

**HOUSE BILL No. 2118**

By Committee on Corrections and Juvenile Justice

1-27

1 AN ACT concerning crimes, criminal procedure and punishment; relating  
2 to supervision fees for appearance bonds; amending K.S.A. 2010  
3 Supp. 22-2802 and section 244 of chapter 136 of the 2010 Session  
4 Laws of Kansas and repealing the existing sections.  
5

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

7 Section 1. K.S.A. 2010 Supp. 22-2802 is hereby amended to read as  
8 follows: 22-2802. (1) Any person charged with a crime shall, at the  
9 person's first appearance before a magistrate, be ordered released pending  
10 preliminary examination or trial upon the execution of an appearance  
11 bond in an amount specified by the magistrate and sufficient to assure the  
12 appearance of such person before the magistrate when ordered and to  
13 assure the public safety. If the person is being bound over for a felony, the  
14 bond shall also be conditioned on the person's appearance in the district  
15 court or by way of a two-way electronic audio-video communication as  
16 provided in subsection (14) at the time required by the court to answer the  
17 charge against such person and at any time thereafter that the court  
18 requires. Unless the magistrate makes a specific finding otherwise, if the  
19 person is being bonded out for a person felony or a person misdemeanor,  
20 the bond shall be conditioned on the person being prohibited from having  
21 any contact with the alleged victim of such offense for a period of at least  
22 72 hours. The magistrate may impose such of the following additional  
23 conditions of release as will reasonably assure the appearance of the  
24 person for preliminary examination or trial:

25 (a) Place the person in the custody of a designated person or  
26 organization agreeing to supervise such person;

27 (b) place restrictions on the travel, association or place of abode of  
28 the person during the period of release;

29 (c) impose any other condition deemed reasonably necessary to  
30 assure appearance as required, including a condition requiring that the  
31 person return to custody during specified hours;

32 (d) place the person under a house arrest program pursuant to K.S.A.  
33 21-4603b, and amendments thereto; or

34 (e) place the person under the supervision of a court services officer  
35 responsible for monitoring the person's compliance with any conditions  
36 of release ordered by the magistrate.

1 (2) In addition to any conditions of release provided in subsection  
2 (1), for any person charged with a felony, the magistrate may order such  
3 person to submit to a drug *and alcohol* abuse examination and evaluation  
4 in a public or private treatment facility or state institution and, if  
5 determined by the head of such facility or institution that such person is a  
6 drug *or alcohol* abuser or *is* incapacitated by drugs *or alcohol*, to submit  
7 to treatment for such drug *or alcohol* abuse, as a condition of release.

8 (3) The appearance bond shall be executed with sufficient solvent  
9 sureties who are residents of the state of Kansas, unless the magistrate  
10 determines, in the exercise of such magistrate's discretion, that requiring  
11 sureties is not necessary to assure the appearance of the person at the time  
12 ordered.

13 (4) A deposit of cash in the amount of the bond may be made in lieu  
14 of the execution of the bond pursuant to paragraph (3). Except as  
15 provided in paragraph (5), such deposit shall be in the full amount of the  
16 bond and in no event shall a deposit of cash in less than the full amount  
17 of bond be permitted. Any person charged with a crime who is released  
18 on a cash bond shall be entitled to a refund of all moneys paid for the  
19 cash bond, after deduction of any outstanding restitution, costs, fines and  
20 fees, after the final disposition of the criminal case if the person complies  
21 with all requirements to appear in court. The court may not exclude the  
22 option of posting bond pursuant to paragraph (3).

23 (5) Except as provided further, the amount of the appearance bond  
24 shall be the same whether executed as described in subsection (3) or  
25 posted with a deposit of cash as described in subsection (4). When the  
26 appearance bond has been set at \$2,500 or less and the most serious  
27 charge against the person is a misdemeanor, a severity level 8, 9 or 10  
28 nonperson felony, a drug severity level 4 felony or a violation of K.S.A.  
29 8-1567, and amendments thereto, the magistrate may allow the person to  
30 deposit cash with the clerk in the amount of 10% of the bond, provided  
31 the person meets at least the following qualifications:

- 32 (A) Is a resident of the state of Kansas;  
33 (B) has a criminal history score category of G, H or I;  
34 (C) has no prior history of failure to appear for any court  
35 appearances;  
36 (D) has no detainer or hold from any other jurisdiction;  
37 (E) has not been extradited from, and is not awaiting extradition to,  
38 another state; and  
39 (F) has not been detained for an alleged violation of probation.

40 (6) In the discretion of the court, a person charged with a crime may  
41 be released upon the person's own recognizance by guaranteeing payment  
42 of the amount of the bond for the person's failure to comply with all  
43 requirements to appear in court. The release of a person charged with a

1 crime upon the person's own recognizance shall not require the deposit of  
2 any cash by the person.

3 (7) The court shall not impose any administrative fee.

4 (8) In determining which conditions of release will reasonably  
5 assure appearance and the public safety, the magistrate shall, on the basis  
6 of available information, take into account the nature and circumstances  
7 of the crime charged; the weight of the evidence against the defendant;  
8 the defendant's family ties, employment, financial resources, character,  
9 mental condition, length of residence in the community, record of  
10 convictions, record of appearance or failure to appear at court  
11 proceedings or of flight to avoid prosecution; the likelihood or propensity  
12 of the defendant to commit crimes while on release, including whether  
13 the defendant will be likely to threaten, harass or cause injury to the  
14 victim of the crime or any witnesses thereto; and whether the defendant is  
15 on probation or parole from a previous offense at the time of the alleged  
16 commission of the subsequent offense.

17 (9) The appearance bond shall set forth all of the conditions of  
18 release.

19 (10) A person for whom conditions of release are imposed and who  
20 continues to be detained as a result of the person's inability to meet the  
21 conditions of release shall be entitled, upon application, to have the  
22 conditions reviewed without unnecessary delay by the magistrate who  
23 imposed them. If the magistrate who imposed conditions of release is not  
24 available, any other magistrate in the county may review such conditions.

25 (11) A magistrate ordering the release of a person on any conditions  
26 specified in this section may at any time amend the order to impose  
27 additional or different conditions of release. If the imposition of  
28 additional or different conditions results in the detention of the person,  
29 the provisions of subsection (10) shall apply.

30 (12) Statements or information offered in determining the conditions  
31 of release need not conform to the rules of evidence. No statement or  
32 admission of the defendant made at such a proceeding shall be received  
33 as evidence in any subsequent proceeding against the defendant.

34 (13) The appearance bond and any security required as a condition  
35 of the defendant's release shall be deposited in the office of the magistrate  
36 or the clerk of the court where the release is ordered. If the defendant is  
37 bound to appear before a magistrate or court other than the one ordering  
38 the release, the order of release, together with the bond and security shall  
39 be transmitted to the magistrate or clerk of the court before whom the  
40 defendant is bound to appear.

41 (14) Proceedings before a magistrate as provided in this section to  
42 determine the release conditions of a person charged with a crime  
43 including release upon execution of an appearance bond may be

1 conducted by two-way electronic audio-video communication between  
2 the defendant and the judge in lieu of personal presence of the defendant  
3 or defendant's counsel in the courtroom in the discretion of the court. The  
4 defendant may be accompanied by the defendant's counsel. The defendant  
5 shall be informed of the defendant's right to be personally present in the  
6 courtroom during such proceeding if the defendant so requests.  
7 Exercising the right to be present shall in no way prejudice the defendant.

8 (15) The magistrate may order the person to pay for any costs  
9 associated with the supervision of the conditions of release of the  
10 appearance bond in an amount not to exceed \$15 per week of such  
11 supervision. *As a condition of sentencing under section 244 of chapter*  
12 *136 of the 2010 Session Laws of Kansas, and amendments thereto, the*  
13 *court may impose the full amount of any such costs in excess of \$15 per*  
14 *week, including, but not limited to, costs for treatment and evaluation*  
15 *under subsection (2).*

16 Sec. 2. Section 244 of chapter 136 of the 2010 Session Laws of  
17 Kansas is hereby amended to read as follows: Sec. 244. (a) Whenever any  
18 person has been found guilty of a crime, the court may adjudge any of the  
19 following:

20 (1) Commit the defendant to the custody of the secretary of  
21 corrections if the current crime of conviction is a felony and the sentence  
22 presumes imprisonment, or the sentence imposed is a dispositional  
23 departure to imprisonment; or, if confinement is for a misdemeanor, to  
24 jail for the term provided by law;

25 (2) impose the fine applicable to the offense;

26 (3) release the defendant on probation if the current crime of  
27 conviction and criminal history fall within a presumptive nonprison  
28 category or through a departure for substantial and compelling reasons  
29 subject to such conditions as the court may deem appropriate. In felony  
30 cases except for violations of K.S.A. 8-1567, and amendments thereto,  
31 the court may include confinement in a county jail not to exceed 60 days,  
32 which need not be served consecutively, as a condition of an original  
33 probation sentence and up to 60 days in a county jail upon each  
34 revocation of the probation sentence, or community corrections  
35 placement;

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

41 (5) assign the defendant to a conservation camp for a period not to  
42 exceed six months as a condition of probation followed by a six-month  
43 period of follow-up through adult intensive supervision by a community

1 correctional services program, if the offender successfully completes the  
2 conservation camp program;

3 (6) assign the defendant to a house arrest program pursuant to  
4 section 249 *of chapter 136 of the 2010 Session Laws of Kansas*, and  
5 amendments thereto;

6 (7) order the defendant to attend and satisfactorily complete an  
7 alcohol or drug education or training program as provided by subsection  
8 (c) of section 242 *of chapter 136 of the 2010 Session Laws of Kansas*, and  
9 amendments thereto;

10 (8) order the defendant to repay the amount of any reward paid by  
11 any crime stoppers chapter, individual, corporation or public entity which  
12 materially aided in the apprehension or conviction of the defendant; repay  
13 the amount of any costs and expenses incurred by any law enforcement  
14 agency in the apprehension of the defendant, if one of the current crimes  
15 of conviction of the defendant includes escape or aggravated escape, as  
16 defined in section 136 *of chapter 136 of the 2010 Session Laws of*  
17 *Kansas*, and amendments thereto; repay expenses incurred by a fire  
18 district, fire department or fire company responding to a fire which has  
19 been determined to be arson under section 98 *of chapter 136 of the 2010*  
20 *Session Laws of Kansas*, and amendments thereto, if the defendant is  
21 convicted of such crime; repay the amount of any public funds utilized by  
22 a law enforcement agency to purchase controlled substances from the  
23 defendant during the investigation which leads to the defendant's  
24 conviction; or repay the amount of any medical costs and expenses  
25 incurred by any law enforcement agency or county. Such repayment of  
26 the amount of any such costs and expenses incurred by a county, law  
27 enforcement agency, fire district, fire department or fire company or any  
28 public funds utilized by a law enforcement agency shall be deposited and  
29 credited to the same fund from which the public funds were credited to  
30 prior to use by the county, law enforcement agency, fire district, fire  
31 department or fire company;

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

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

36 (11) *pay the full amount of unpaid costs associated with the*  
37 *conditions of release of the appearance bond under K.S.A. 22-2802, and*  
38 *amendments thereto;*

39 ~~(11)~~(12) impose any appropriate combination of (1), (2), (3), (4), (5),  
40 (6), (7), (8), (9), ~~and~~ (10) and (11); or

41 ~~(12)~~(13) suspend imposition of sentence in misdemeanor cases.

42 (b) (1) In addition to or in lieu of any of the above, the court shall  
43 order the defendant to pay restitution, which shall include, but not be

1 limited to, damage or loss caused by the defendant's crime, unless the  
2 court finds compelling circumstances which would render a plan of  
3 restitution unworkable. In regard to a violation of section 177 *of chapter*  
4 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, such  
5 damage or loss shall include, but not be limited to, attorney fees and costs  
6 incurred to repair the credit history or rating of the person whose personal  
7 identification documents were obtained and used in violation of such  
8 section, and to satisfy a debt, lien or other obligation incurred by the  
9 person whose personal identification documents were obtained and used  
10 in violation of such section. If the court finds a plan of restitution  
11 unworkable, the court shall state on the record in detail the reasons  
12 therefor.

13 (2) If the court orders restitution, the restitution shall be a judgment  
14 against the defendant which may be collected by the court by  
15 garnishment or other execution as on judgments in civil cases. If, after 60  
16 days from the date restitution is ordered by the court, a defendant is found  
17 to be in noncompliance with the plan established by the court for payment  
18 of restitution, and the victim to whom restitution is ordered paid has not  
19 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and  
20 amendments thereto, the court shall assign an agent procured by the  
21 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to  
22 collect the restitution on behalf of the victim. The administrative judge of  
23 each judicial district may assign such cases to an appropriate division of  
24 the court for the conduct of civil collection proceedings.

25 (c) In addition to or in lieu of any of the above, the court shall order  
26 the defendant to submit to and complete an alcohol and drug evaluation,  
27 and pay a fee therefor, when required by subsection (d) of section 242 *of*  
28 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
29 thereto.

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

1 amount due or modify the method of payment.

2 (e) In imposing a fine the court may authorize the payment thereof in  
3 installments. In releasing a defendant on probation, the court shall direct  
4 that the defendant be under the supervision of a court services officer. If  
5 the court commits the defendant to the custody of the secretary of  
6 corrections or to jail, the court may specify in its order the amount of  
7 restitution to be paid and the person to whom it shall be paid if restitution  
8 is later ordered as a condition of parole, conditional release or postrelease  
9 supervision.

10 (f) (1) When a new felony is committed while the offender is  
11 incarcerated and serving a sentence for a felony, or while the offender is  
12 on probation, assignment to a community correctional services program,  
13 parole, conditional release or postrelease supervision for a felony, a new  
14 sentence shall be imposed pursuant to the consecutive sentencing  
15 requirements of section 246 of chapter 136 of the 2010 Session Laws of  
16 Kansas, and amendments thereto, and the court may sentence the  
17 offender to imprisonment for the new conviction, even when the new  
18 crime of conviction otherwise presumes a nonprison sentence. In this  
19 event, imposition of a prison sentence for the new crime does not  
20 constitute a departure.

21 (2) When a new felony is committed while the offender is  
22 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671  
23 prior to its repeal or K.S.A. ~~2009~~2010 Supp. 38-2373, and amendments  
24 thereto, for an offense, which if committed by an adult would constitute  
25 the commission of a felony, upon conviction, the court shall sentence the  
26 offender to imprisonment for the new conviction, even when the new  
27 crime of conviction otherwise presumes a nonprison sentence. In this  
28 event, imposition of a prison sentence for the new crime does not  
29 constitute a departure. The conviction shall operate as a full and complete  
30 discharge from any obligations, except for an order of restitution,  
31 imposed on the offender arising from the offense for which the offender  
32 was committed to a juvenile correctional facility.

33 (3) When a new felony is committed while the offender is on release  
34 for a felony pursuant to the provisions of article 28 of chapter 22 of the  
35 Kansas Statutes Annotated, and amendments thereto, or similar  
36 provisions of the laws of another jurisdiction, a new sentence may be  
37 imposed pursuant to the consecutive sentencing requirements of section  
38 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
39 thereto, and the court may sentence the offender to imprisonment for the  
40 new conviction, even when the new crime of conviction otherwise  
41 presumes a nonprison sentence. In this event, imposition of a prison  
42 sentence for the new crime does not constitute a departure.

43 (g) Prior to imposing a dispositional departure for a defendant whose

1 offense is classified in the presumptive nonprison grid block of either  
2 sentencing guideline grid, prior to sentencing a defendant to incarceration  
3 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the  
4 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,  
5 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to  
6 sentencing a defendant to incarceration whose offense is classified in grid  
7 blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and  
8 whose offense does not meet the requirements of section 305 of *chapter*  
9 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, prior  
10 to revocation of a nonprison sanction of a defendant whose offense is  
11 classified in grid blocks 4-E or 4-F of the sentencing guideline grid for  
12 drug crimes and whose offense does not meet the requirements of section  
13 *305 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
14 thereto, or prior to revocation of a nonprison sanction of a defendant  
15 whose offense is classified in the presumptive nonprison grid block of  
16 either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the  
17 sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F,  
18 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the  
19 court shall consider placement of the defendant in the Labette  
20 correctional conservation camp, conservation camps established by the  
21 secretary of corrections pursuant to K.S.A. 75-52,127, and amendment  
22 thereto, or a community intermediate sanction center. Pursuant to this  
23 paragraph the defendant shall not be sentenced to imprisonment if space  
24 is available in a conservation camp or a community intermediate sanction  
25 center and the defendant meets all of the conservation camp's or a  
26 community intermediate sanction center's placement criteria unless the  
27 court states on the record the reasons for not placing the defendant in a  
28 conservation camp or a community intermediate sanction center.

29 (h) The court in committing a defendant to the custody of the  
30 secretary of corrections shall fix a term of confinement within the limits  
31 provided by law. In those cases where the law does not fix a term of  
32 confinement for the crime for which the defendant was convicted, the  
33 court shall fix the term of such confinement.

34 (i) In addition to any of the above, the court shall order the defendant  
35 to reimburse the state general fund for all or a part of the expenditures by  
36 the state board of indigents' defense services to provide counsel and other  
37 defense services to the defendant. In determining the amount and method  
38 of payment of such sum, the court shall take account of the financial  
39 resources of the defendant and the nature of the burden that payment of  
40 such sum will impose. A defendant who has been required to pay such  
41 sum and who is not willfully in default in the payment thereof may at any  
42 time petition the court which sentenced the defendant to waive payment  
43 of such sum or any unpaid portion thereof. If it appears to the satisfaction

1 of the court that payment of the amount due will impose manifest  
2 hardship on the defendant or the defendant's immediate family, the court  
3 may waive payment of all or part of the amount due or modify the  
4 method of payment. The amount of attorney fees to be included in the  
5 court order for reimbursement shall be the amount claimed by appointed  
6 counsel on the payment voucher for indigents' defense services or the  
7 amount prescribed by the board of indigents' defense services  
8 reimbursement tables as provided in K.S.A. 22-4522, and amendments  
9 thereto, whichever is less.

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

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

20 (l) The secretary of corrections is authorized to make direct  
21 placement to the Labette correctional conservation camp or a  
22 conservation camp established by the secretary pursuant to K.S.A. 75-  
23 52,127, and amendments thereto, of an inmate sentenced to the secretary's  
24 custody if the inmate: (1) Has been sentenced to the secretary for a  
25 probation revocation, as a departure from the presumptive  
26 nonimprisonment grid block of either sentencing grid, for an offense  
27 which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing  
28 guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or  
29 3-I of the sentencing guidelines grid for drug crimes, or for an offense  
30 which is classified in grid blocks 4-E or 4-F of the sentencing guidelines  
31 grid for drug crimes and such offense does not meet the requirements of  
32 section 305 of chapter 136 of the 2010 Session Laws of Kansas, and  
33 amendments thereto, and (2) otherwise meets admission criteria of the  
34 camp. If the inmate successfully completes a conservation camp program,  
35 the secretary of corrections shall report such completion to the sentencing  
36 court and the county or district attorney. The inmate shall then be  
37 assigned by the court to six months of follow-up supervision conducted  
38 by the appropriate community corrections services program. The court  
39 may also order that supervision continue thereafter for the length of time  
40 authorized by section 305 of chapter 136 of the 2010 Session Laws of  
41 Kansas, and amendments thereto.

42 (m) When it is provided by law that a person shall be sentenced  
43 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions

1 of this section shall not apply.

2 (n) Except as provided by subsection (f) of section 286 of *chapter*  
3 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, in  
4 addition to any of the above, for felony violations of K.S.A. ~~2009~~2010  
5 Supp. 21-36a06, and amendments thereto, the court shall require the  
6 defendant who meets the requirements established in section 305 of  
7 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
8 thereto, to participate in a certified drug abuse treatment program, as  
9 provided in K.S.A. ~~2009~~2010 Supp. 75-52,144, and amendments thereto,  
10 including, but not limited to, an approved after-care plan. If the defendant  
11 fails to participate in or has a pattern of intentional conduct that  
12 demonstrates the offender's refusal to comply with or participate in the  
13 treatment program, as established by judicial finding, the defendant shall  
14 be subject to revocation of probation and the defendant shall serve the  
15 underlying prison sentence as established in section 305 of *chapter 136 of*  
16 *the 2010 Session Laws of Kansas*, and amendments thereto. For those  
17 offenders who are convicted on or after the effective date of this act, upon  
18 completion of the underlying prison sentence, the defendant shall not be  
19 subject to a period of postrelease supervision. The amount of time spent  
20 participating in such program shall not be credited as service on the  
21 underlying prison sentence.

22 (o) (1) Except as provided in paragraph (3), in addition to any  
23 other penalty or disposition imposed by law, upon a conviction for  
24 unlawful possession of a controlled substance or controlled substance  
25 analog in violation of K.S.A. ~~2009~~2010 Supp. 21-36a06, and  
26 amendments thereto, in which the trier of fact makes a finding that the  
27 unlawful possession occurred while transporting the controlled substance  
28 or controlled substance analog in any vehicle upon a highway or street,  
29 the offender's driver's license or privilege to operate a motor vehicle on  
30 the streets and highways of this state shall be suspended for one year.

31 (2) Upon suspension of a license pursuant to this subsection, the  
32 court shall require the person to surrender the license to the court, which  
33 shall transmit the license to the division of motor vehicles of the  
34 department of revenue, to be retained until the period of suspension  
35 expires. At that time, the licensee may apply to the division for return of  
36 the license. If the license has expired, the person may apply for a new  
37 license, which shall be issued promptly upon payment of the proper fee  
38 and satisfaction of other conditions established by law for obtaining a  
39 license unless another suspension or revocation of the person's privilege  
40 to operate a motor vehicle is in effect.

41 (3) (A) In lieu of suspending the driver's license or privilege to  
42 operate a motor vehicle on the highways of this state of any person as  
43 provided in paragraph (1), the judge of the court in which such person

1 was convicted may enter an order which places conditions on such  
2 person's privilege of operating a motor vehicle on the highways of this  
3 state, a certified copy of which such person shall be required to carry any  
4 time such person is operating a motor vehicle on the highways of this  
5 state. Any such order shall prescribe the duration of the conditions  
6 imposed, which in no event shall be for a period of more than one year.

7 (B) Upon entering an order restricting a person's license hereunder,  
8 the judge shall require such person to surrender such person's driver's  
9 license to the judge who shall cause it to be transmitted to the division of  
10 vehicles, together with a copy of the order. Upon receipt thereof, the  
11 division of vehicles shall issue without charge a driver's license which  
12 shall indicate on its face that conditions have been imposed on such  
13 person's privilege of operating a motor vehicle and that a certified copy of  
14 the order imposing such conditions is required to be carried by the person  
15 for whom the license was issued any time such person is operating a  
16 motor vehicle on the highways of this state. If the person convicted is a  
17 nonresident, the judge shall cause a copy of the order to be transmitted to  
18 the division and the division shall forward a copy of it to the motor  
19 vehicle administrator, of such person's state of residence. Such judge shall  
20 furnish to any person whose driver's license has had conditions imposed  
21 on it under this paragraph a copy of the order, which shall be recognized  
22 as a valid Kansas driver's license until such time as the division shall  
23 issue the restricted license provided for in this paragraph.

24 (C) Upon expiration of the period of time for which conditions are  
25 imposed pursuant to this subsection, the licensee may apply to the  
26 division for the return of the license previously surrendered by such  
27 licensee. In the event such license has expired, such person may apply to  
28 the division for a new license, which shall be issued immediately by the  
29 division upon payment of the proper fee and satisfaction of the other  
30 conditions established by law, unless such person's privilege to operate a  
31 motor vehicle on the highways of this state has been suspended or  
32 revoked prior thereto. If any person shall violate any of the conditions  
33 imposed under this paragraph, such person's driver's license or privilege  
34 to operate a motor vehicle on the highways of this state shall be revoked  
35 for a period of not less than 60 days nor more than one year by the judge  
36 of the court in which such person is convicted of violating such  
37 conditions.

38 (4) As used in this subsection, "highway" and "street" have the  
39 meanings provided by K.S.A. 8-1424 and 8-1473, and amendments  
40 thereto.

41 Sec. 3. K.S.A. 2010 Supp. 22-2802 and section 244 of chapter 136  
42 of the 2010 Session Laws of Kansas are hereby repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.