

## **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),

1 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
2 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and  
3 21-6625, and amendments thereto, an inmate sentenced to imprisonment  
4 for an off-grid offense committed on or after July 1, 1993, but prior to July  
5 1, 1999, shall be eligible for parole after serving 15 years of confinement,  
6 without deduction of any good time credits and an inmate sentenced to  
7 imprisonment for an off-grid offense committed on or after July 1, 1999,  
8 shall be eligible for parole after serving 20 years of confinement without  
9 deduction of any good time credits.

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

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

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

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

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

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

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

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

1       (A) Except as provided in subparagraphs (D) and (E), persons  
2 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
3 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
4 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
5 July 1, 2012, must serve 36 months on postrelease supervision.

6       (B) Except as provided in subparagraphs (D) and (E), persons  
7 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
8 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
9 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
10 24 months on postrelease supervision.

11      (C) Except as provided in subparagraphs (D) and (E), persons  
12 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
13 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
14 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
15 must serve 12 months on postrelease supervision.

16      (D) Persons sentenced to a term of imprisonment that includes a  
17 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
18 amendments thereto, committed on or after July 1, 1993, but prior to July  
19 1, 2006, a sexually motivated crime in which the offender has been  
20 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
21 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
22 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual  
23 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and  
24 amendments thereto, shall serve the period of postrelease supervision as  
25 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount  
26 of good time and program credit earned and retained pursuant to K.S.A.  
27 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,  
28 on postrelease supervision.

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

33       (ii) If the sentencing judge departs from the presumptive postrelease  
34 supervision period, the judge shall state on the record at the time of  
35 sentencing the substantial and compelling reasons for the departure.  
36 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
37 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

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

40       (a) Written briefs or oral arguments submitted by either the defendant  
41 or the state;

42       (b) any evidence received during the proceeding;

43       (c) the presentence report, the victim's impact statement and any

1 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
2 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;  
3 and

4 (d) any other evidence the court finds trustworthy and reliable.

5 (iv) The sentencing judge may order that a psychological evaluation  
6 be prepared and the recommended programming be completed by the  
7 offender. The department of corrections or the prisoner review board shall  
8 ensure that court ordered sex offender treatment be carried out.

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

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

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

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

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

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

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

1       (ii) Persons sentenced to imprisonment for a sexually violent crime  
2 committed on or after the effective date of this act, when the offender was  
3 under 18 years of age, and who are released from prison, shall be released  
4 to a mandatory period of postrelease supervision for 60 months, plus the  
5 amount of good time and program credit earned and retained pursuant to  
6 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments  
7 thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

42           (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
43 21-5604(b), and amendments thereto;

1       (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
2 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if  
3 committed in whole or in part for the purpose of the sexual gratification of  
4 the defendant or another;

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

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

9       (N) commercial sexual exploitation of a child, as defined in K.S.A.  
10 21-6422, and amendments thereto; or

11       (O) an attempt, conspiracy or criminal solicitation, as defined in  
12 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
13 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent  
14 crime as defined in this section.

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

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

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

1 supervision for life or until discharged from supervision by the prisoner  
2 review board.

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

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

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

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

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

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

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

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

40 (2) Parolees and persons on postrelease supervision are, and shall  
41 agree in writing to be, subject to searches of the person and the person's  
42 effects, vehicle, residence and property by a parole officer or a department  
43 of corrections enforcement, apprehension and investigation officer, at any

1 time of the day or night, with or without a search warrant and with or  
2 without cause. Nothing in this subsection shall be construed to authorize  
3 such officers to conduct arbitrary or capricious searches or searches for the  
4 sole purpose of harassment.

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

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

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

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

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

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

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

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

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

43 (7) not possess or consume any form of alcohol or intoxicating

1 substance or enter any establishment where alcohol is sold or consumed as  
2 the primary business;

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

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

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

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

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

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

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

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

42 (o) If the court that sentenced an inmate specified at the time of  
43 sentencing the amount and the recipient of any restitution ordered as a

1 condition of parole or postrelease supervision, the prisoner review board  
2 shall order as a condition of parole or postrelease supervision that the  
3 inmate pay restitution in the amount and manner provided in the journal  
4 entry unless the board finds compelling circumstances that would render a  
5 plan of restitution unworkable.

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

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

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

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

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

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

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

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

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

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

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

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

43 (C) level 4 crimes on the sentencing guidelines grid for drug crimes

1 committed on or after July 1, 2012; and

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

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

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

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

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

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

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

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

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

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

40       Sec. 2. K.S.A. 75-52,152 is hereby amended to read as follows: 75-  
41 52,152. (a) (1) There is hereby established, within the Kansas department  
42 of corrections, the prisoner review board. The prisoner review board shall  
43 be administered under the supervision of the secretary of corrections. The

1 prisoner review board shall consist of three ~~five~~ members appointed by the  
2 secretary of corrections and all members shall serve at the pleasure of the  
3 secretary. The members of the prisoner review board shall be existing  
4 employees of the department of corrections as follows:

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

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

11 (C) one member appointed by the governor, subject to confirmation  
12 by the senate as provided in K.S.A. 75-4315b, and amendments thereto;

13 (D) one member appointed by the attorney general, subject to  
14 confirmation by the senate as provided in K.S.A. 75-4315b, and  
15 amendments thereto, with a minimum of five years of experience as a  
16 prosecutor; and

17 (D)(E) one member appointed by the president of the senate; and  
18 (E) one member appointed by the speaker of the house of  
19 representatives attorney general, subject to confirmation by the senate as  
20 provided in K.S.A. 75-4315b, and amendments thereto.

21 (2) Except as provided by K.S.A. 46-2601, and amendments thereto,  
22 no person appointed to the board shall exercise any power, duty or  
23 function as a member of the board until confirmed by the senate. Not  
24 more than three {two} of the five members shall be members of the same  
25 political party {from the same congressional district}. The governor shall  
26 select one of the board members to serve as chairperson, and the  
27 attorney general shall select one of the board members to serve as vice  
28 chairperson.

29 (3) The members of the board shall serve for terms of four years  
30 and until their successors are appointed and confirmed, except that:

31 (A) The members first appointed by the governor shall serve for  
32 terms as follows: The member appointed pursuant to paragraph (1)(C)  
33 shall serve for a term of one year, the member appointed pursuant to  
34 paragraph (1)(B) shall serve for a term of two years and the member  
35 appointed pursuant to paragraph (1)(A) shall serve for a term of three  
36 years; and

37 (B) the members first appointed by the attorney general shall serve  
38 for terms as follows: The member appointed pursuant to paragraph (1)  
39 (E) shall serve for a term of one year and the member appointed  
40 pursuant to paragraph (1)(D) shall serve for a term of four years.

41 (4) The terms of the members who are serving on the board on July  
42 1, 2026, shall expire on July 1, 2026. All members of the board shall have  
43 a minimum of five years of experience in a relevant field with knowledge

1     *of the rights of victims of crimes and associated issues, the functioning of*  
2     *the criminal justice system and necessary components for successful*  
3     *reintegration and recidivism reduction.*

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

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