

**HOUSE BILL No. 2741**

By Committee on Corrections and Juvenile Justice

Requested by Jennifer King on behalf of the Department of Corrections

2-7

Proposed Amendments to HB 2741 - remove OJA from postrelease  
House Corrections and Juvenile Justice  
Prepared by the Office of Revisor of Statutes  
February 13, 2024

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to supervision of offenders; updating the terms of supervision for  
3 offenders on probation and postrelease supervision; amending K.S.A.  
4 21-6607, 22-2907 and 22-3717 and repealing the existing sections.  
5

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

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

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

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

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

1 (4)(12) may order the parolee or person on postrelease supervision to  
2 pay the administrative fee imposed pursuant to K.S.A. 22-4529, and  
3 amendments thereto, unless the board finds compelling circumstances that  
4 would render payment unworkable; and

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

18 (6) ~~shall order that the parolee or person on postrelease supervision~~  
19 ~~agree in writing to be subject to searches of the person and the person's~~  
20 ~~effects, vehicle, residence and property by a parole officer or a department~~  
21 ~~of corrections enforcement, apprehension and investigation officer, at any~~  
22 ~~time of the day or night, with or without a search warrant and with or~~  
23 ~~without cause. Nothing in this subsection shall be construed to authorize~~  
24 ~~such officers to conduct arbitrary or capricious searches or searches for the~~  
25 ~~sole purpose of harassment; and~~

26 (7) ~~shall order that the parolee or person on postrelease supervision~~  
27 ~~agree in writing to be subject to searches of the person and the person's~~  
28 ~~effects, vehicle, residence and property by any law enforcement officer~~  
29 ~~based on reasonable suspicion of the person violating conditions of parole~~  
30 ~~or postrelease supervision or reasonable suspicion of criminal activity.~~

31 (n) ~~The office of judicial administration and the department of~~  
32 ~~corrections shall collaborate to develop documentation related to~~  
33 ~~conditions of supervision.~~

34 (o) If the court that sentenced an inmate specified at the time of  
35 sentencing the amount and the recipient of any restitution ordered as a  
36 condition of parole or postrelease supervision, the prisoner review board  
37 shall order as a condition of parole or postrelease supervision that the  
38 inmate pay restitution in the amount and manner provided in the journal  
39 entry unless the board finds compelling circumstances that would render a  
40 plan of restitution unworkable.

41 (p) Whenever the prisoner review board grants the parole of an  
42 inmate, the board, within 14 days of the date of the decision to grant  
43 parole, shall give written notice of the decision to the county or district

strike

Redesignate subsections