

HOUSE BILL No. 2655

By Committee on Corrections and Juvenile Justice

2-4

9 AN ACT concerning crimes, criminal procedure and punishment; relat-
10 ing to good time credits in community correctional services; amending
11 K.S.A. 21-4703 and 21-4706 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 21-4703 is hereby amended to read as follows: 21-
15 4703. As used in this act:

16 (a) “Aggravating factors” mean substantial and compelling reasons
17 justifying an exceptional sentence whereby the sentencing court may im-
18 pose a departure sentence outside the standard sentencing range for a
19 crime. Aggravating factors may result in dispositional or durational de-
20 partures and shall be stated on the record by the court;

21 (b) “commission” means the Kansas sentencing commission;

22 (c) “criminal history” means and includes adult felony, class A mis-
23 demeanor, class B person misdemeanor, or select misdemeanor convic-
24 tions and comparable juvenile adjudications possessed by an offender at
25 the time such offender is sentenced;

26 (d) “criminal history score” means the summation of the convictions
27 described as criminal history that place an offender in one of the criminal
28 history score categories listed on the horizontal axis of the sentencing
29 guidelines grid for nondrug crimes and the sentencing guidelines grid for
30 drug crimes;

31 (e) “decay factor” means prior convictions that are no longer consid-
32 ered as part of an offender’s criminal history score;

33 (f) “departure” means a sentence which is inconsistent with the pre-
34 sumptive sentence for an offender;

35 (g) “dispositional departure” means a sentence which is inconsistent
36 with the presumptive sentence by imposing a nonprison sanction when
37 the presumptive sentence is prison or prison when the presumptive sen-
38 tence is nonimprisonment;

39 (h) “dispositional line” means the solid black line on the sentencing
40 guidelines grid for nondrug crimes and the sentencing guidelines grid for
41 drug crimes which separates the grid blocks in which the presumptive
42 sentence is a term of imprisonment and postrelease supervision from the
43 grid blocks in which the presumptive sentence is nonimprisonment which

1 may include local custodial sanctions;

2 (i) “durational departure” means a sentence which is inconsistent
3 with the presumptive sentence as to term of imprisonment, or term of
4 nonimprisonment;

5 (j) “good time” means a method of behavior control or sanctions util-
6 ized by the department of corrections. ~~Good time can result in a decrease~~
7 ~~of up to 20% of the prison part of the sentence and community correc-~~
8 ~~tional services.~~

9 (k) “grid” means the sentencing guidelines grid for nondrug crimes
10 as provided in K.S.A. 21-4704 or the sentencing guidelines grid for drug
11 crimes as provided in K.S.A. 21-4705, or both;

12 (l) “grid block” means a box on the grid formed by the intersection
13 of the crime severity ranking of a current crime of conviction and an
14 offender’s criminal history classification;

15 (m) “imprisonment” means imprisonment in a facility operated by
16 the Kansas department of corrections;

17 (n) “mitigating factors” means substantial and compelling reasons jus-
18 tifying an exceptional sentence whereby the sentencing court may impose
19 a departure sentence outside of the standard sentencing range for an
20 offense. Mitigating factors may result in dispositional or durational de-
21 partures and shall be stated on the record by the court;

22 (o) “nonimprisonment,” “nonprison” or “nonprison sanction” means
23 probation, community corrections, conservation camp, house arrest or
24 any other community based disposition;

25 (p) “postrelease supervision” means the release of a prisoner to the
26 community after having served a period of imprisonment or equivalent
27 time served in a facility where credit for time served is awarded as set
28 forth by the court, subject to conditions imposed by the Kansas parole
29 board and to the secretary of correction’s supervision;

30 (q) “presumptive sentence” means the sentence provided in a grid
31 block for an offender classified in that grid block by the combined effect
32 of the crime severity ranking of the current crime of conviction and the
33 offender’s criminal history;

34 (r) “prison” means a facility operated by the Kansas department of
35 corrections; and

36 (s) “sentencing range” means the sentencing court’s discretionary
37 range in imposing a nonappealable sentence.

38 Sec. 2. K.S.A. 21-4706 is hereby amended to read as follows: 21-
39 4706. (a) (1) For crimes committed on or after July 1, 1993, the sen-
40 tences of imprisonment shall represent the time a person shall actually
41 serve, subject to a reduction of up to 15% of the primary sentence for
42 good time as authorized by law. For crimes committed on or after January
43 1, 2008, the sentences of imprisonment shall represent the time a person

1 shall actually serve, subject to a reduction of up to 20% of the primary
2 sentence for good time for drug severity level 3 or 4 or nondrug severity
3 level 7 through 10 crimes and a reduction for program credit as author-
4 ized by K.S.A. 21-4722, and amendments thereto.

5 (2) *Community correctional services may allow a reduction of the*
6 *primary sentence for good time for misdemeanors and non-grid crimes.*

7 (b) The sentencing court shall pronounce sentence in all felony cases.

8 (c) Violations of K.S.A. 21-3401, 21-3439, 21-3449, 21-3450 and 21-
9 3801, and amendments thereto, are off-grid crimes for the purpose of
10 sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-
11 4627, and 21-4629 through 21-4631, and amendments thereto, the sen-
12 tence shall be imprisonment for life and shall not be subject to statutory
13 provisions for suspended sentence, community service or probation.

14 (d) As identified in K.S.A. 21-3447, 21-3502, 21-3504, 21-3506, 21-
15 3513 and 21-3516, and amendments thereto, if the offender is 18 years
16 of age or older and the victim is under 14 years of age, such violations
17 are off-grid crimes for the purposes of sentencing. Except as provided in
18 K.S.A. 21-4642, and amendments thereto, the sentence shall be impris-
19 onment for life pursuant to K.S.A. 21-4643, and amendments thereto.

20 Sec. 3. K.S.A. 21-4703 and 21-4706 are hereby repealed.

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