

SENATE BILL No. 453

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; early release from incarceration.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) The secretary of corrections may transfer an offender
6 from a correctional facility to home detention in the community if the
7 secretary determines that community parenting release is an appropriate
8 placement and:

9 (1) The offender is serving a current sentence for a nondrug severity
10 level 4- **through** 10 felony or a drug severity level 1- **through** 5 felony and
11 is determined to be low, low-moderate or moderate risk on a standardized
12 risk assessment tool;

13 (2) the offender has no prior or current conviction for a sex offense or
14 an inherently dangerous felony as defined in K.S.A. 2015 Supp. 21-5402,
15 and amendments thereto;

16 (3) the offender has not been found by the United States attorney
17 general to be subject to a deportation detainer or order;

18 (4) the offender signs any release of information waivers required to
19 allow information regarding current or prior child in need of care cases
20 involving the offender to be shared with the department of corrections;

21 (5) the offender had physical custody of such offender's minor child
22 or was a legal guardian or custodian with physical custody of a minor child
23 at the time the offense for which the offender is serving a sentence was
24 committed;

25 (6) the offender has 12 months or less remaining of the offender's
26 sentence; and

27 (7) the secretary of corrections determines that such placement is in
28 the best interests of the child.

29 (b) Prior to transferring an offender from a correctional facility to
30 home detention pursuant to this section, the secretary of corrections shall
31 obtain information from the department for children and families regarding
32 any child in need of care case involving the offender. Such information
33 shall be used by the secretary of corrections in determining whether
34 placing an offender in community parenting release is in the best interests
35 of the child.

36 (c) Offenders placed on community parenting release shall provide to

1 the secretary of corrections an approved residence and living arrangement
2 prior to transfer to home detention.

3 (d) The secretary of corrections shall:

4 (1) Require offenders placed on community parenting release to:

5 (A) ~~Wear an electronic monitoring device that provides continuous~~
6 ~~verification of the offender's location through a global positioning system~~
7 ~~that is continuously monitored by a 24-hour call center capable of alerting~~
8 ~~appropriate authorities of alarms~~ ***Comply with the provisions of K.S.A.***
9 ***21-6609, and amendments thereto***; and

10 (B) participate in programming and treatment that the secretary
11 determines is needed; and

12 (2) assign a ~~community corrections~~ ***parole*** officer to monitor the
13 offender's compliance with conditions of community parenting release.

14 (e) The secretary of corrections has the authority to return any
15 offender serving the remainder of such offender's sentence on community
16 parenting release to a correctional facility if the offender is not complying
17 with community parenting release requirements.

18 Sec. 2. This act shall take effect and be in force from and after its
19 publication in the statute book.