

## SENATE BILL No. 333

By Committee on Ways and Means

4-29

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9 AN ACT concerning the Kansas parole board; authorizing charging fees  
10 for applications for pardon, commutation of sentence and early release;  
11 creating the Kansas parole board fee fund; amending K.S.A. 22-3701  
12 and 22-3722 and repealing the existing sections.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 22-3701 is hereby amended to read as follows: 22-  
16 3701. (1) The governor may pardon, or commute the sentence of, any  
17 person convicted of a crime in any court of this state upon such terms  
18 and conditions as prescribed in the order granting the pardon or  
19 commutation.

20 (2) The Kansas parole board, hereafter referred to as the board, shall  
21 adopt rules and regulations governing the procedure for initiating, proc-  
22 essing, and reviewing applications for pardon, or commutation of sen-  
23 tence filed by and on behalf of persons convicted of crime.

24 (3) Except as otherwise provided, no pardon or commutation of sen-  
25 tence shall be granted until more than 30 days after written notice of the  
26 application therefor has been given to: (a) The prosecuting attorney and  
27 the judge of the court in which the defendant was convicted; and (b) any  
28 victim of the person's crime or the victim's family, if the person was  
29 convicted of a crime specified in article 34, 35 or 36 of chapter 21 of the  
30 Kansas statutes annotated. Notice of such application for pardon or com-  
31 mutation of sentence shall be given by the secretary of corrections to the  
32 victim who is alive and whose address is known to the secretary of cor-  
33 rections, or if the victim is deceased, to the victim's family if the family's  
34 address is known to the secretary of corrections. Notice of the receipt of  
35 such application shall be given by publication in the official county paper  
36 of the county of conviction. The form of notice shall be prescribed by the  
37 board. If the applicant executes a poverty affidavit, the cost of one pub-  
38 lication of the notice during a twelve-month period shall be paid by the  
39 state. If more than one notice of application is published during any  
40 twelve-month period the additional cost of publication shall be paid by  
41 the applicant. Subject to the provisions of subsection (4), if written no-  
42 tification is not given to such victim who is alive and whose address is  
43 known to the secretary of corrections or, if the victim is deceased, to the

1 victim's family if the family's address is known to the secretary of correc-  
2 tions, the governor shall not grant or deny such application until a time  
3 at least 30 days after notification is given by publication as provided in  
4 this section.

5 (4) All applications for pardon or commutation of sentence shall be  
6 referred to the board. The board shall examine each case and submit a  
7 report, together with such information as the board may have concerning  
8 the applicant, to the governor within 120 days after referral to the board.  
9 The governor shall not grant or deny any such application until the gov-  
10 ernor has received the report of the board or until 120 days after the  
11 referral to the board, whichever time is the shorter and the provisions of  
12 subsection (3) have been satisfied.

13 (5) *The Kansas parole board is hereby authorized to charge a fee not*  
14 *to exceed \$100 for a pardon or commutation of sentence application. Such*  
15 *fees collected by the Kansas parole board shall be remitted to the state*  
16 *treasurer in accordance with K.S.A. 75-4215, and amendments thereto.*  
17 *Upon receipt of each such remittance, the state treasurer shall deposit the*  
18 *entire amount in the state treasury to the credit of the Kansas parole board*  
19 *fee fund, which is hereby created in the state treasury. All expenditures*  
20 *from the Kansas parole board fee fund shall be made in accordance with*  
21 *appropriation acts and upon warrants of the director of accounts and*  
22 *reports approved by the chairperson of the Kansas parole board, or by a*  
23 *person or persons designated by the chairperson of the parole board.*

24 Sec. 2. K.S.A. 22-3722 is hereby amended to read as follows: 22-  
25 3722. (a) The period served on parole or conditional release shall be  
26 deemed service of the term of confinement, and, subject to the provisions  
27 contained in K.S.A. 75-5217 and amendments thereto relating to an in-  
28 mate who is a fugitive from or has fled from justice, the total time served  
29 may not exceed the maximum term or sentence. The period served on  
30 postrelease supervision shall vest in and be subject to the provisions con-  
31 tained in K.S.A. 75-5217 and amendments thereto relating to an inmate  
32 who is a fugitive from or has fled from justice. The total time served shall  
33 not exceed the postrelease supervision period established at sentencing.

34 (b) When an inmate on parole or conditional release has performed  
35 the obligations of the release for such time as shall satisfy the Kansas  
36 parole board that final release is not incompatible with the best interest  
37 of society and the welfare of the individual, the parole board may make  
38 a final order of discharge and issue a certificate of discharge to the inmate  
39 but no such order of discharge shall be made in any case within a period  
40 of less than one year after the date of release except where the sentence  
41 expires earlier thereto. When an inmate has reached the end of the post-  
42 release supervision period, the parole board shall issue a certificate of  
43 discharge to the releasee. Such discharge, and the discharge of an inmate

1 who has served the inmate's term of imprisonment, shall have the effect  
2 of restoring all civil rights lost by operation of law upon commitment, and  
3 the certification of discharge shall so state. Nothing herein contained shall  
4 be held to impair the power of the governor to grant a pardon or com-  
5 mutation of sentence in any case.

6 *(c) The Kansas parole board is hereby authorized to charge a fee not*  
7 *to exceed \$50 for a release application. Such fees collected by the Kansas*  
8 *parole board shall be remitted to the state treasurer in accordance with*  
9 *K.S.A. 75-4215, and amendments thereto. Upon receipt of each such re-*  
10 *mittance, the state treasurer shall deposit the entire amount in the state*  
11 *treasury to the credit of the Kansas parole board fee fund, as created in*  
12 *K.S.A. 22-3701, and amendments thereto.*

13 Sec. 3. K.S.A. 22-3701 and 22-3722 are hereby repealed.

14 Sec. 4. This act shall take effect and be in force from and after its  
15 publication in the statute book.