

HOUSE BILL No. 2535

By Committee on Corrections and Juvenile Justice

1-25

1 AN ACT concerning the prisoner review board; updating references and
 2 corresponding changes due to the transfer of authority from the Kansas
 3 parole board to the prisoner review board; amending K.S.A. 22-3706,
 4 22-3709, 22-3710, 22-3711, 22-3712, 22-3713, 22-3718, 22-3719, 22-
 5 3720, 22-3722, 22-3726, 22-4111, 60-4305, 74-7320, 74-7321, 74-9102
 6 and 75-5202 and K.S.A. 2011 Supp. 12-4516, 19-4804, 21-6603, 21-
 7 6606, 21-6609, 21-6614, 21-6803, 22-3701, 22-3717, 22-3728, 22-
 8 3729, 22-4701, 59-29a02, 74-4911f, 74-9101, 75-4318, 75-4319, 75-
 9 5210a, 75-5217, 75-5266, 77-421 and 77-603 and repealing the existing
 10 sections; also repealing K.S.A. 22-3707a and 22-3708 and K.S.A. 2011
 11 Supp. 22-3707.

21-6614a, 21-6614b, 21-6614c and
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Be it enacted by the Legislature of the State of Kansas:

14 Section 1. K.S.A. 2011 Supp. 12-4516 is hereby amended to read as
 15 follows: 12-4516. (a) (1) Except as provided in subsection (b), (c) and (d),
 16 any person who has been convicted of a violation of a city ordinance of
 17 this state may petition the convicting court for the expungement of such
 18 conviction and related arrest records if three or more years have elapsed
 19 since the person:

- 20 (A) Satisfied the sentence imposed; or
- 21 (B) was discharged from probation, parole or a suspended sentence.
- 22 (2) Except as provided in subsection (b), (c) and (d), any person who
- 23 has fulfilled the terms of a diversion agreement based on a violation of a
- 24 city ordinance of this state may petition the court for the expungement of
- 25 such diversion agreement and related arrest records if three or more years
- 26 have elapsed since the terms of the diversion agreement were fulfilled.

27 (b) No person may petition for expungement until five or more years
 28 have elapsed since the person satisfied the sentence imposed or the terms
 29 of a diversion agreement or was discharged from probation, parole,
 30 conditional release or a suspended sentence, if such person was convicted
 31 of the violation of a city ordinance which would also constitute:

- 32 (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
- 33 repeal, or K.S.A. 2011 Supp. 21-5406, and amendments thereto;
- 34 (2) driving while the privilege to operate a motor vehicle on the
- 35 public highways of this state has been canceled, suspended or revoked, as
- 36 prohibited by K.S.A. 8-262, and amendments thereto;

1 inmate's conditional release, upon hearing by one or more members of the
2 panel, and by a majority vote of the board.

3 Sec. 11. K.S.A. 22-3710 is hereby amended to read as follows: 22-
4 3710. The ~~Kansas parole prisoner review~~ board shall adopt an official seal
5 of which the courts shall take judicial notice. The orders of the ~~parole~~
6 board shall not be reviewable except as to compliance with the terms of
7 this act or other applicable laws of this state. The ~~parole~~ board shall keep a
8 record of its acts and shall notify each institution and the secretary of
9 corrections of its decisions relating to the persons who are or have been
10 confined therein. ~~At the close of each fiscal year, the parole board shall~~
11 ~~submit to the governor and to the legislature a report with statistical and~~
12 ~~other data of its work, including research studies which it may make of~~
13 ~~probation, sentencing, parole, postrelease supervision or related functions,~~
14 ~~and a compilation and analysis of dispositions of criminal cases by district~~
15 ~~courts throughout the state or by executive authority.~~

16 Sec. 12. K.S.A. 22-3711 is hereby amended to read as follows: 22-
17 3711. The presentence report, the preparole report, the pre-postrelease
18 supervision report and the supervision history, obtained in the discharge of
19 official duty by any member or employee of the ~~Kansas parole prisoner~~
20 ~~review~~ board or any ~~other~~ employee of the department of corrections, shall
21 be privileged and shall not be disclosed directly or indirectly to anyone
22 other than the ~~parole prisoner review~~ board, the judge, the attorney general
23 or others entitled to receive the information, except that the ~~parole~~ board,
24 secretary of corrections or court may permit the inspection of the report or
25 parts of it by the defendant, inmate, defendant's or inmate's attorney or
26 other person having a proper interest in it, whenever the best interest or
27 welfare of a particular defendant or inmate makes the action desirable or
28 helpful.

29 Sec. 13. K.S.A. 22-3712 is hereby amended to read as follows: 22-
30 3712. As a condition of probation, parole or postrelease supervision, a
31 probationer, parolee or person on postrelease supervision may be placed in
32 a diagnostic, or treatment facility by order of the court or ~~parole prisoner~~
33 ~~review~~ board. Placement in a diagnostic or treatment facility shall not
34 exceed 90 days or the maximum period of the prison sentence that could
35 be imposed, but may be renewed for further ninety-day periods on
36 certificates presented to the court by the director of such facility.

37 Sec. 14. K.S.A. 22-3713 is hereby amended to read as follows: 22-
38 3713. (a) The ~~parole prisoner review~~ board may authorize one or more of
39 its members to conduct hearings on behalf of the ~~parole~~ board.

40 (b) The secretary of corrections shall provide the ~~Kansas parole~~
41 ~~prisoner review~~ board with necessary personnel and accounting services.

42 Sec. 15. K.S.A. 2011 Supp. 22-3717 is hereby amended to read as
43 follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A.

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23 or others entitled to receive the information, except that the ~~parole~~ board,
24 secretary of corrections or court may permit the inspection of the report or
25 parts of it by the defendant, inmate, defendant's or inmate's attorney or
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