

SENATE BILL No. 459

By Committee on Judiciary

2-3

1 AN ACT concerning the prisoner review board; relating to membership of
2 the board; changing the appointing authority for the members and
3 creating qualifications for the members; requiring parole hearings to be
4 postponed if proper notice of the public comment session is not made
5 to the victim; amending K.S.A. 75-52,152 and K.S.A. 2025 Supp. 22-
6 3717 and repealing the existing sections.

7

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

9 Section 1. K.S.A. 2025 Supp. 22-3717 is hereby amended to read as
10 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
11 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
12 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-
13 6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and
14 K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate
15 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-
16 6707, and amendments thereto, shall be eligible for parole after serving the
17 entire minimum sentence imposed by the court, less good time credits.

18 (b) (1) An inmate sentenced to imprisonment for life without the
19 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,
20 shall not be eligible for parole.

21 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
22 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and
23 amendments thereto, an inmate sentenced to imprisonment for the crime
24 of: (A) Capital murder committed on or after July 1, 1994, shall be eligible
25 for parole after serving 25 years of confinement, without deduction of any
26 good time credits; (B) murder in the first degree based upon a finding of
27 premeditated murder committed on or after July 1, 1994, but prior to July
28 1, 2014, shall be eligible for parole after serving 25 years of confinement,
29 without deduction of any good time credits; and (C) murder in the first
30 degree as described in K.S.A. 21-5402(a)(2), and amendments thereto,
31 committed on or after July 1, 2014, shall be eligible for parole after
32 serving 25 years of confinement, without deduction of any good time
33 credits.

34 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
35 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
36 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and

1 21-6625, and amendments thereto, an inmate sentenced to imprisonment
2 for an off-grid offense committed on or after July 1, 1993, but prior to July
3 1, 1999, shall be eligible for parole after serving 15 years of confinement,
4 without deduction of any good time credits and an inmate sentenced to
5 imprisonment for an off-grid offense committed on or after July 1, 1999,
6 shall be eligible for parole after serving 20 years of confinement without
7 deduction of any good time credits.

8 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
9 repeal, an inmate sentenced for a class A felony committed before July 1,
10 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
11 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for
12 parole after serving 15 years of confinement, without deduction of any
13 good time credits.

14 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
15 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
16 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
17 confinement without deduction of any good time credits.

18 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
19 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,
20 committed on or after July 1, 2006, shall be eligible for parole after
21 serving the mandatory term of imprisonment without deduction of any
22 good time credits.

23 (c) (1) Except as provided in subsection (e), if an inmate is sentenced
24 to imprisonment for more than one crime and the sentences run
25 consecutively, the inmate shall be eligible for parole after serving the total
26 of:

27 (A) The aggregate minimum sentences, as determined pursuant to
28 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments
29 thereto, less good time credits for those crimes which are not class A
30 felonies; and

31 (B) an additional 15 years, without deduction of good time credits,
32 for each crime which is a class A felony.

33 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
34 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
35 crimes committed on or after July 1, 2006, the inmate shall be eligible for
36 parole after serving the mandatory term of imprisonment.

37 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
38 committed on or after July 1, 1993, or persons subject to subparagraph
39 (G), will not be eligible for parole, but will be released to a mandatory
40 period of postrelease supervision upon completion of the prison portion of
41 their sentence as follows:

42 (A) Except as provided in subparagraphs (D) and (E), persons
43 sentenced for nondrug severity levels 1 through 4 crimes, drug severity

1 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
2 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
3 July 1, 2012, must serve 36 months on postrelease supervision.

4 (B) Except as provided in subparagraphs (D) and (E), persons
5 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
6 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
7 drug severity level 4 crimes committed on or after July 1, 2012, must serve
8 24 months on postrelease supervision.

9 (C) Except as provided in subparagraphs (D) and (E), persons
10 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
11 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
12 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
13 must serve 12 months on postrelease supervision.

14 (D) Persons sentenced to a term of imprisonment that includes a
15 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
16 amendments thereto, committed on or after July 1, 1993, but prior to July
17 1, 2006, a sexually motivated crime in which the offender has been
18 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
19 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
20 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual
21 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and
22 amendments thereto, shall serve the period of postrelease supervision as
23 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount
24 of good time and program credit earned and retained pursuant to K.S.A.
25 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,
26 on postrelease supervision.

27 (i) If the sentencing judge finds substantial and compelling reasons to
28 impose a departure based upon a finding that the current crime of
29 conviction was sexually motivated, departure may be imposed to extend
30 the postrelease supervision to a period of up to 60 months.

31 (ii) If the sentencing judge departs from the presumptive postrelease
32 supervision period, the judge shall state on the record at the time of
33 sentencing the substantial and compelling reasons for the departure.
34 Departures in this section are subject to appeal pursuant to K.S.A. 21-
35 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

36 (iii) In determining whether substantial and compelling reasons exist,
37 the court shall consider:

38 (a) Written briefs or oral arguments submitted by either the defendant
39 or the state;

40 (b) any evidence received during the proceeding;

41 (c) the presentence report, the victim's impact statement and any
42 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
43 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;

1 and

2 (d) any other evidence the court finds trustworthy and reliable.
3 (iv) The sentencing judge may order that a psychological evaluation
4 be prepared and the recommended programming be completed by the
5 offender. The department of corrections or the prisoner review board shall
6 ensure that court ordered sex offender treatment be carried out.

7 (v) In carrying out the provisions of subsection (d)(1)(D), the court
8 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and
9 amendments thereto.

10 (vi) Upon petition and payment of any restitution ordered pursuant to
11 K.S.A. 21-6604, and amendments thereto, the prisoner review board may
12 provide for early discharge from the postrelease supervision period
13 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court
14 ordered programs and completion of the presumptive postrelease
15 supervision period, as determined by the crime of conviction, pursuant to
16 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
17 postrelease supervision is at the discretion of the board.

18 (vii) Persons convicted of crimes deemed sexually violent or sexually
19 motivated shall be registered according to the offender registration act,
20 K.S.A. 22-4901 through 22-4910, and amendments thereto.

21 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
22 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to
23 participate in a treatment program for sex offenders during the postrelease
24 supervision period.

25 (E) The period of postrelease supervision provided in subparagraphs
26 (A) and (B) may be reduced by up to 12 months and the period of
27 postrelease supervision provided in subparagraph (C) may be reduced by
28 up to six months based on the offender's compliance with conditions of
29 supervision and overall performance while on postrelease supervision. The
30 reduction in the supervision period shall be on an earned basis pursuant to
31 rules and regulations adopted by the secretary of corrections.

32 (F) In cases where sentences for crimes from more than one severity
33 level have been imposed, the offender shall serve the longest period of
34 postrelease supervision as provided by this section available for any crime
35 upon which sentence was imposed irrespective of the severity level of the
36 crime. Supervision periods will not aggregate.

37 (G) (i) Except as provided in subsection (v), persons sentenced to
38 imprisonment for a sexually violent crime committed on or after July 1,
39 2006, when the offender was 18 years of age or older, and who are
40 released from prison, shall be released to a mandatory period of
41 postrelease supervision for the duration of the person's natural life.

42 (ii) Persons sentenced to imprisonment for a sexually violent crime
43 committed on or after the effective date of this act, when the offender was

1 under 18 years of age, and who are released from prison, shall be released
2 to a mandatory period of postrelease supervision for 60 months, plus the
3 amount of good time and program credit earned and retained pursuant to
4 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments
5 thereto.

6 (2) Persons serving a period of postrelease supervision pursuant to
7 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
8 review board for early discharge. Upon payment of restitution, the prisoner
9 review board may provide for early discharge.

10 (3) Persons serving a period of incarceration for a supervision
11 violation shall not have the period of postrelease supervision modified
12 until such person is released and returned to postrelease supervision.

13 (4) Offenders whose crime of conviction was committed on or after
14 July 1, 2013, and whose probation, assignment to a community
15 correctional services program, suspension of sentence or nonprison
16 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
17 thereto, or whose underlying prison term expires while serving a sanction
18 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a
19 period of postrelease supervision upon the completion of the underlying
20 prison term.

21 (5) As used in this subsection, "sexually violent crime" means:

22 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and
23 amendments thereto;

24 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
25 or K.S.A. 21-5506(a), and amendments thereto;

26 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
27 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

28 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
29 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

30 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
31 or K.S.A. 21-5504(b), and amendments thereto;

32 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
33 or K.S.A. 21-5508(a), and amendments thereto;

34 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
35 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

36 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
37 or K.S.A. 21-5510, and amendments thereto;

38 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
39 K.S.A. 21-5505(b), and amendments thereto;

40 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
41 21-5604(b), and amendments thereto;

42 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
43 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if

1 committed in whole or in part for the purpose of the sexual gratification of
2 the defendant or another;

3 (L) internet trading in child pornography, as defined in K.S.A. 21-
4 5514(a), and amendments thereto;

5 (M) aggravated internet trading in child pornography, as defined in
6 K.S.A. 21-5514(b), and amendments thereto;

7 (N) commercial sexual exploitation of a child, as defined in K.S.A.
8 21-6422, and amendments thereto; or

9 (O) an attempt, conspiracy or criminal solicitation, as defined in
10 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
11 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent
12 crime as defined in this section.

13 (6) As used in this subsection, "sexually motivated" means that one of
14 the purposes for which the defendant committed the crime was for the
15 purpose of the defendant's sexual gratification.

16 (e) If an inmate is sentenced to imprisonment for a crime committed
17 while on parole or conditional release, the inmate shall be eligible for
18 parole as provided by subsection (c), except that the prisoner review board
19 may postpone the inmate's parole eligibility date by assessing a penalty not
20 exceeding the period of time which could have been assessed if the
21 inmate's parole or conditional release had been violated for reasons other
22 than conviction of a crime.

23 (f) If a person is sentenced to prison for a crime committed on or after
24 July 1, 1993, while on probation, parole, conditional release or in a
25 community corrections program, for a crime committed prior to July 1,
26 1993, and the person is not eligible for retroactive application of the
27 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
28 4724, prior to its repeal, the new sentence shall not be aggregated with the
29 old sentence, but shall begin when the person is paroled or reaches the
30 conditional release date on the old sentence. If the offender was past the
31 offender's conditional release date at the time the new offense was
32 committed, the new sentence shall not be aggregated with the old sentence
33 but shall begin when the person is ordered released by the prisoner review
34 board or reaches the maximum sentence expiration date on the old
35 sentence, whichever is earlier. The new sentence shall then be served as
36 otherwise provided by law. The period of postrelease supervision shall be
37 based on the new sentence, except that those offenders whose old sentence
38 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
39 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
40 term of life imprisonment, for which there is no conditional release or
41 maximum sentence expiration date, shall remain on postrelease
42 supervision for life or until discharged from supervision by the prisoner
43 review board.

1 (g) Subject to the provisions of this section, the prisoner review board
2 may release on parole those persons confined in institutions who are
3 eligible for parole when: (1) The board believes that the inmate should be
4 released for hospitalization, deportation or to answer the warrant or other
5 process of a court and is of the opinion that there is reasonable probability
6 that the inmate can be released without detriment to the community or to
7 the inmate; or (2) the secretary of corrections has reported to the board in
8 writing that the inmate has satisfactorily completed the programs required
9 by any agreement entered under K.S.A. 75-5210a, and amendments
10 thereto, or any revision of such agreement, and the board believes that the
11 inmate is able and willing to fulfill the obligations of a law abiding citizen
12 and is of the opinion that there is reasonable probability that the inmate
13 can be released without detriment to the community or to the inmate.
14 Parole shall not be granted as an award of clemency and shall not be
15 considered a reduction of sentence or a pardon.

16 (h) The prisoner review board shall hold a parole hearing at least the
17 month prior to the month an inmate will be eligible for parole under
18 subsections (a), (b) and (c). *The board shall give notice of such hearing to*
19 *the attorney general.* At least one month preceding the parole hearing, the
20 county or district attorney of the county where the inmate was convicted
21 shall give written notice of the time and place of the public comment
22 sessions for the inmate to any victim of the inmate's crime who is alive and
23 whose address is known to the county or district attorney or, if the victim
24 is deceased, to the victim's family if the family's address is known to the
25 county or district attorney. ~~Except as otherwise provided,~~ Failure to notify
26 pursuant to this section shall ~~not~~ be a reason to postpone a parole hearing.
27 In the case of any inmate convicted of an off-grid felony or a class A
28 felony, the secretary of corrections shall give written notice of the time and
29 place of the public comment session for such inmate at least one month
30 preceding the public comment session to any victim of such inmate's crime
31 or the victim's family pursuant to K.S.A. 74-7338, and amendments
32 thereto, *and such public comment session shall be held in person unless*
33 *the victim or victim's family requests otherwise.* If notification is not given
34 to such victim or such victim's family in the case of any inmate convicted
35 of an off-grid felony or a class A felony, the board shall postpone ~~a~~
36 ~~decision on parole of the~~ *the public comment session for such inmate to a*
37 *time at least 30 days after notification is given as provided in this section.*
38 *The board shall not make a decision on parole of the inmate until after the*
39 *public comment session for such inmate is held.* Nothing in this section
40 shall create a cause of action against the state or an employee of the state
41 acting within the scope of the employee's employment as a result of the
42 failure to notify pursuant to this section. If granted parole, the inmate may
43 be released on parole on the date specified by the board, but not earlier

1 than the date the inmate is eligible for parole under subsections (a), (b) and
2 (c). At each parole hearing and, if parole is not granted, at such intervals
3 thereafter as it determines appropriate, the board shall consider: (1)
4 Whether the inmate has satisfactorily completed the programs required by
5 any agreement entered under K.S.A. 75-5210a, and amendments thereto,
6 or any revision of such agreement; and (2) all pertinent information
7 regarding such inmate, including, but not limited to, the circumstances of
8 the offense of the inmate; the presentence report; the previous social
9 history and criminal record of the inmate; the conduct, employment, and
10 attitude of the inmate in prison; the reports of such physical and mental
11 examinations as have been made, including, but not limited to, risk factors
12 revealed by any risk assessment of the inmate; comments of the victim and
13 the victim's family including in person comments, contemporaneous
14 comments and prerecorded comments made by any technological means;
15 comments of the public; official comments; any recommendation by the
16 staff of the facility where the inmate is incarcerated; *and* proportionality of
17 the time the inmate has served to the sentence a person would receive
18 under the Kansas sentencing guidelines for the conduct that resulted in the
19 inmate's incarceration; ~~and capacity of state correctional institutions.~~

20 (i) In those cases involving inmates sentenced for a crime committed
21 after July 1, 1993, the prisoner review board will review the inmate's
22 proposed release plan. The board may schedule a hearing if they desire.
23 The board may impose any condition they deem necessary to insure public
24 safety, aid in the reintegration of the inmate into the community, or items
25 not completed under the agreement entered into under K.S.A. 75-5210a,
26 and amendments thereto. The board may not advance or delay an inmate's
27 release date. Every inmate while on postrelease supervision shall remain in
28 the legal custody of the secretary of corrections and is subject to the orders
29 of the secretary.

30 (j) (1) Before ordering the parole of any inmate, the prisoner review
31 board shall have the inmate appear either in person or via a video
32 conferencing format and shall interview the inmate unless impractical
33 because of the inmate's physical or mental condition or absence from the
34 institution. Every inmate while on parole shall remain in the legal custody
35 of the secretary of corrections and is subject to the orders of the secretary.
36 Whenever the board formally considers placing an inmate on parole and
37 no agreement has been entered into with the inmate under K.S.A. 75-
38 5210a, and amendments thereto, the board shall notify the inmate in
39 writing of the reasons for not granting parole. If an agreement has been
40 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
41 has not satisfactorily completed the programs specified in the agreement,
42 or any revision of such agreement, the board shall notify the inmate in
43 writing of the specific programs the inmate must satisfactorily complete

1 before parole will be granted. If parole is not granted only because of a
2 failure to satisfactorily complete such programs, the board shall grant
3 parole upon the secretary's certification that the inmate has successfully
4 completed such programs. If an agreement has been entered under K.S.A.
5 75-5210a, and amendments thereto, and the secretary of corrections has
6 reported to the board in writing that the inmate has satisfactorily
7 completed the programs required by such agreement, or any revision
8 thereof, the board shall not require further program participation.
9 However, if the board determines that other pertinent information
10 regarding the inmate warrants the inmate's not being released on parole,
11 the board shall state in writing the reasons for not granting the parole. If
12 parole is denied for an inmate sentenced for a crime other than a class A or
13 class B felony or an off-grid felony, the board shall hold another parole
14 hearing for the inmate not later than one year after the denial unless the
15 board finds that it is not reasonable to expect that parole would be granted
16 at a hearing if held in the next three years or during the interim period of a
17 deferral. In such case, the board may defer subsequent parole hearings for
18 up to three years but any such deferral by the board shall require the board
19 to state the basis for its findings. If parole is denied for an inmate
20 sentenced for a class A or class B felony or an off-grid felony, the board
21 shall hold another parole hearing for the inmate not later than three years
22 after the denial unless the board finds that it is not reasonable to expect
23 that parole would be granted at a hearing if held in the next 10 years or
24 during the interim period of a deferral. In such case, the board may defer
25 subsequent parole hearings for up to 10 years, but any such deferral shall
26 require the board to state the basis for its findings.

27 (2) Inmates sentenced for a class A or class B felony who have not
28 had a board hearing in the five years prior to July 1, 2010, shall have such
29 inmates' cases reviewed by the board on or before July 1, 2012. Such
30 review shall begin with the inmates with the oldest deferral date and
31 progress to the most recent. Such review shall be done utilizing existing
32 resources unless the board determines that such resources are insufficient.
33 If the board determines that such resources are insufficient, then the
34 provisions of this paragraph are subject to appropriations therefor.

35 (k) (1) Parolees and persons on postrelease supervision shall be
36 assigned, upon release, to the appropriate level of supervision pursuant to
37 the criteria established by the secretary of corrections.

38 (2) Parolees and persons on postrelease supervision are, and shall
39 agree in writing to be, subject to searches of the person and the person's
40 effects, vehicle, residence and property by a parole officer or a department
41 of corrections enforcement, apprehension and investigation officer, at any
42 time of the day or night, with or without a search warrant and with or
43 without cause. Nothing in this subsection shall be construed to authorize

1 such officers to conduct arbitrary or capricious searches or searches for the
2 sole purpose of harassment.

3 (3) Parolees and persons on postrelease supervision are, and shall
4 agree in writing to be, subject to searches of the person and the person's
5 effects, vehicle, residence and property by any law enforcement officer
6 based on reasonable suspicion of the person violating conditions of parole
7 or postrelease supervision or reasonable suspicion of criminal activity. Any
8 law enforcement officer who conducts such a search shall submit a written
9 report to the appropriate parole officer no later than the close of the next
10 business day after such search. The written report shall include the facts
11 leading to such search, the scope of such search and any findings resulting
12 from such search.

13 (l) The prisoner review board shall promulgate rules and regulations
14 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
15 inconsistent with the law and as it may deem proper or necessary, with
16 respect to the conduct of parole hearings, postrelease supervision reviews,
17 revocation hearings, orders of restitution, reimbursement of expenditures
18 by the state board of indigents' defense services and other conditions to be
19 imposed upon parolees or releasees. Whenever an order for parole or
20 postrelease supervision is issued it shall recite the conditions thereof.

21 (m) Whenever the prisoner review board orders the parole of an
22 inmate or establishes conditions for an inmate placed on postrelease
23 supervision, the board shall require that the inmate:

24 (1) Obey all laws and ordinances and report any law enforcement
25 contact to the inmate's supervision officer within 24 hours after such
26 contact;

27 (2) not engage in physical violence or threats of violence of any kind
28 and, if the inmate is being supervised for conviction of a felony, not
29 purchase or possess a dangerous weapon, including a firearm, while on
30 supervision;

31 (3) report to the inmate's supervision officer as directed and be
32 truthful in all matters;

33 (4) remain within the state of Kansas or other specified areas as
34 defined by the defendant's supervision officer;

35 (5) reside at the inmate's approved residence unless the defendant
36 receives permission from the inmate's supervision officer to relocate and
37 notify the inmate's supervision officer within 24 hours after any emergency
38 changes in residence or contact information;

39 (6) not possess, use or distribute any controlled substances except
40 those prescribed by a licensed medical professional;

41 (7) not possess or consume any form of alcohol or intoxicating
42 substance or enter any establishment where alcohol is sold or consumed as
43 the primary business;

1 (8) submit to any form of alcohol or substance use testing directed by
2 the inmate's supervision officer and not alter or tamper with the specimen
3 or test;

4 (9) participate in assessment, treatment, programming and other
5 directives of the court or the inmate's supervision officer;

6 (10) submit to searches of the person and the person's effects, vehicle,
7 residence and property by a parole officer or a department of corrections
8 enforcement, apprehension and investigation officer, at any time of the day
9 or night, with or without a search warrant and with or without cause,
10 except that nothing in this paragraph shall be construed to authorize such
11 officers to conduct arbitrary or capricious searches or searches for the sole
12 purpose of harassment;

13 (11) submit to searches of the person and the person's effects, vehicle,
14 residence and property by any law enforcement officer based on
15 reasonable suspicion of the person violating conditions of parole or
16 postrelease supervision or reasonable suspicion of criminal activity;

17 (12) refrain from contacting victims unless authorized by the board to
18 contact a victim as part of rehabilitative or therapeutic purposes;

19 (13) pay the administrative fee imposed pursuant to K.S.A. 22-4529,
20 and amendments thereto, unless the board finds compelling circumstances
21 that would render payment unworkable; and

22 (14) unless the board finds compelling circumstances that would
23 render a plan of payment unworkable, reimburse the state for all or part of
24 the expenditures by the state board of indigents' defense services to
25 provide counsel and other defense services to the person. In determining
26 the amount and method of payment of such sum, the prisoner review board
27 shall take account of the financial resources of the person and the nature of
28 the burden that the payment of such sum will impose. Such amount shall
29 not exceed the amount claimed by appointed counsel on the payment
30 voucher for indigents' defense services or the amount prescribed by the
31 board of indigents' defense services reimbursement tables as provided in
32 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
33 previous payments for such services.

34 (n) Any law enforcement officer who conducts a search pursuant to
35 subsection (m)(11) shall submit a written report to the inmate's parole
36 officer not later than the close of business the next day after such search is
37 conducted. The written report shall include the facts leading to such
38 search, the scope of such search and any findings resulting from such
39 search.

40 (o) If the court that sentenced an inmate specified at the time of
41 sentencing the amount and the recipient of any restitution ordered as a
42 condition of parole or postrelease supervision, the prisoner review board
43 shall order as a condition of parole or postrelease supervision that the

1 inmate pay restitution in the amount and manner provided in the journal
2 entry unless the board finds compelling circumstances that would render a
3 plan of restitution unworkable.

4 (p) Whenever the prisoner review board grants the parole of an
5 inmate, the board, within 14 days of the date of the decision to grant
6 parole, shall give written notice of the decision to the county or district
7 attorney of the county where the inmate was sentenced.

8 (q) When an inmate is to be released on postrelease supervision, the
9 secretary, within 30 days prior to release, shall provide the county or
10 district attorney of the county where the inmate was sentenced written
11 notice of the release date.

12 (r) Inmates shall be released on postrelease supervision upon the
13 termination of the prison portion of their sentence. Time served while on
14 postrelease supervision will vest.

15 (s) An inmate who is allocated regular good time credits as provided
16 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
17 good time credits in increments of not more than 90 days per meritorious
18 act. These credits may be awarded by the secretary of corrections when an
19 inmate has acted in a heroic or outstanding manner in coming to the
20 assistance of another person in a life-threatening situation, preventing
21 injury or death to a person, preventing the destruction of property or taking
22 actions that result in a financial savings to the state.

23 (t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and
24 (d)(1)(E) shall be applied retroactively as provided in subsection (u).

25 (u) For offenders sentenced prior to July 1, 2014, who are eligible for
26 modification of their postrelease supervision obligation, the department of
27 corrections shall modify the period of postrelease supervision as provided
28 for by this section:

29 (1) On or before September 1, 2013, for offenders convicted of:
30 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
31 for nondrug crimes;

32 (B) severity level 4 crimes on the sentencing guidelines grid for drug
33 crimes committed prior to July 1, 2012; and

34 (C) severity level 5 crimes on the sentencing guidelines grid for drug
35 crimes committed on and after July 1, 2012;

36 (2) on or before November 1, 2013, for offenders convicted of:

37 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
38 grid for nondrug crimes;

39 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
40 committed prior to July 1, 2012; and

41 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
42 committed on or after July 1, 2012; and

43 (3) on or before January 1, 2014, for offenders convicted of:

1 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
2 guidelines grid for nondrug crimes;

3 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
4 for drug crimes committed at any time; and

5 (C) severity level 3 crimes on the sentencing guidelines grid for drug
6 crimes committed on or after July 1, 2012.

7 (v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
8 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
9 crimes committed on or after July 1, 2006, shall be placed on parole for
10 life and shall not be discharged from supervision by the prisoner review
11 board. When the board orders the parole of an inmate pursuant to this
12 subsection, the board shall order as a condition of parole that the inmate be
13 electronically monitored for the duration of the inmate's natural life.

14 (w) Whenever the prisoner review board orders a person to be
15 electronically monitored pursuant to this section, or the court orders a
16 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and
17 amendments thereto, the board shall order the person to reimburse the state
18 for all or part of the cost of such monitoring. In determining the amount
19 and method of payment of such sum, the board shall take account of the
20 financial resources of the person and the nature of the burden that the
21 payment of such sum will impose.

22 (x) (1) On and after July 1, 2012, for any inmate who is a sex
23 offender, as defined in K.S.A. 22-4902, and amendments thereto,
24 whenever the prisoner review board orders the parole of such inmate or
25 establishes conditions for such inmate placed on postrelease supervision,
26 such inmate shall agree in writing to not possess pornographic materials.

27 (A) As used in this subsection, "pornographic materials" means any
28 obscene material or performance depicting sexual conduct, sexual contact
29 or a sexual performance; and any visual depiction of sexually explicit
30 conduct.

31 (B) As used in this subsection, all other terms have the meanings
32 provided by K.S.A. 21-5510, and amendments thereto.

33 (2) The provisions of this subsection shall be applied retroactively to
34 every sex offender, as defined in K.S.A. 22-4902, and amendments
35 thereto, who is on parole or postrelease supervision on July 1, 2012. The
36 prisoner review board shall obtain the written agreement required by this
37 subsection from such offenders as soon as practicable.

38 Sec. 2. K.S.A. 75-52,152 is hereby amended to read as follows: 75-
39 52,152. (a) (1) There is hereby established, within the Kansas department
40 of corrections, the prisoner review board. The prisoner review board shall
41 be administered under the supervision of the secretary of corrections. The
42 prisoner review board shall consist of ~~three~~ *five* members appointed by the
43 secretary of corrections and all members shall serve at the pleasure of the

1 ~~secretary. The members of the prisoner review board shall be existing~~
2 ~~employees of the department of corrections as follows:~~

3 *(A) One member appointed by the governor, subject to confirmation*
4 *by the senate as provided in K.S.A. 75-4315b, and amendments thereto,*
5 *with a minimum of five years of experience in law enforcement;*

6 *(B) one member appointed by the governor, subject to confirmation*
7 *by the senate as provided in K.S.A. 75-4315b, and amendments thereto,*
8 *with experience in serving victims of crime;*

9 *(C) one member appointed by the attorney general with a minimum*
10 *of five years of experience as a prosecutor;*

11 *(D) one member appointed by the president of the senate; and*

12 *(E) one member appointed by the speaker of the house of*
13 *representatives.*

14 *(2) All members of the board shall have a minimum of five years of*
15 *experience in a relevant field with knowledge of the rights of victims of*
16 *crimes and associated issues, the functioning of the criminal justice system*
17 *and necessary components for successful reintegration and recidivism*
18 *reduction.*

19 Sec. 3. K.S.A. 75-52,152 and K.S.A. 2025 Supp. 22-3717 are hereby
20 repealed.

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