

## HOUSE BILL No. 2527

By Committee on Corrections and Juvenile Justice

Requested by Representative Steele

1-23

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to work release programs and educational release programs; prohibiting  
3 courts from assigning a defendant to work release if the defendant has  
4 any prior conviction or adjudication of a crime that requires registration  
5 as a sex offender; prohibiting the secretary of corrections from granting  
6 an inmate leave from confinement for such programs if the inmate has  
7 any prior conviction or adjudication of a crime that requires registration  
8 as a sex offender; amending K.S.A. 75-5267 and K.S.A. 2025 Supp.  
9 21-6604 and repealing the existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2025 Supp. 21-6604 is hereby amended to read as  
13 follows: 21-6604. (a) Whenever any person has been found guilty of a  
14 crime, the court may adjudge any of the following:

15 (1) Commit the defendant to the custody of the secretary of  
16 corrections if the current crime of conviction is a felony and the sentence  
17 presumes imprisonment, or the sentence imposed is a dispositional  
18 departure to imprisonment; or, if confinement is for a misdemeanor, to jail  
19 for the term provided by law;

20 (2) impose the fine applicable to the offense and may impose the  
21 provisions of subsection (q);

22 (3) release the defendant on probation if the current crime of  
23 conviction and criminal history fall within a presumptive nonprison  
24 category or through a departure for substantial and compelling reasons  
25 subject to such conditions as the court may deem appropriate. In felony  
26 cases, the court may include confinement in a county jail not to exceed 60  
27 days, which need not be served consecutively, as a condition of an original  
28 probation sentence;

29 (4) assign the defendant to a community correctional services  
30 program as provided in K.S.A. 75-5291, and amendments thereto, or  
31 through a departure for substantial and compelling reasons subject to such  
32 conditions as the court may deem appropriate, including orders requiring  
33 full or partial restitution;

34 (5) assign the defendant to a conservation camp for a period not to  
35 exceed six months as a condition of probation followed by a six-month

1 period of follow-up through adult intensive supervision by a community  
2 correctional services program, if the offender successfully completes the  
3 conservation camp program;

4 (6) assign the defendant to a house arrest program pursuant to K.S.A.  
5 21-6609, and amendments thereto;

6 (7) order the defendant to attend and satisfactorily complete an  
7 alcohol or drug education or training program as provided by K.S.A. 21-  
8 6602(c), and amendments thereto;

9 (8) order the defendant to repay the amount of any reward paid by  
10 any crime stoppers chapter, individual, corporation or public entity that  
11 materially aided in the apprehension or conviction of the defendant; repay  
12 the amount of any costs and expenses incurred by any law enforcement  
13 agency in the apprehension of the defendant, if one of the current crimes  
14 of conviction of the defendant includes escape from custody or aggravated  
15 escape from custody, as defined in K.S.A. 21-5911, and amendments  
16 thereto; repay expenses incurred by a fire district, fire department or fire  
17 company responding to a fire that has been determined to be arson or  
18 aggravated arson as defined in K.S.A. 21-5812, and amendments thereto,  
19 if the defendant is convicted of such crime; repay the amount of any public  
20 funds utilized by a law enforcement agency to purchase controlled  
21 substances from the defendant during the investigation that leads to the  
22 defendant's conviction; or repay the amount of any medical costs and  
23 expenses incurred by any law enforcement agency or county. Such  
24 repayment of the amount of any such costs and expenses incurred by a  
25 county, law enforcement agency, fire district, fire department or fire  
26 company or any public funds utilized by a law enforcement agency shall  
27 be deposited and credited to the same fund from which the public funds  
28 were credited to prior to use by the county, law enforcement agency, fire  
29 district, fire department or fire company;

30 (9) order the defendant to pay the administrative fee authorized by  
31 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

32 (10) order the defendant to pay a domestic violence special program  
33 fee authorized by K.S.A. 20-369, and amendments thereto;

34 (11) *except as provided further*; if the defendant is convicted of a  
35 misdemeanor or convicted of a felony specified in K.S.A. 21-6804(i), and  
36 amendments thereto, assign the defendant to a work release program, other  
37 than a program at a correctional institution under the control of the  
38 secretary of corrections as defined in K.S.A. 75-5202, and amendments  
39 thereto, provided such work release program requires such defendant to  
40 return to confinement at the end of each day in the work release program.  
41 *Such defendant shall not be assigned to a work release program and shall*  
42 *not serve any portion of a sentence of imprisonment in a work release*  
43 *program if the current crime of conviction requires registration as a sex*

1 *offender under the Kansas offender registration act, K.S.A. 22-4901 et*  
2 *seq., and amendments thereto, or such defendant has any prior conviction*  
3 *or adjudication of a crime that requires registration as a sex offender. On a*  
4 *second or subsequent conviction of K.S.A. 8-1567, and amendments*  
5 *thereto, an offender placed into a work release program shall serve the*  
6 *total number of hours of confinement mandated by that section;*

7 (12) order the defendant to pay the full amount of unpaid costs  
8 associated with the conditions of release of the appearance bond under  
9 K.S.A. 22-2802, and amendments thereto;

10 (13) order the defendant to participate in a specialty court program  
11 pursuant to K.S.A. 20-173, and amendments thereto;

12 (14) impose any appropriate combination of paragraphs (1) through  
13 (13); or

14 (15) suspend imposition of sentence in misdemeanor cases.

15 (b) (1) In addition to or in lieu of any of the above, the court shall  
16 order the defendant to pay restitution, which shall include, but not be  
17 limited to, damage or loss caused by the defendant's crime.

18 (2) (A) For a violation of K.S.A. 21-6107, and amendments thereto,  
19 such damage or loss shall include, but not be limited to, attorney fees and  
20 costs incurred to repair the credit history or rating of the person whose  
21 personal identification documents were obtained and used in violation of  
22 such section, and to satisfy a debt, lien or other obligation incurred by the  
23 person whose personal identification documents were obtained and used in  
24 violation of such section.

25 (B) For a violation of K.S.A. 21-5801, 21-5807, 21-5813 or 21-5818,  
26 and amendments thereto, such damage or loss shall include the cost of  
27 repair or replacement of the property that was damaged, the reasonable  
28 cost of any loss of production, crops and livestock, reasonable labor costs  
29 of any kind, reasonable material costs of any kind and any reasonable costs  
30 that are attributed to equipment that is used to abate or repair the damage  
31 to the property.

32 (C) For a violation of K.S.A. 21-6416, and amendments thereto, such  
33 damage or loss shall include the cost for veterinary medical treatment,  
34 reasonable funeral and burial expenses and replacement of the police dog,  
35 arson dog, assistance dog, game warden dog, search and rescue dog or  
36 police horse. Replacement costs shall include, but not be limited to,  
37 training costs, personnel expenses and costs associated with boarding the  
38 animal during training.

39 (3) If the court orders restitution, the restitution shall be a judgment  
40 against the defendant that may be collected by the court by garnishment as  
41 provided in article 7 of chapter 60 of the Kansas Statutes Annotated, and  
42 amendments thereto, or other execution. If, after 60 days from the date  
43 restitution is ordered by the court, a defendant is found to be in

1 noncompliance with the restitution order, the court shall assign an agent  
2 procured by the judicial administrator pursuant to K.S.A. 20-169, and  
3 amendments thereto, to collect the restitution on behalf of the victim. The  
4 chief judge of each judicial district may assign such cases to an  
5 appropriate division of the court for the conduct of collection proceedings.

6 (4) Restitution shall be due immediately unless:

7 (A) The court orders that the defendant be given a specified time to  
8 pay or be allowed to pay in specified installments; or

9 (B) the court finds compelling circumstances that would render  
10 restitution unworkable, either in whole or in part.

11 (5) If the court finds restitution unworkable, either in whole or in  
12 part, the court shall state on the record in detail the reasons therefor.

13 (6) If a restitution order entered prior to June 11, 2020, does not give  
14 the defendant a specified time to pay or set payment in specified  
15 installments, the defendant may file a motion with the court prior to  
16 December 31, 2020, proposing payment of restitution in specified  
17 installments. The court may recall the restitution order from the agent  
18 assigned pursuant to K.S.A. 20-169, and amendments thereto, until the  
19 court rules on such motion. If the court does not order payment in  
20 specified installments or if the defendant does not file a motion prior to  
21 December 31, 2020, the restitution shall be due immediately.

22 (c) In addition to or in lieu of any of the above, the court shall order  
23 the defendant to submit to and complete an alcohol and drug evaluation,  
24 and pay a fee therefor, when required by K.S.A. 21-6602(d), and  
25 amendments thereto.

26 (d) In addition to any of the above, the court shall order the defendant  
27 to reimburse the county general fund for all or a part of the expenditures  
28 by the county to provide counsel and other defense services to the  
29 defendant. Any such reimbursement to the county shall be paid only after  
30 any order for restitution has been paid in full. In determining the amount  
31 and method of payment of such sum, the court shall take account of the  
32 financial resources of the defendant and the nature of the burden that  
33 payment of such sum will impose. A defendant who has been required to  
34 pay such sum and who is not willfully in default in the payment thereof  
35 may at any time petition the court that sentenced the defendant to waive  
36 payment of such sum or any unpaid portion thereof. If it appears to the  
37 satisfaction of the court that payment of the amount due will impose  
38 manifest hardship on the defendant or the defendant's immediate family,  
39 the court may waive payment of all or part of the amount due or modify  
40 the method of payment.

41 (e) In releasing a defendant on probation, the court shall direct that  
42 the defendant be under the supervision of a court services officer. If the  
43 court commits the defendant to the custody of the secretary of corrections

1 or to jail, the court may specify in its order the amount of restitution to be  
2 paid and the person to whom it shall be paid if restitution is later ordered  
3 as a condition of parole, conditional release or postrelease supervision.

4 (f) (1) When a new felony is committed while the offender is  
5 incarcerated and serving a sentence for a felony, or while the offender is on  
6 probation, assignment to a community correctional services program,  
7 parole, conditional release or postrelease supervision for a felony, a new  
8 sentence shall be imposed consecutively pursuant to the provisions of  
9 K.S.A. 21-6606, and amendments thereto, and the court may sentence the  
10 offender to imprisonment for the new conviction, even when the new  
11 crime of conviction otherwise presumes a nonprison sentence. In this  
12 event, imposition of a prison sentence for the new crime does not  
13 constitute a departure.

14 (2) When a new felony is committed during a period of time when the  
15 offender would have been on probation, assignment to a community  
16 correctional services program, parole, conditional release or postrelease  
17 supervision for a felony had the offender not been granted release by the  
18 court pursuant to K.S.A. 21-6608(d), and amendments thereto, or the  
19 prisoner review board pursuant to K.S.A. 22-3717, and amendments  
20 thereto, the court may sentence the offender to imprisonment for the new  
21 conviction, even when the new crime of conviction otherwise presumes a  
22 nonprison sentence. In this event, imposition of a prison sentence for the  
23 new crime does not constitute a departure.

24 (3) When a new felony is committed while the offender is  
25 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,  
26 prior to its repeal, or K.S.A. 38-2373, and amendments thereto, for an  
27 offense, which if committed by an adult would constitute the commission  
28 of a felony, upon conviction, the court shall sentence the offender to  
29 imprisonment for the new conviction, even when the new crime of  
30 conviction otherwise presumes a nonprison sentence. In this event,  
31 imposition of a prison sentence for the new crime does not constitute a  
32 departure. The conviction shall operate as a full and complete discharge  
33 from any obligations, except for an order of restitution, imposed on the  
34 offender arising from the offense for which the offender was committed to  
35 a juvenile correctional facility.

36 (4) When a new felony is committed while the offender is on release  
37 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
38 Kansas Statutes Annotated, and amendments thereto, or similar provisions  
39 of the laws of another jurisdiction, a new sentence may be imposed  
40 consecutively pursuant to the provisions of K.S.A. 21-6606, and  
41 amendments thereto, and the court may sentence the offender to  
42 imprisonment for the new conviction, even when the new crime of  
43 conviction otherwise presumes a nonprison sentence. In this event,

1 imposition of a prison sentence for the new crime does not constitute a  
2 departure.

3 (g) Prior to imposing a dispositional departure for a defendant whose  
4 offense is classified in the presumptive nonprison grid block of either  
5 sentencing guideline grid, prior to sentencing a defendant to incarceration  
6 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing  
7 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I  
8 of the sentencing guidelines grid for drug crimes committed prior to July  
9 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing  
10 guidelines grid for drug crimes committed on or after July 1, 2012, prior to  
11 sentencing a defendant to incarceration whose offense is classified in grid  
12 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes  
13 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of  
14 the sentencing guidelines grid for drug crimes committed on or after July  
15 1, 2012, and whose offense does not meet the requirements of K.S.A. 21-  
16 6824, and amendments thereto, prior to revocation of a nonprison sanction  
17 of a defendant whose offense is classified in grid blocks 4-E or 4-F of the  
18 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
19 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for  
20 drug crimes committed on or after July 1, 2012, and whose offense does  
21 not meet the requirements of K.S.A. 21-6824, and amendments thereto, or  
22 prior to revocation of a nonprison sanction of a defendant whose offense is  
23 classified in the presumptive nonprison grid block of either sentencing  
24 guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines  
25 grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the  
26 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
27 or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid  
28 for drug crimes committed on or after July 1, 2012, the court shall consider  
29 placement of the defendant in the Labette correctional conservation camp,  
30 conservation camps established by the secretary of corrections pursuant to  
31 K.S.A. 75-52,127, and amendments thereto, or a community intermediate  
32 sanction center. Pursuant to this subsection the defendant shall not be  
33 sentenced to imprisonment if space is available in a conservation camp or  
34 community intermediate sanction center and the defendant meets all of the  
35 conservation camp's or community intermediate sanction center's  
36 placement criteria unless the court states on the record the reasons for not  
37 placing the defendant in a conservation camp or community intermediate  
38 sanction center.

39 (h) In committing a defendant to the custody of the secretary of  
40 corrections, the court shall fix a term of confinement within the limits  
41 provided by law. In those cases where the law does not fix a term of  
42 confinement for the crime for which the defendant was convicted, the  
43 court shall fix the term of such confinement.

1 (i) In addition to any of the above, the court shall order the defendant  
2 to reimburse the state general fund for all or part of the expenditures by the  
3 state board of indigents' defense services to provide counsel and other  
4 defense services to the defendant. In determining the amount and method  
5 of payment of such sum, the court shall take account of the financial  
6 resources of the defendant and the nature of the burden that payment of  
7 such sum will impose. A defendant who has been required to pay such sum  
8 and who is not willfully in default in the payment thereof may at any time  
9 petition the court that sentenced the defendant to waive payment of such  
10 sum or any unpaid portion thereof. If it appears to the satisfaction of the  
11 court that payment of the amount due will impose manifest hardship on the  
12 defendant or the defendant's immediate family, the court may waive  
13 payment of all or part of the amount due or modify the method of  
14 payment. The amount of attorney fees to be included in the court order for  
15 reimbursement shall be the amount claimed by appointed counsel on the  
16 payment voucher for indigents' defense services or the amount prescribed  
17 by the board of indigents' defense services reimbursement tables as  
18 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

19 (j) This section shall not deprive the court of any authority conferred  
20 by any other Kansas statute to decree a forfeiture of property, suspend or  
21 cancel a license, remove a person from office or impose any other civil  
22 penalty as a result of conviction of crime.

23 (k) An application for or acceptance of probation or assignment to a  
24 community correctional services program shall not constitute an  
25 acquiescence in the judgment for purpose of appeal, and any convicted  
26 person may appeal from such conviction, as provided by law, without  
27 regard to whether such person has applied for probation, suspended  
28 sentence or assignment to a community correctional services program.

29 (l) (1) The secretary of corrections is authorized to make direct  
30 placement to the Labette correctional conservation camp or a conservation  
31 camp established by the secretary pursuant to K.S.A. 75-52,127, and  
32 amendments thereto, of an inmate sentenced to the secretary's custody if  
33 the inmate:

34 (A) Has been sentenced to the secretary for a probation revocation, as  
35 a departure from the presumptive nonimprisonment grid block of either  
36 sentencing grid, for an offense that is classified in grid blocks 5-H, 5-I or  
37 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-  
38 E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes  
39 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of  
40 the sentencing guidelines grid for drug crimes committed on or after July  
41 1, 2012, or for an offense that is classified in grid blocks 4-E or 4-F of the  
42 sentencing guidelines grid for drug crimes committed prior to July 1, 2012,  
43 or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for

1 drug crimes committed on or after July 1, 2012, and such offense does not  
2 meet the requirements of K.S.A. 21-6824, and amendments thereto; and

3 (B) otherwise meets admission criteria of the camp.

4 (2) If the inmate successfully completes a conservation camp  
5 program, the secretary of corrections shall report such completion to the  
6 sentencing court and the county or district attorney. The inmate shall then  
7 be assigned by the court to six months of follow-up supervision conducted  
8 by the appropriate community corrections services program. The court  
9 may also order that supervision continue thereafter for the length of time  
10 authorized by K.S.A. 21-6608, and amendments thereto.

11 (m) When it is provided by law that a person shall be sentenced  
12 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions  
13 of this section shall not apply.

14 (n) (1) Except as provided by K.S.A. 21-6630 and 21-6805(f), and  
15 amendments thereto, in addition to any of the above, for felony violations  
16 of K.S.A. 21-5706, and amendments thereto, the court shall require the  
17 defendant who meets the requirements established in K.S.A. 21-6824, and  
18 amendments thereto, to participate in a certified drug abuse treatment  
19 program, as provided in K.S.A. 75-52,144, and amendments thereto,  
20 including, but not limited to, an approved after-care plan. The amount of  
21 time spent participating in such program shall not be credited as service on  
22 the underlying prison sentence.

23 (2) If the defendant fails to participate in or has a pattern of  
24 intentional conduct that demonstrates the defendant's refusal to comply  
25 with or participate in the treatment program, as established by judicial  
26 finding, the defendant shall be subject to sanction or revocation pursuant  
27 to the provisions of K.S.A. 22-3716, and amendments thereto. If the  
28 defendant's probation is revoked, the defendant shall serve the underlying  
29 prison sentence as established in K.S.A. 21-6805, and amendments  
30 thereto.

31 (A) Except as provided in subsection (n)(2)(B), for those offenders  
32 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon  
33 completion of the underlying prison sentence, the offender shall not be  
34 subject to a period of postrelease supervision.

35 (B) Offenders whose crime of conviction was committed on or after  
36 July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-  
37 3716(c), and amendments thereto, or whose underlying prison term expires  
38 while serving a sanction pursuant to K.S.A. 22-3716(c)(1), and  
39 amendments thereto, shall serve a period of postrelease supervision upon  
40 the completion of the underlying prison term.

41 (o) (1) Except as provided in paragraph (3), in addition to any other  
42 penalty or disposition imposed by law, upon a conviction for unlawful  
43 possession of a controlled substance or controlled substance analog in



1 violation of K.S.A. 21-5706, and amendments thereto, in which the trier of  
2 fact makes a finding that the unlawful possession occurred while  
3 transporting the controlled substance or controlled substance analog in any  
4 vehicle upon a highway or street, the offender's driver's license or privilege  
5 to operate a motor vehicle on the streets and highways of this state shall be  
6 suspended for one year.

7 (2) Upon suspension of a license pursuant to this subsection, the court  
8 shall require the person to surrender the license to the court, which shall  
9 transmit the license to the division of motor vehicles of the department of  
10 revenue, to be retained until the period of suspension expires. At that time,  
11 the licensee may apply to the division for return of the license. If the  
12 license has expired, the person may apply for a new license, which shall be  
13 issued promptly upon payment of the proper fee and satisfaction of other  
14 conditions established by law for obtaining a license unless another  
15 suspension or revocation of the person's privilege to operate a motor  
16 vehicle is in effect.

17 (3) (A) In lieu of suspending the driver's license or privilege to  
18 operate a motor vehicle on the highways of this state of any person as  
19 provided in paragraph (1), the judge of the court in which such person was  
20 convicted may enter an order that places conditions on such person's  
21 privilege of operating a motor vehicle on the highways of this state, a  
22 certified copy of which such person shall be required to carry any time  
23 such person is operating a motor vehicle on the highways of this state. Any  
24 such order shall prescribe the duration of the conditions imposed, which in  
25 no event shall be for a period of more than one year.

26 (B) Upon entering an order restricting a person's license hereunder,  
27 the judge shall require such person to surrender such person's driver's  
28 license to the judge who shall cause it to be transmitted to the division of  
29 vehicles, together with a copy of the order. Upon receipt thereof, the  
30 division of vehicles shall issue without charge a driver's license, which  
31 shall indicate on its face that conditions have been imposed on such  
32 person's privilege of operating a motor vehicle and that a certified copy of  
33 the order imposing such conditions is required to be carried by the person  
34 for whom the license was issued any time such person is operating a motor  
35 vehicle on the highways of this state. If the person convicted is a  
36 nonresident, the judge shall cause a copy of the order to be transmitted to  
37 the division and the division shall forward a copy of it to the motor vehicle  
38 administrator of such person's state of residence. Such judge shall furnish  
39 to any person whose driver's license has had conditions imposed on it  
40 under this paragraph a copy of the order, which shall be recognized as a  
41 valid Kansas driver's license until such time as the division shall issue the  
42 restricted license provided for in this paragraph.

43 (C) Upon expiration of the period of time for which conditions are

1 imposed pursuant to this subsection, the licensee may apply to the division  
2 for the return of the license previously surrendered by such licensee. In the  
3 event such license has expired, such person may apply to the division for a  
4 new license, which shall be issued immediately by the division upon  
5 payment of the proper fee and satisfaction of the other conditions  
6 established by law, unless such person's privilege to operate a motor  
7 vehicle on the highways of this state has been suspended or revoked prior  
8 thereto. If any person shall violate any of the conditions imposed under  
9 this paragraph, such person's driver's license or privilege to operate a  
10 motor vehicle on the highways of this state shall be revoked for a period of  
11 not less than 60 days nor more than one year by the judge of the court in  
12 which such person is convicted of violating such conditions.

13 (4) As used in this subsection, "highway" and "street" mean the same  
14 as defined in K.S.A. 8-1424 and 8-1473, and amendments thereto.

15 (p) In addition to any of the above, for any criminal offense that  
16 includes the domestic violence designation pursuant to K.S.A. 22-4616,  
17 and amendments thereto, the court shall require the defendant to: (1)  
18 Undergo a domestic violence offender assessment conducted by a certified  
19 batterer intervention program; and (2) follow all recommendations made  
20 by such program, unless otherwise ordered by the court or the department  
21 of corrections. The court may order a domestic violence offender  
22 assessment and any other evaluation prior to sentencing if the assessment  
23 or evaluation would assist the court in determining an appropriate  
24 sentence. The entity completing the assessment or evaluation shall provide  
25 the assessment or evaluation and recommendations to the court and the  
26 court shall provide the domestic violence offender assessment to any entity  
27 responsible for supervising such defendant. A defendant ordered to  
28 undergo a domestic violence offender assessment shall be required to pay  
29 for the assessment and, unless otherwise ordered by the court or the  
30 department of corrections, for completion of all recommendations.

31 (q) In imposing a fine, the court may authorize the payment thereof in  
32 installments. In lieu of payment of any fine imposed, the court may order  
33 that the person perform community service specified by the court. The  
34 person shall receive a credit on the fine imposed in an amount equal to \$5  
35 for each full hour spent by the person in the specified community service.  
36 The community service ordered by the court shall be required to be  
37 performed by the later of one year after the fine is imposed or one year  
38 after release from imprisonment or jail, or by an earlier date specified by  
39 the court. If by the required date the person performs an insufficient  
40 amount of community service to reduce to zero the portion of the fine  
41 required to be paid by the person, the remaining balance shall become due  
42 on that date. If conditional reduction of any fine is rescinded by the court  
43 for any reason, then pursuant to the court's order the person may be

1 ordered to perform community service by one year after the date of such  
2 rescission or by an earlier date specified by the court. If by the required  
3 date the person performs an insufficient amount of community service to  
4 reduce to zero the portion of the fine required to be paid by the person, the  
5 remaining balance of the fine shall become due on that date. All credits for  
6 community service shall be subject to review and approval by the court.

7 (r) In addition to any other penalty or disposition imposed by law, for  
8 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,  
9 prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes  
10 committed on or after July 1, 2006, the court shall order that the defendant  
11 be electronically monitored upon release from imprisonment for the  
12 duration of the defendant's natural life and that the defendant shall  
13 reimburse the state for all or part of the cost of such monitoring as  
14 determined by the prisoner review board.

15 (s) Whenever the court has released the defendant on probation  
16 pursuant to subsection (a)(3), the defendant's supervising court services  
17 officer, with the concurrence of the chief court services officer, may  
18 impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B),  
19 and amendments thereto, without further order of the court, unless the  
20 defendant, after being apprised of the right to a revocation hearing before  
21 the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses  
22 to waive such right.

23 (t) Whenever the court has assigned the defendant to a community  
24 correctional services program pursuant to subsection (a)(4), the defendant's  
25 community corrections officer, with the concurrence of the community  
26 corrections director, may impose the violation sanctions as provided in  
27 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order  
28 of the court unless the defendant, after being apprised of the right to a  
29 revocation hearing before the court pursuant to K.S.A. 22-3716(b), and  
30 amendments thereto, refuses to waive such right.

31 (u) In addition to any of the above, the court shall authorize an  
32 additional 18 days of confinement in a county jail to be reserved for  
33 sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and  
34 amendments thereto.

35 (v) The amendments made to this section by section 1 of chapter 9 of  
36 the 2020 Session Laws of Kansas are procedural in nature and shall be  
37 construed and applied retroactively.

38 Sec. 2. K.S.A. 75-5267 is hereby amended to read as follows: 75-  
39 5267. (a) The secretary of corrections is hereby authorized to establish a  
40 work release program under which inmates committed to the custody of  
41 the secretary, *except as provided in subsection (c)*, may be granted the  
42 privilege of leaving actual confinement for the following purposes:

43 (1) To travel to and from and visit at a specified place or places for a

1 period of not to exceed ~~thirty (30)~~ days for the following purposes:

2 (A) To visit a member of the inmate's immediate family who is in  
3 danger of death;

4 (B) to attend the funeral services or other last rites of a member of the  
5 inmate's immediate family;

6 (C) to obtain health services otherwise not available to the inmate at  
7 an institution operated by the state;

8 (D) to interview prospective employers; or

9 (E) any other purpose consistent with the public interest.

10 (2) To work at paid employment or participate in a program of job  
11 training if:

12 (A) The rates of pay, hours and other conditions of employment will  
13 be substantially comparable to those afforded others in the community for  
14 the performance of work of a similar nature;

15 (B) such paid employment or job training will not result in the  
16 significant displacement of employed workers in the community.

17 (b) The secretary of corrections is hereby authorized to establish  
18 educational release programs under which inmates committed to the  
19 custody of the secretary, *except as provided in subsection (c)*, may be  
20 granted the privilege of leaving actual confinement for the purposes of  
21 education or training.

22 (c) *An inmate shall not be granted the privilege of leaving actual*  
23 *confinement for the purposes described in subsection (a)(2) or (b) if such*  
24 *inmate is committed to the custody of the secretary for a crime that*  
25 *requires registration as a sex offender under the Kansas offender*  
26 *registration act, K.S.A. 22-4901 et seq., and amendments thereto, or such*  
27 *inmate has any prior conviction or adjudication of a crime that requires*  
28 *registration as a sex offender.*

29 (d) The placement of any inmate in a community pursuant to the  
30 provisions of subsection (a) or ~~subsection (b)~~ shall be in accordance with  
31 any applicable federal rules or regulations.

32 ~~(d)~~(e) In areas where facilities, programs and services suitable for  
33 these purposes are not available within the state correctional system when  
34 needed, the secretary shall contract with the proper authorities of political  
35 subdivisions of the state, with any agency of the state, with the federal  
36 government, with available community corrections centers or facilities  
37 funded by private sources, or with qualified private corporations or  
38 organizations for quartering inmates with such privileges in suitable  
39 confinement facilities and for programs and services for inmates in such  
40 facilities.

41 ~~(e)~~(f) Nothing in this act shall be construed to prevent inmates from  
42 working for and the products of their labor being disposed of by any state  
43 agency, local agency, federal government, or any other state or political

1 subdivision thereof. Merchandise made by prisoners when said  
2 merchandise is for personal benefit of inmates, may be sold or exchanged  
3 within the confines of the institution subject to rules and regulations of the  
4 secretary.

5 Sec. 3. K.S.A. 75-5267 and K.S.A. 2025 Supp. 21-6604 are hereby  
6 repealed.

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