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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 19, 2024
Subject: Bill Brief for HB 2741

House Bill 2741, As Amended by House Committee, updates the general terms of supervision for offenders on probation and postrelease supervision.

The bill amends K.S.A. 21-6607 related to conditions of probation and K.S.A. 22-3717 related to conditions of postrelease supervision. The bill removes the current list of supervision terms for offenders on probation and postrelease supervision and makes the terms of supervision for each type of offender substantially similar. The bill keeps the current law requirements to pay restitution, pay a correctional supervision fee for people on probation supervision and an administrative fee for people on postrelease supervision, and reimburse the state for expenditures made by the board of indigents' defense services to provide counsel.

Section 1 amends K.S.A. 21-6607 to provide that the court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including, but not limited to, requiring that the defendant: (1) Obey all laws and report any law enforcement contact to the supervision officer within 24 hours after such contact; (2) not engage in physical violence and, if convicted of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision; (3) report to the supervision officer as directed; (4) remain within the state or other specified areas; (5) reside at the person's approved residence unless permission to relocate is granted; (6) not possess, use or distribute controlled substances; (7) not possess or consume alcohol or enter establishments where alcohol is sold or consumed as the primary business; (8) submit to alcohol or substance use testing; (9) participate in assessment, treatment, programming and other directives of the court or the supervision officer; (10) be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, community correctional services officer or any

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other law enforcement officer based on reasonable suspicion that the defendant violated conditions of supervision probation or engaged in criminal activity; or (11) refrain from contacting victims unless authorized by the court. New subsection (d) requires the office of judicial administration and the department corrections to collaborate to develop documentation related to conditions of supervision.

Section 2 amends K.S.A. 22-2907 to update a cross-reference to K.S.A. 21-6607.

Section 3 amends K.S.A. 22-3717 to provide that whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board shall require that the inmate: (1) Obey all laws and report any law enforcement contact to the supervision officer within 24 hours after such contact; (2) not engage in physical violence and, if convicted of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision; (3) report to the supervision officer as directed; (4) remain within the state or other specified areas; (5) reside at the person's approved residence unless permission to relocate is granted; (6) not possess, use or distribute controlled substances; (7) not possess or consume alcohol or enter establishments where alcohol is sold or consumed as the primary business; (8) submit to alcohol or substance use testing; (9) participate in assessment, treatment, programming and other directives of the court or the supervision officer; and (10) refrain from contacting victims unless authorized by the court.

As introduced, the bill required that the inmate submit to searches of the inmate's person, effects, vehicle, residence or property by the inmate's supervision officer or any law enforcement officer based on reasonable suspicion that the inmate violated conditions of supervision or engaged in criminal activity. The House Committee amended the bill to align with current law and continue to require that the inmate: (1) Submit to searches of the person, and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause; and (2) submit to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

The bill would take effect from and after publication in the statute book, July 1, 2024.