

**SENATE BILL No. 480**

By Committee on Federal and State Affairs

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to conditions of parole or postrelease supervision; search and seizure;  
3 amending K.S.A. 2015 Supp. 22-3717 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2015 Supp. 22-3717 is hereby amended to read as  
8 follows: 22-3717. (a) Except as otherwise provided by this section;  
9 K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635  
10 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2015 Supp. 21-  
11 6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments  
12 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including  
13 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or  
14 K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall be eligible for  
15 parole after serving the entire minimum sentence imposed by the court,  
16 less good time credits.

17 (b) (1) An inmate sentenced to imprisonment for life without the  
18 possibility of parole pursuant to K.S.A. 2015 Supp. 21-6617, and  
19 amendments thereto, shall not be eligible for parole.

20 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
21 their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-  
22 6625, and amendments thereto, an inmate sentenced to imprisonment for  
23 the crime of: (A) Capital murder committed on or after July 1, 1994, shall  
24 be eligible for parole after serving 25 years of confinement, without  
25 deduction of any good time credits; (B) murder in the first degree based  
26 upon a finding of premeditated murder committed on or after July 1, 1994,  
27 but prior to July 1, 2014, shall be eligible for parole after serving 25 years  
28 of confinement, without deduction of any good time credits; and (C)  
29 murder in the first degree as described in ~~subsection (a)(2) of~~ K.S.A. 2015  
30 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July  
31 1, 2014, shall be eligible for parole after serving 25 years of confinement,  
32 without deduction of any good time credits.

33 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
34 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
35 21-4638, prior to their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623,  
36 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to

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

7 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
8 repeal, an inmate sentenced for a class A felony committed before July 1,  
9 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
10 its repeal, or K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall  
11 be eligible for parole after serving 15 years of confinement, without  
12 deduction of any good time credits.

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

18 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
19 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments  
20 thereto, committed on or after July 1, 2006, shall be eligible for parole  
21 after serving the mandatory term of imprisonment without deduction of  
22 any 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. 2015 Supp. 21-6606, and  
29 amendments thereto, less good time credits for those crimes which are not  
30 class A 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. 2015 Supp. 21-6627, and amendments  
35 thereto, for crimes committed on or after July 1, 2006, the inmate shall be  
36 eligible for 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, a sexually motivated crime in which the offender has  
17 been ordered to register pursuant to ~~subsection (d)(1)(D)(vii)~~ of K.S.A. 22-  
18 3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A.  
19 21-3523, prior to its repeal, or K.S.A. 2015 Supp. 21-5509, and  
20 amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to  
21 its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall  
22 serve the period of postrelease supervision as provided in subsections (d)  
23 (1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program  
24 credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal,  
25 or K.S.A. 2015 Supp. 21-6821, and amendments thereto, on postrelease  
26 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. 2015 Supp. 21-6820, and amendments  
36 thereto.

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

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

41 (b) any evidence received during the proceeding;

42 (c) the presentence report, the victim's impact statement and any  
43 psychological evaluation as ordered by the court pursuant to ~~subsection (e)~~

1 of K.S.A. 21-4714(e), prior to its repeal, or ~~subsection (e)~~ of K.S.A. 2015  
2 Supp. 21-6813(e), and amendments thereto; and

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

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

8 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
9 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2015 Supp. 21-  
10 6817, and amendments thereto.

11 (vi) Upon petition and payment of any restitution ordered pursuant to  
12 K.S.A. 2015 Supp. 21-6604, and amendments thereto, the prisoner review  
13 board may provide for early discharge from the postrelease supervision  
14 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of  
15 court ordered programs and completion of the presumptive postrelease  
16 supervision period, as determined by the crime of conviction, pursuant to  
17 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
18 postrelease supervision is at the discretion of the board.

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

22 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
23 repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto, shall be  
24 required to participate in a treatment program for sex offenders during the  
25 postrelease supervision period.

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

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

38 (G) Except as provided in subsection (u), persons convicted of a  
39 sexually violent crime committed on or after July 1, 2006, 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 (2) Persons serving a period of postrelease supervision pursuant to  
43 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner

1 review board for early discharge. Upon payment of restitution, the prisoner  
2 review board may provide for early discharge.

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

6 (4) Offenders whose crime of conviction was committed on or after  
7 July 1, 2013, and whose probation, assignment to a community  
8 correctional services program, suspension of sentence or nonprison  
9 sanction is revoked pursuant to ~~subsection (e) of K.S.A. 22-3716(c)~~, and  
10 amendments thereto, or whose underlying prison term expires while  
11 serving a sanction pursuant to ~~subsection (c)(1)(C) or (c)(1)(D) of K.S.A.~~  
12 ~~22-3716(c)(1)(C) or (c)(1)(D)~~, and amendments thereto, shall serve a  
13 period of postrelease supervision upon the completion of the underlying  
14 prison term.

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

16 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp.  
17 21-5503, and amendments thereto;

18 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
19 or ~~subsection (a) of K.S.A. 2015 Supp. 21-5506(a)~~, and amendments  
20 thereto;

21 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
22 to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5506(b)~~, and  
23 amendments thereto;

24 (D) criminal sodomy, ~~subsection (a)(2) and (a)(3) of K.S.A. 21-~~  
25 ~~3505(a)(2) and (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) and (a)(4) of~~  
26 ~~K.S.A. 2015 Supp. 21-5504(a)(3) and (a)(4)~~, and amendments thereto;

27 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
28 or ~~subsection (b) of K.S.A. 2015 Supp. 21-5504(b)~~, and amendments  
29 thereto;

30 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
31 or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a)~~, and amendments  
32 thereto;

33 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
34 to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5508(b)~~, and  
35 amendments thereto;

36 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
37 or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

38 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
39 ~~subsection (b) of K.S.A. 2015 Supp. 21-5505(b)~~, and amendments thereto;

40 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or  
41 ~~subsection (b) of K.S.A. 2015 Supp. 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 ~~subsection (b) of K.S.A. 2015 Supp. 21-5426(b)~~, and

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

3 (L) commercial sexual exploitation of a child, as defined in K.S.A.  
4 2015 Supp. 21-6422, and amendments thereto; or

5 (M) an attempt, conspiracy or criminal solicitation, as defined in  
6 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015  
7 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
8 sexually violent crime as defined in this section.

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

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

19 (f) If a person is sentenced to prison for a crime committed on or after  
20 July 1, 1993, while on probation, parole, conditional release or in a  
21 community corrections program, for a crime committed prior to July 1,  
22 1993, and the person is not eligible for retroactive application of the  
23 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
24 4724, prior to its repeal, the new sentence shall not be aggregated with the  
25 old sentence, but shall begin when the person is paroled or reaches the  
26 conditional release date on the old sentence. If the offender was past the  
27 offender's conditional release date at the time the new offense was  
28 committed, the new sentence shall not be aggregated with the old sentence  
29 but shall begin when the person is ordered released by the prisoner review  
30 board or reaches the maximum sentence expiration date on the old  
31 sentence, whichever is earlier. The new sentence shall then be served as  
32 otherwise provided by law. The period of postrelease supervision shall be  
33 based on the new sentence, except that those offenders whose old sentence  
34 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
35 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
36 term of life imprisonment, for which there is no conditional release or  
37 maximum sentence expiration date, shall remain on postrelease  
38 supervision for life or until discharged from supervision by the prisoner  
39 review board.

40 (g) Subject to the provisions of this section, the prisoner review board  
41 may release on parole those persons confined in institutions who are  
42 eligible for parole when: (1) The board believes that the inmate should be  
43 released for hospitalization, deportation or to answer the warrant or other

1 process of a court and is of the opinion that there is reasonable probability  
2 that the inmate can be released without detriment to the community or to  
3 the inmate; or (2) the secretary of corrections has reported to the board in  
4 writing that the inmate has satisfactorily completed the programs required  
5 by any agreement entered under K.S.A. 75-5210a, and amendments  
6 thereto, or any revision of such agreement, and the board believes that the  
7 inmate is able and willing to fulfill the obligations of a law abiding citizen  
8 and is of the opinion that there is reasonable probability that the inmate  
9 can be released without detriment to the community or to the inmate.  
10 Parole shall not be granted as an award of clemency and shall not be  
11 considered a reduction of sentence or a pardon.

12 (h) The prisoner review board shall hold a parole hearing at least the  
13 month prior to the month an inmate will be eligible for parole under  
14 subsections (a), (b) and (c). At least one month preceding the parole  
15 hearing, the county or district attorney of the county where the inmate was  
16 convicted shall give written notice of the time and place of the public  
17 comment sessions for the inmate to any victim of the inmate's crime who  
18 is alive and whose address is known to the county or district attorney or, if  
19 the victim is deceased, to the victim's family if the family's address is  
20 known to the county or district attorney. Except as otherwise provided,  
21 failure to notify pursuant to this section shall not be a reason to postpone a  
22 parole hearing. In the case of any inmate convicted of an off-grid felony or  
23 a class A felony, the secretary of corrections shall give written notice of the  
24 time and place of the public comment session for such inmate at least one  
25 month preceding the public comment session to any victim of such  
26 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and  
27 amendments thereto. If notification is not given to such victim or such  
28 victim's family in the case of any inmate convicted of an off-grid felony or  
29 a class A felony, the board shall postpone a decision on parole of the  
30 inmate to a time at least 30 days after notification is given as provided in  
31 this section. Nothing in this section shall create a cause of action against  
32 the state or an employee of the state acting within the scope of the  
33 employee's employment as a result of the failure to notify pursuant to this  
34 section. If granted parole, the inmate may be released on parole on the date  
35 specified by the board, but not earlier than the date the inmate is eligible  
36 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
37 parole is not granted, at such intervals thereafter as it determines  
38 appropriate, the board shall consider: (1) Whether the inmate has  
39 satisfactorily completed the programs required by any agreement entered  
40 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
41 agreement; and (2) all pertinent information regarding such inmate,  
42 including, but not limited to, the circumstances of the offense of the  
43 inmate; the presentence report; the previous social history and criminal

1 record of the inmate; the conduct, employment, and attitude of the inmate  
2 in prison; the reports of such physical and mental examinations as have  
3 been made, including, but not limited to, risk factors revealed by any risk  
4 assessment of the inmate; comments of the victim and the victim's family  
5 including in person comments, contemporaneous comments and  
6 prerecorded comments made by any technological means; comments of  
7 the public; official comments; any recommendation by the staff of the  
8 facility where the inmate is incarcerated; proportionality of the time the  
9 inmate has served to the sentence a person would receive under the Kansas  
10 sentencing guidelines for the conduct that resulted in the inmate's  
11 incarceration; and capacity of state correctional institutions.

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

22 (j) (1) Before ordering the parole of any inmate, the prisoner review  
23 board shall have the inmate appear either in person or via a video  
24 conferencing format and shall interview the inmate unless impractical  
25 because of the inmate's physical or mental condition or absence from the  
26 institution. Every inmate while on parole shall remain in the legal custody  
27 of the secretary of corrections and is subject to the orders of the secretary.  
28 Whenever the board formally considers placing an inmate on parole and  
29 no agreement has been entered into with the inmate under K.S.A. 75-  
30 5210a, and amendments thereto, the board shall notify the inmate in  
31 writing of the reasons for not granting parole. If an agreement has been  
32 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
33 has not satisfactorily completed the programs specified in the agreement,  
34 or any revision of such agreement, the board shall notify the inmate in  
35 writing of the specific programs the inmate must satisfactorily complete  
36 before parole will be granted. If parole is not granted only because of a  
37 failure to satisfactorily complete such programs, the board shall grant  
38 parole upon the secretary's certification that the inmate has successfully  
39 completed such programs. If an agreement has been entered under K.S.A.  
40 75-5210a, and amendments thereto, and the secretary of corrections has  
41 reported to the board in writing that the inmate has satisfactorily  
42 completed the programs required by such agreement, or any revision  
43 thereof, the board shall not require further program participation.

1 However, if the board determines that other pertinent information  
2 regarding the inmate warrants the inmate's not being released on parole,  
3 the board shall state in writing the reasons for not granting the parole. If  
4 parole is denied for an inmate sentenced for a crime other than a class A or  
5 class B felony or an off-grid felony, the board shall hold another parole  
6 hearing for the inmate not later than one year after the denial unless the  
7 board finds that it is not reasonable to expect that parole would be granted  
8 at a hearing if held in the next three years or during the interim period of a  
9 deferral. In such case, the board may defer subsequent parole hearings for  
10 up to three years but any such deferral by the board shall require the board  
11 to state the basis for its findings. If parole is denied for an inmate  
12 sentenced for a class A or class B felony or an off-grid felony, the board  
13 shall hold another parole hearing for the inmate not later than three years  
14 after the denial unless the board finds that it is not reasonable to expect  
15 that parole would be granted at a hearing if held in the next 10 years or  
16 during the interim period of a deferral. In such case, the board may defer  
17 subsequent parole hearings for up to 10 years, but any such deferral shall  
18 require the board to state the basis for its findings.

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

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

30 (2) Parolees and persons on postrelease supervision are, and shall  
31 agree in writing to be, subject to ~~search or seizure~~ *searches of the person*  
32 *and the person's effects, vehicle, residence and property* by a parole officer  
33 or a department of corrections enforcement, apprehension and  
34 investigation officer, at any time of the day or night, with or without a  
35 search warrant and with or without cause. Nothing in this subsection shall  
36 be construed to authorize such officers to conduct arbitrary or capricious  
37 searches or searches for the sole purpose of harassment.

38 (3) Parolees and persons on postrelease supervision are, and shall  
39 agree in writing to be, subject to ~~search or seizure~~ *searches of the person*  
40 *and the person's effects, vehicle, residence and property* by any law  
41 enforcement officer based on reasonable suspicion of the person violating  
42 conditions of parole or postrelease supervision or reasonable suspicion of  
43 criminal activity. Any law enforcement officer who conducts such a search

1 shall submit a written report to the appropriate parole officer no later than  
2 the close of the next business day after such search. The written report  
3 shall include the facts leading to such search, the scope of such search and  
4 any findings resulting from such search.

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

13 (m) Whenever the prisoner review board orders the parole of an  
14 inmate or establishes conditions for an inmate placed on postrelease  
15 supervision, the board:

16 (1) Unless it finds compelling circumstances which would render a  
17 plan of payment unworkable, shall order as a condition of parole or  
18 postrelease supervision that the parolee or the person on postrelease  
19 supervision pay any transportation expenses resulting from returning the  
20 parolee or the person on postrelease supervision to this state to answer  
21 criminal charges or a warrant for a violation of a condition of probation,  
22 assignment to a community correctional services program, parole,  
23 conditional release or postrelease supervision;

24 (2) to the extent practicable, shall order as a condition of parole or  
25 postrelease supervision that the parolee or the person on postrelease  
26 supervision make progress towards or successfully complete the  
27 equivalent of a secondary education if the inmate has not previously  
28 completed such educational equivalent and is capable of doing so;

29 (3) may order that the parolee or person on postrelease supervision  
30 perform community or public service work for local governmental  
31 agencies, private corporations organized not-for-profit or charitable or  
32 social service organizations performing services for the community;

33 (4) may order the parolee or person on postrelease supervision to pay  
34 the administrative fee imposed pursuant to K.S.A. 22-4529, and  
35 amendments thereto, unless the board finds compelling circumstances  
36 which would render payment unworkable;

37 (5) unless it finds compelling circumstances which would render a  
38 plan of payment unworkable, shall order that the parolee or person on  
39 postrelease supervision reimburse the state for all or part of the  
40 expenditures by the state board of indigents' defense services to provide  
41 counsel and other defense services to the person. In determining the  
42 amount and method of payment of such sum, the prisoner review board  
43 shall take account of the financial resources of the person and the nature of

1 the burden that the payment of such sum will impose. Such amount shall  
2 not exceed the amount claimed by appointed counsel on the payment  
3 voucher for indigents' defense services or the amount prescribed by the  
4 board of indigents' defense services reimbursement tables as provided in  
5 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
6 previous payments for such services;

7 (6) shall order that the parolee or person on postrelease supervision  
8 agree in writing to be subject to ~~search or seizure~~ *searches of the person*  
9 *and the person's effects, vehicle, residence and property* by a parole officer  
10 or a department of corrections enforcement, apprehension and  
11 investigation officer, at any time of the day or night, with or without a  
12 search warrant and with or without cause. Nothing in this subsection shall  
13 be construed to authorize such officers to conduct arbitrary or capricious  
14 searches or searches for the sole purpose of harassment; and

15 (7) shall order that the parolee or person on postrelease supervision  
16 agree in writing to be subject to ~~search or seizure~~ *searches of the person*  
17 *and the person's effects, vehicle, residence and property* by any law  
18 enforcement officer based on reasonable suspicion of the person violating  
19 conditions of parole or postrelease supervision or reasonable suspicion of  
20 criminal activity.

21 (n) If the court which sentenced an inmate specified at the time of  
22 sentencing the amount and the recipient of any restitution ordered as a  
23 condition of parole or postrelease supervision, the prisoner review board  
24 shall order as a condition of parole or postrelease supervision that the  
25 inmate pay restitution in the amount and manner provided in the journal  
26 entry unless the board finds compelling circumstances which would render  
27 a plan of restitution unworkable.

28 (o) Whenever the prisoner review board grants the parole of an  
29 inmate, the board, within 14 days of the date of the decision to grant  
30 parole, shall give written notice of the decision to the county or district  
31 attorney of the county where the inmate was sentenced.

32 (p) When an inmate is to be released on postrelease supervision, the  
33 secretary, within 30 days prior to release, shall provide the county or  
34 district attorney of the county where the inmate was sentenced written  
35 notice of the release date.

36 (q) Inmates shall be released on postrelease supervision upon the  
37 termination of the prison portion of their sentence. Time served while on  
38 postrelease supervision will vest.

39 (r) An inmate who is allocated regular good time credits as provided  
40 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
41 good time credits in increments of not more than 90 days per meritorious  
42 act. These credits may be awarded by the secretary of corrections when an  
43 inmate has acted in a heroic or outstanding manner in coming to the

1 assistance of another person in a life threatening situation, preventing  
2 injury or death to a person, preventing the destruction of property or taking  
3 actions which result in a financial savings to the state.

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

6 (t) For offenders sentenced prior to July 1, 2014, who are eligible for  
7 modification of their postrelease supervision obligation, the department of  
8 corrections shall modify the period of postrelease supervision as provided  
9 for by this section:

10 (1) On or before September 1, 2013, for offenders convicted of:

11 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
12 for nondrug crimes;

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

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

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

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

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

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

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

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

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

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

31 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
32 4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments  
33 thereto, for crimes committed on or after July 1, 2006, shall be placed on  
34 parole for life and shall not be discharged from supervision by the prisoner  
35 review board. When the board orders the parole of an inmate pursuant to  
36 this subsection, the board shall order as a condition of parole that the  
37 inmate be electronically monitored for the duration of the inmate's natural  
38 life.

39 (v) Whenever the prisoner review board orders a person to be  
40 electronically monitored pursuant to this section, or the court orders a  
41 person to be electronically monitored pursuant to ~~subsection (r)~~ of K.S.A.  
42 2015 Supp. 21-6604(r), and amendments thereto, the board shall order the  
43 person to reimburse the state for all or part of the cost of such monitoring.

1 In determining the amount and method of payment of such sum, the board  
2 shall take account of the financial resources of the person and the nature of  
3 the burden that the payment of such sum will impose.

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

9 (A) As used in this subsection, "pornographic materials" means: any  
10 obscene material or performance depicting sexual conduct, sexual contact  
11 or a sexual performance; and any visual depiction of sexually explicit  
12 conduct.

13 (B) As used in this subsection, all other terms have the meanings  
14 provided by K.S.A. 2015 Supp. 21-5510, and amendments thereto.

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

20 Sec. 2. K.S.A. 2015 Supp. 22-3717 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its  
22 publication in the Kansas register.