy and reliable.

2 (iv) The sentencing judge may order that a psychological evaluation
3 be prepared and the recommended programming be completed by the
4 offender. The department of corrections or the parole board shall ensure
5 that court ordered sex offender treatment be carried out.

6 (v) In carrying out the provisions of subparagraph (d)(1)(D), the
7 court shall refer to K.S.A. 21-4718, *prior to its repeal, or section 298 of*
8 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments
9 thereto.

10 (vi) Upon petition, the parole board may provide for early discharge
11 from the postrelease supervision period upon completion of court ordered
12 programs and completion of the presumptive postrelease supervision
13 period, as determined by the crime of conviction, pursuant to
14 subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
15 postrelease supervision is at the discretion of the parole board.

16 (vii) Persons convicted of crimes deemed sexually violent or
17 sexually motivated, shall be registered according to the offender
18 registration act, K.S.A. 22-4901 through 22-4910, and amendments
19 thereto.

20 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, *prior to their*
21 *repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas*,
22 and amendments thereto, shall be required to participate in a treatment
23 program for sex offenders during the postrelease supervision period.

24 (E) The period of postrelease supervision provided in subparagraphs
25 (A) and (B) may be reduced by up to 12 months and the period of
26 postrelease supervision provided in subparagraph (C) may be reduced by
27 up to six months based on the offender's compliance with conditions of
28 supervision and overall performance while on postrelease supervision.
29 The reduction in the supervision period shall be on an earned basis
30 pursuant to rules and regulations adopted by the secretary of corrections.

31 (F) In cases where sentences for crimes from more than one severity
32 level have been imposed, the offender shall serve the longest period of
33 postrelease supervision as provided by this section available for any
34 crime upon which sentence was imposed irrespective of the severity level
35 of the crime. Supervision periods will not aggregate.

36 (G) Except as provided in subsection (u), persons convicted of a
37 sexually violent crime committed on or after July 1, 2006, and who are
38 released from prison, shall be released to a mandatory period of
39 postrelease supervision for the duration of the person's natural life.

40 (2) As used in this section, "sexually violent crime" means:

41 (A) Rape, K.S.A. 21-3502, *prior to its repeal, or section 67 of*
42 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments
43 thereto;

1 (B) indecent liberties with a child, K.S.A. 21-3503, *prior to its*
2 *repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session*
3 *Laws of Kansas*, and amendments thereto;

4 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, *prior*
5 *to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010*
6 *Session Laws of Kansas*, and amendments thereto;

7 (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-
8 3505, *prior to its repeal, or subsection (a)(3) and (a)(4) of section 68 of*
9 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments
10 thereto;

11 (E) aggravated criminal sodomy, K.S.A. 21-3506, *prior to its repeal,*
12 *or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws*
13 *of Kansas*, and amendments thereto;

14 (F) indecent solicitation of a child, K.S.A. 21-3510, *prior to its*
15 *repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session*
16 *Laws of Kansas*, and amendments thereto;

17 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511,
18 *prior to its repeal, or subsection (b) of section 72 of chapter 136 of the*
19 *2010 Session Laws of Kansas*, and amendments thereto;

20 (H) sexual exploitation of a child, K.S.A. 21-3516, *prior to its*
21 *repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas,*
22 *and amendments thereto;*

23 (I) aggravated sexual battery, K.S.A. 21-3518, *prior to its repeal, or*
24 *subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of*
25 *Kansas*, and amendments thereto;

26 (J) aggravated incest, K.S.A. 21-3603, *prior to its repeal, or*
27 *subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of*
28 *Kansas*, and amendments thereto; or

29 (K) an attempt, conspiracy or criminal solicitation, as defined in
30 K.S.A. 21-3301, 21-3302 or 21-3303, *prior to their repeal, or sections*
31 *33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas*, and
32 amendments thereto, of a sexually violent crime as defined in this section.

33 "Sexually motivated" means that one of the purposes for which the
34 defendant committed the crime was for the purpose of the defendant's
35 sexual gratification.

36 (e) If an inmate is sentenced to imprisonment for a crime committed
37 while on parole or conditional release, the inmate shall be eligible for
38 parole as provided by subsection (c), except that the Kansas parole board
39 may postpone the inmate's parole eligibility date by assessing a penalty
40 not exceeding the period of time which could have been assessed if the
41 inmate's parole or conditional release had been violated for reasons other
42 than conviction of a crime.

43 (f) If a person is sentenced to prison for a crime committed on or

1 after July 1, 1993, while on probation, parole, conditional release or in a
2 community corrections program, for a crime committed prior to July 1,
3 1993, and the person is not eligible for retroactive application of the
4 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
5 4724, ~~and amendments thereto~~ *prior to its repeal*, the new sentence shall
6 not be aggregated with the old sentence, but shall begin when the person
7 is paroled or reaches the conditional release date on the old sentence. If
8 the offender was past the offender's conditional release date at the time
9 the new offense was committed, the new sentence shall not be aggregated
10 with the old sentence but shall begin when the person is ordered released
11 by the Kansas parole board or reaches the maximum sentence expiration
12 date on the old sentence, whichever is earlier. The new sentence shall
13 then be served as otherwise provided by law. The period of postrelease
14 supervision shall be based on the new sentence, except that those
15 offenders whose old sentence is a term of imprisonment for life, imposed
16 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an
17 indeterminate sentence with a maximum term of life imprisonment, for
18 which there is no conditional release or maximum sentence expiration
19 date, shall remain on postrelease supervision for life or until discharged
20 from supervision by the Kansas parole board.

21 (g) Subject to the provisions of this section, the Kansas parole board
22 may release on parole those persons confined in institutions who are
23 eligible for parole when: (1) The board believes that the inmate should be
24 released for hospitalization, for deportation or to answer the warrant or
25 other process of a court and is of the opinion that there is reasonable
26 probability that the inmate can be released without detriment to the
27 community or to the inmate; or (2) the secretary of corrections has
28 reported to the board in writing that the inmate has satisfactorily
29 completed the programs required by any agreement entered under K.S.A.
30 75-5210a, and amendments thereto, or any revision of such agreement,
31 and the board believes that the inmate is able and willing to fulfill the
32 obligations of a law abiding citizen and is of the opinion that there is
33 reasonable probability that the inmate can be released without detriment
34 to the community or to the inmate. Parole shall not be granted as an
35 award of clemency and shall not be considered a reduction of sentence or
36 a pardon.

37 (h) The Kansas parole board shall hold a parole hearing at least the
38 month prior to the month an inmate will be eligible for parole under
39 subsections (a), (b) and (c). At least the month preceding the parole
40 hearing, the county or district attorney of the county where the inmate
41 was convicted shall give written notice of the time and place of the public
42 comment sessions for the inmate to any victim of the inmate's crime who
43 is alive and whose address is known to the county or district attorney or,

1 if the victim is deceased, to the victim's family if the family's address is
2 known to the county or district attorney. Except as otherwise provided,
3 failure to notify pursuant to this section shall not be a reason to postpone
4 a parole hearing. In the case of any inmate convicted of an off-grid felony
5 or a class A felony the secretary of corrections shall give written notice of
6 the time and place of the public comment session for such inmate at least
7 one month preceding the public comment session to any victim of such
8 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
9 amendments thereto. If notification is not given to such victim or such
10 victim's family in the case of any inmate convicted of an off-grid felony
11 or a class A felony, the board shall postpone a decision on parole of the
12 inmate to a time at least 30 days after notification is given as provided in
13 this section. Nothing in this section shall create a cause of action against
14 the state or an employee of the state acting within the scope of the
15 employee's employment as a result of the failure to notify pursuant to this
16 section. If granted parole, the inmate may be released on parole on the
17 date specified by the board, but not earlier than the date the inmate is
18 eligible for parole under subsections (a), (b) and (c). At each parole
19 hearing and, if parole is not granted, at such intervals thereafter as it
20 determines appropriate, the Kansas parole board shall consider: (1)
21 Whether the inmate has satisfactorily completed the programs required by
22 any agreement entered under K.S.A. 75-5210a, and amendments thereto,
23 or any revision of such agreement; and (2) all pertinent information
24 regarding such inmate, including, but not limited to, the circumstances of
25 the offense of the inmate; the presentence report; the previous social
26 history and criminal record of the inmate; the conduct, employment, and
27 attitude of the inmate in prison; the reports of such physical and mental
28 examinations as have been made, including, but not limited to, risk
29 factors revealed by any risk assessment of the inmate; comments of the
30 victim and the victim's family including in person comments,
31 contemporaneous comments and prerecorded comments made by any
32 technological means; comments of the public; official comments; any
33 recommendation by the staff of the facility where the inmate is
34 incarcerated; proportionality of the time the inmate has served to the
35 sentence a person would receive under the Kansas sentencing guidelines
36 for the conduct that resulted in the inmate's incarceration; and capacity of
37 state correctional institutions.

38 (i) In those cases involving inmates sentenced for a crime committed
39 after July 1, 1993, the parole board will review the inmates proposed
40 release plan. The board may schedule a hearing if they desire. The board
41 may impose any condition they deem necessary to insure public safety,
42 aid in the reintegration of the inmate into the community, or items not
43 completed under the agreement entered into under K.S.A. 75-5210a, and

1 amendments thereto. The board may not advance or delay an inmate's
2 release date. Every inmate while on postrelease supervision shall remain
3 in the legal custody of the secretary of corrections and is subject to the
4 orders of the secretary.

5 (j) (1) Before ordering the parole of any inmate, the Kansas parole
6 board shall have the inmate appear either in person or via a video
7 conferencing format and shall interview the inmate unless impractical
8 because of the inmate's physical or mental condition or absence from the
9 institution. Every inmate while on parole shall remain in the legal custody
10 of the secretary of corrections and is subject to the orders of the secretary.
11 Whenever the Kansas parole board formally considers placing an inmate
12 on parole and no agreement has been entered into with the inmate under
13 K.S.A. 75-5210a, and amendments thereto, the board shall notify the
14 inmate in writing of the reasons for not granting parole. If an agreement
15 has been entered under K.S.A. 75-5210a, and amendments thereto, and
16 the inmate has not satisfactorily completed the programs specified in the
17 agreement, or any revision of such agreement, the board shall notify the
18 inmate in writing of the specific programs the inmate must satisfactorily
19 complete before parole will be granted. If parole is not granted only
20 because of a failure to satisfactorily complete such programs, the board
21 shall grant parole upon the secretary's certification that the inmate has
22 successfully completed such programs. If an agreement has been entered
23 under K.S.A. 75-5210a, and amendments thereto, and the secretary of
24 corrections has reported to the board in writing that the inmate has
25 satisfactorily completed the programs required by such agreement, or any
26 revision thereof, the board shall not require further program participation.
27 However, if the board determines that other pertinent information
28 regarding the inmate warrants the inmate's not being released on parole,
29 the board shall state in writing the reasons for not granting the parole. If
30 parole is denied for an inmate sentenced for a crime other than a class A
31 or class B felony or an off-grid felony, the board shall hold another parole
32 hearing for the inmate not later than one year after the denial unless the
33 parole board finds that it is not reasonable to expect that parole would be
34 granted at a hearing if held in the next three years or during the interim
35 period of a deferral. In such case, the parole board may defer subsequent
36 parole hearings for up to three years but any such deferral by the board
37 shall require the board to state the basis for its findings. If parole is
38 denied for an inmate sentenced for a class A or class B felony or an off-
39 grid felony, the board shall hold another parole hearing for the inmate not
40 later than three years after the denial unless the parole board finds that it
41 is not reasonable to expect that parole would be granted at a hearing if
42 held in the next 10 years or during the interim period of a deferral. In
43 such case, the parole board may defer subsequent parole hearings for up

1 to 10 years but any such deferral shall require the board to state the basis
2 for its findings.

3 (2) Inmates sentenced for a class A or class B felony who have not
4 had a parole board hearing in the five years prior to July 1, 2010, shall
5 have such inmates' cases reviewed by the parole board on or before July
6 1, 2012. Such review shall begin with the inmates with the oldest deferral
7 date and progress to the most recent. Such review shall be done utilizing
8 existing resources unless the parole board determines that such resources
9 are insufficient. If the parole board determines that such resources are
10 insufficient, then the provisions of this paragraph are subject to
11 appropriations therefor.

12 (k) Parolees and persons on postrelease supervision shall be
13 assigned, upon release, to the appropriate level of supervision pursuant to
14 the criteria established by the secretary of corrections.

15 (l) The Kansas parole board shall adopt rules and regulations in
16 accordance with K.S.A. 77-415 et seq., and amendments thereto, not
17 inconsistent with the law and as it may deem proper or necessary, with
18 respect to the conduct of parole hearings, postrelease supervision reviews,
19 revocation hearings, orders of restitution, reimbursement of expenditures
20 by the state board of indigents' defense services and other conditions to
21 be imposed upon parolees or releasees. Whenever an order for parole or
22 postrelease supervision is issued it shall recite the conditions thereof.

23 (m) Whenever the Kansas parole board orders the parole of an
24 inmate or establishes conditions for an inmate placed on postrelease
25 supervision, the board:

26 (1) Unless it finds compelling circumstances which would render a
27 plan of payment unworkable, shall order as a condition of parole or
28 postrelease supervision that the parolee or the person on postrelease
29 supervision pay any transportation expenses resulting from returning the
30 parolee or the person on postrelease supervision to this state to answer
31 criminal charges or a warrant for a violation of a condition of probation,
32 assignment to a community correctional services program, parole,
33 conditional release or postrelease supervision;

34 (2) to the extent practicable, shall order as a condition of parole or
35 postrelease supervision that the parolee or the person on postrelease
36 supervision make progress towards or successfully complete the
37 equivalent of a secondary education if the inmate has not previously
38 completed such educational equivalent and is capable of doing so;

39 (3) may order that the parolee or person on postrelease supervision
40 perform community or public service work for local governmental
41 agencies, private corporations organized not-for-profit or charitable or
42 social service organizations performing services for the community;

43 (4) may order the parolee or person on postrelease supervision to

1 pay the administrative fee imposed pursuant to K.S.A. 22-4529, and
2 amendments thereto, unless the board finds compelling circumstances
3 which would render payment unworkable; and

4 (5) unless it finds compelling circumstances which would render a
5 plan of payment unworkable, shall order that the parolee or person on
6 postrelease supervision reimburse the state for all or part of the
7 expenditures by the state board of indigents' defense services to provide
8 counsel and other defense services to the person. In determining the
9 amount and method of payment of such sum, the parole board shall take
10 account of the financial resources of the person and the nature of the
11 burden that the payment of such sum will impose. Such amount shall not
12 exceed the amount claimed by appointed counsel on the payment voucher
13 for indigents' defense services or the amount prescribed by the board of
14 indigents' defense services reimbursement tables as provided in K.S.A.
15 22-4522, and amendments thereto, whichever is less, minus any previous
16 payments for such services.

17 (n) If the court which sentenced an inmate specified at the time of
18 sentencing the amount and the recipient of any restitution ordered as a
19 condition of parole or postrelease supervision, the Kansas parole board
20 shall order as a condition of parole or postrelease supervision that the
21 inmate pay restitution in the amount and manner provided in the journal
22 entry unless the board finds compelling circumstances which would
23 render a plan of restitution unworkable.

24 (o) Whenever the Kansas parole board grants the parole of an
25 inmate, the board, within ~~40~~ 14 days of the date of the decision to grant
26 parole, shall give written notice of the decision to the county or district
27 attorney of the county where the inmate was sentenced.

28 (p) When an inmate is to be released on postrelease supervision, the
29 secretary, within 30 days prior to release, shall provide the county or
30 district attorney of the county where the inmate was sentenced written
31 notice of the release date.

32 (q) Inmates shall be released on postrelease supervision upon the
33 termination of the prison portion of their sentence. Time served while on
34 postrelease supervision will vest.

35 (r) An inmate who is allocated regular good time credits as provided
36 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
37 good time credits in increments of not more than 90 days per meritorious
38 act. These credits may be awarded by the secretary of corrections when
39 an inmate has acted in a heroic or outstanding manner in coming to the
40 assistance of another person in a life threatening situation, preventing
41 injury or death to a person, preventing the destruction of property or
42 taking actions which result in a financial savings to the state.

43 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and

1 (d)(1)(E) shall be applied retroactively as provided in subsection (t).

2 (t) For offenders sentenced prior to the effective date of this act who
3 are eligible for modification of their postrelease supervision obligation,
4 the department of corrections shall modify the period of postrelease
5 supervision as provided for by this section for offenders convicted of
6 severity level 9 and 10 crimes on the sentencing guidelines grid for
7 nondrug crimes and severity level 4 crimes on the sentencing guidelines
8 grid for drug crimes on or before September 1, 2000; for offenders
9 convicted of severity level 7 and 8 crimes on the sentencing guidelines
10 grid for nondrug crimes on or before November 1, 2000; and for
11 offenders convicted of severity level 5 and 6 crimes on the sentencing
12 guidelines grid for nondrug crimes and severity level 3 crimes on the
13 sentencing guidelines grid for drug crimes on or before January 1, 2001.

14 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
15 4643, *prior to its repeal, or section 267 of chapter 136 of the 2010*
16 *Session Laws of Kansas*, and amendments thereto, for crimes committed
17 on or after July 1, 2006, shall be placed on parole for life and shall not be
18 discharged from supervision by the Kansas parole board. When the board
19 orders the parole of an inmate pursuant to this subsection, the board shall
20 order as a condition of parole that the inmate be electronically monitored
21 for the duration of the inmate's natural life.

22 (v) Whenever the Kansas parole board or the court orders a person
23 to be electronically monitored, the board or court shall order the person to
24 reimburse the state for all or part of the cost of such monitoring. In
25 determining the amount and method of payment of such sum, the board
26 or court shall take account of the financial resources of the person and the
27 nature of the burden that the payment of such sum will impose.

28 (w) (1) *On and after July 1, 2011, for any inmate who is a*
29 *violent offender or sex offender, as defined in K.S.A. 22-4902, and*
30 *amendments thereto, whenever the Kansas parole board orders the*
31 *parole of such inmate or establishes conditions for such inmate placed on*
32 *postrelease supervision, such inmate shall agree in writing to be subject*
33 *to search or seizure by a parole officer, community correctional services*
34 *officer or other law enforcement officer at any time of the day or night,*
35 *with or without a search warrant and with or without cause. Nothing in*
36 *this subsection shall be construed to authorize parole officers, community*
37 *correctional services officers or other law enforcement officers to*
38 *conduct arbitrary or capricious searches or searches for the sole purpose*
39 *of harassment.*

40 (2) *The provisions of this subsection shall be applied*
41 *retroactively to every violent offender or sex offender, as defined in K.S.A.*
42 *22-4902, and amendments thereto, who is on parole or postrelease*
43 *supervision on July 1, 2011. The parole board shall obtain the written*

1 agreement required by this subsection from such offenders as soon as
2 practicable.

3 (x) (1) On and after July 1, 2011, for any inmate who is a sex
4 offender, as defined in K.S.A. 22-4902, and amendments thereto,
5 whenever the Kansas parole board orders the parole of such inmate or
6 establishes conditions for such inmate placed on postrelease supervision,
7 such inmate shall agree in writing to not possess pornographic materials.
8 As used in this subsection, "pornographic materials" means:

9 (A) Any obscene material or performance depicting sexual
10 conduct, sexual contact or a sexual performance; and

11 (B) any visual depiction, including any photograph, film,
12 video, picture or computer or computer-generated image or picture,
13 whether made or produced by electronic, mechanical or other means, of
14 sexually explicit conduct.

15 (2) The provisions of this subsection shall be applied retroactively to
16 every sex offender, as defined in K.S.A. 22-4902, and amendments
17 thereto, who is on parole or postrelease supervision on July 1, 2011. The
18 parole board shall obtain the written agreement required by this
19 subsection from such offenders as soon as practicable.

20 Sec. 2. K.S.A. 2010 Supp. 22-3717 and 22-3717c are hereby
21 repealed.

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