

## HOUSE BILL No. 2338

By Committee on Corrections and Juvenile Justice

2-9

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1 AN ACT concerning the prisoner review board; comment sessions; Kansas  
2 open meetings act; amending K.S.A. 2016 Supp. 22-3717 and 75-4318  
3 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 22-3717 is hereby amended to read as  
7 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
8 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through  
9 21-4638 and 21-4642, prior to their repeal; K.S.A. 2016 Supp. 21-6617,  
10 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments  
11 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including  
12 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or  
13 K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall be eligible for  
14 parole after serving the entire minimum sentence imposed by the court,  
15 less good time credits.

16 (b) (1) An inmate sentenced to imprisonment for life without the  
17 possibility of parole pursuant to K.S.A. 2016 Supp. 21-6617, and  
18 amendments thereto, shall not be eligible for parole.

19 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
20 their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623, 21-6624 and 21-  
21 6625, and amendments thereto, an inmate sentenced to imprisonment for  
22 the crime of: (A) Capital murder committed on or after July 1, 1994, shall  
23 be eligible for parole after serving 25 years of confinement, without  
24 deduction of any good time credits; (B) murder in the first degree based  
25 upon a finding of premeditated murder committed on or after July 1, 1994,  
26 but prior to July 1, 2014, shall be eligible for parole after serving 25 years  
27 of confinement, without deduction of any good time credits; and (C)  
28 murder in the first degree as described in K.S.A. 2016 Supp. 21-5402(a)  
29 (2), and amendments thereto, committed on or after July 1, 2014, shall be  
30 eligible for parole after serving 25 years of confinement, without  
31 deduction of any good time credits.

32 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
33 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
34 21-4638, prior to their repeal, and K.S.A. 2016 Supp. 21-6620, 21-6623,  
35 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to  
36 imprisonment for an off-grid offense committed on or after July 1, 1993,

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

6 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
7 repeal, an inmate sentenced for a class A felony committed before July 1,  
8 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
9 its repeal, or K.S.A. 2016 Supp. 21-6707, and amendments thereto, shall  
10 be eligible for parole after serving 15 years of confinement, without  
11 deduction of any good time credits.

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

16 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
17 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments  
18 thereto, committed on or after July 1, 2006, shall be eligible for parole  
19 after serving the mandatory term of imprisonment without deduction of  
20 any good time credits.

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

25 (A) The aggregate minimum sentences, as determined pursuant to  
26 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2016 Supp. 21-6606, and  
27 amendments thereto, less good time credits for those crimes which are not  
28 class A felonies; and

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

31 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
32 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments  
33 thereto, for crimes committed on or after July 1, 2006, the inmate shall be  
34 eligible for parole after serving the mandatory term of imprisonment.

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

40 (A) Except as provided in subparagraphs (D) and (E), persons  
41 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
42 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
43 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after

1 July 1, 2012, must serve 36 months on postrelease supervision.

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

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

12 (D) Persons sentenced to a term of imprisonment that includes a  
13 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
14 amendments thereto, a sexually motivated crime in which the offender has  
15 been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
16 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
17 repeal, or K.S.A. 2016 Supp. 21-5509, and amendments thereto, or  
18 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.  
19 2016 Supp. 21-5512, and amendments thereto, shall serve the period of  
20 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or  
21 (d)(1)(C) plus the amount of good time and program credit earned and  
22 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2016  
23 Supp. 21-6821, and amendments thereto, on postrelease supervision.

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

28 (ii) If the sentencing judge departs from the presumptive postrelease  
29 supervision period, the judge shall state on the record at the time of  
30 sentencing the substantial and compelling reasons for the departure.  
31 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
32 4721, prior to its repeal, or K.S.A. 2016 Supp. 21-6820, and amendments  
33 thereto.

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

36 (a) Written briefs or oral arguments submitted by either the defendant  
37 or the state;

38 (b) any evidence received during the proceeding;

39 (c) the presentence report, the victim's impact statement and any  
40 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
41 4714(e), prior to its repeal, or K.S.A. 2016 Supp. 21-6813(e), and  
42 amendments thereto; and

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

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

5 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
6 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2016 Supp. 21-  
7 6817, and amendments thereto.

8 (vi) Upon petition and payment of any restitution ordered pursuant to  
9 K.S.A. 2016 Supp. 21-6604, and amendments thereto, the prisoner review  
10 board may provide for early discharge from the postrelease supervision  
11 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of  
12 court ordered programs and completion of the presumptive postrelease  
13 supervision period, as determined by the crime of conviction, pursuant to  
14 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
15 postrelease supervision is at the discretion of the board.

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

19 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
20 repeal, or K.S.A. 2016 Supp. 21-5508, and amendments thereto, shall be  
21 required to participate in a treatment program for sex offenders during the  
22 postrelease supervision period.

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

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

35 (G) Except as provided in subsection (u), persons convicted of a  
36 sexually violent crime committed on or after July 1, 2006, and who are  
37 released from prison, shall be released to a mandatory period of  
38 postrelease supervision for the duration of the person's natural life.

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

43 (3) Persons serving a period of incarceration for a supervision

1 violation shall not have the period of postrelease supervision modified  
2 until such person is released and returned to postrelease supervision.

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

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

12 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2016 Supp.  
13 21-5503, and amendments thereto;

14 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
15 or K.S.A. 2016 Supp. 21-5506(a), and amendments thereto;

16 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
17 to its repeal, or K.S.A. 2016 Supp. 21-5506(b), and amendments thereto;

18 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
19 repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) and (a)(4), and amendments  
20 thereto;

21 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
22 or K.S.A. 2016 Supp. 21-5504(b), and amendments thereto;

23 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
24 or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto;

25 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
26 to its repeal, or K.S.A. 2016 Supp. 21-5508(b), and amendments thereto;

27 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
28 or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

29 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
30 K.S.A. 2016 Supp. 21-5505(b), and amendments thereto;

31 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
32 2016 Supp. 21-5604(b), and amendments thereto;

33 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
34 prior to its repeal, or K.S.A. 2016 Supp. 21-5426(b), and amendments  
35 thereto, if committed in whole or in part for the purpose of the sexual  
36 gratification of the defendant or another;

37 (L) commercial sexual exploitation of a child, as defined in K.S.A.  
38 2016 Supp. 21-6422, and amendments thereto; or

39 (M) an attempt, conspiracy or criminal solicitation, as defined in  
40 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2016  
41 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a  
42 sexually violent crime as defined in this section.

43 (6) As used in this subsection, "sexually motivated" means that one of

1 the purposes for which the defendant committed the crime was for the  
2 purpose of the defendant's sexual gratification.

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

10 (f) If a person is sentenced to prison for a crime committed on or after  
11 July 1, 1993, while on probation, parole, conditional release or in a  
12 community corrections program, for a crime committed prior to July 1,  
13 1993, and the person is not eligible for retroactive application of the  
14 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
15 4724, prior to its repeal, the new sentence shall not be aggregated with the  
16 old sentence, but shall begin when the person is paroled or reaches the  
17 conditional release date on the old sentence. If the offender was past the  
18 offender's conditional release date at the time the new offense was  
19 committed, the new sentence shall not be aggregated with the old sentence  
20 but shall begin when the person is ordered released by the prisoner review  
21 board or reaches the maximum sentence expiration date on the old  
22 sentence, whichever is earlier. The new sentence shall then be served as  
23 otherwise provided by law. The period of postrelease supervision shall be  
24 based on the new sentence, except that those offenders whose old sentence  
25 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
26 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
27 term of life imprisonment, for which there is no conditional release or  
28 maximum sentence expiration date, shall remain on postrelease  
29 supervision for life or until discharged from supervision by the prisoner  
30 review board.

31 (g) Subject to the provisions of this section, the prisoner review board  
32 may release on parole those persons confined in institutions who are  
33 eligible for parole when: (1) The board believes that the inmate should be  
34 released for hospitalization, deportation or to answer the warrant or other  
35 process of a court and is of the opinion that there is reasonable probability  
36 that the inmate can be released without detriment to the community or to  
37 the inmate; or (2) the secretary of corrections has reported to the board in  
38 writing that the inmate has satisfactorily completed the programs required  
39 by any agreement entered under K.S.A. 75-5210a, and amendments  
40 thereto, or any revision of such agreement, and the board believes that the  
41 inmate is able and willing to fulfill the obligations of a law abiding citizen  
42 and is of the opinion that there is reasonable probability that the inmate  
43 can be released without detriment to the community or to the inmate.

1 Parole shall not be granted as an award of clemency and shall not be  
2 considered a reduction of sentence or a pardon.

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

1 the Kansas sentencing guidelines for the conduct that resulted in the  
2 inmate's incarceration; and capacity of state correctional institutions.

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

13 (j) (1) Before ordering the parole of any inmate, the prisoner review  
14 board shall have the inmate appear either in person or via a video  
15 conferencing format and shall interview the inmate unless impractical  
16 because of the inmate's physical or mental condition or absence from the  
17 institution. Every inmate while on parole shall remain in the legal custody  
18 of the secretary of corrections and is subject to the orders of the secretary.  
19 Whenever the board formally considers placing an inmate on parole and  
20 no agreement has been entered into with the inmate under K.S.A. 75-  
21 5210a, and amendments thereto, the board shall notify the inmate in  
22 writing of the reasons for not granting parole. If an agreement has been  
23 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
24 has not satisfactorily completed the programs specified in the agreement,  
25 or any revision of such agreement, the board shall notify the inmate in  
26 writing of the specific programs the inmate must satisfactorily complete  
27 before parole will be granted. If parole is not granted only because of a  
28 failure to satisfactorily complete such programs, the board shall grant  
29 parole upon the secretary's certification that the inmate has successfully  
30 completed such programs. If an agreement has been entered under K.S.A.  
31 75-5210a, and amendments thereto, and the secretary of corrections has  
32 reported to the board in writing that the inmate has satisfactorily  
33 completed the programs required by such agreement, or any revision  
34 thereof, the board shall not require further program participation.  
35 However, if the board determines that other pertinent information  
36 regarding the inmate warrants the inmate's not being released on parole,  
37 the board shall state in writing the reasons for not granting the parole. If  
38 parole is denied for an inmate sentenced for a crime other than a class A  
39 or class B felony or an off-grid felony, the board shall hold another parole  
40 hearing for the inmate not later than one year after the denial unless the  
41 board finds that it is not reasonable to expect that parole would be granted  
42 at a hearing if held in the next three years or during the interim period of a  
43 deferral. In such case, the board may defer subsequent parole hearings for

1 up to three years but any such deferral by the board shall require the board  
2 to state the basis for its findings. If parole is denied for an inmate  
3 sentenced for a class A or class B felony or an off-grid felony, the board  
4 shall hold another parole hearing for the inmate not later than three years  
5 after the denial unless the board finds that it is not reasonable to expect  
6 that parole would be granted at a hearing if held in the next 10 years or  
7 during the interim period of a deferral. In such case, the board may defer  
8 subsequent parole hearings for up to 10 years, but any such deferral shall  
9 require the board to state the basis for its findings.

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

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

21 (2) Parolees and persons on postrelease supervision are, and shall  
22 agree in writing to be, subject to searches of the person and the person's  
23 effects, vehicle, residence and property by a parole officer or a department  
24 of corrections enforcement, apprehension and investigation officer, at any  
25 time of the day or night, with or without a search warrant and with or  
26 without cause. Nothing in this subsection shall be construed to authorize  
27 such officers to conduct arbitrary or capricious searches or searches for the  
28 sole purpose of harassment.

29 (3) Parolees and persons on postrelease supervision are, and shall  
30 agree in writing to be, subject to searches of the person and the person's  
31 effects, vehicle, residence and property by any law enforcement officer  
32 based on reasonable suspicion of the person violating conditions of parole  
33 or postrelease supervision or reasonable suspicion of criminal activity. Any  
34 law enforcement officer who conducts such a search shall submit a written  
35 report to the appropriate parole officer no later than the close of the next  
36 business day after such search. The written report shall include the facts  
37 leading to such search, the scope of such search and any findings resulting  
38 from such search.

39 (l) The prisoner review board shall promulgate rules and regulations  
40 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
41 inconsistent with the law and as it may deem proper or necessary, with  
42 respect to the conduct of parole hearings, postrelease supervision reviews,  
43 revocation hearings, orders of restitution, reimbursement of expenditures

1 by the state board of indigents' defense services and other conditions to be  
2 imposed upon parolees or releasees. Whenever an order for parole or  
3 postrelease supervision is issued it shall recite the conditions thereof.

4 (m) Whenever the prisoner review board orders the parole of an  
5 inmate or establishes conditions for an inmate placed on postrelease  
6 supervision, the board:

7 (1) Unless it finds compelling circumstances which would render a  
8 plan of payment unworkable, shall order as a condition of parole or  
9 postrelease supervision that the parolee or the person on postrelease  
10 supervision pay any transportation expenses resulting from returning the  
11 parolee or the person on postrelease supervision to this state to answer  
12 criminal charges or a warrant for a violation of a condition of probation,  
13 assignment to a community correctional services program, parole,  
14 conditional release or postrelease supervision;

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

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

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

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

41 (6) shall order that the parolee or person on postrelease supervision  
42 agree in writing to be subject to searches of the person and the person's  
43 effects, vehicle, residence and property by a parole officer or a department

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

6 (7) shall order that the parolee or person on postrelease supervision  
7 agree in writing to be subject to searches of the person and the person's  
8 effects, vehicle, residence and property by any law enforcement officer  
9 based on reasonable suspicion of the person violating conditions of parole  
10 or postrelease supervision or reasonable suspicion of criminal activity.

11 (n) If the court which sentenced an inmate specified at the time of  
12 sentencing the amount and the recipient of any restitution ordered as a  
13 condition of parole or postrelease supervision, the prisoner review board  
14 shall order as a condition of parole or postrelease supervision that the  
15 inmate pay restitution in the amount and manner provided in the journal  
16 entry unless the board finds compelling circumstances which would render  
17 a plan of restitution unworkable.

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

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

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

29 (r) An inmate who is allocated regular good time credits as provided  
30 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
31 good time credits in increments of not more than 90 days per meritorious  
32 act. These credits may be awarded by the secretary of corrections when an  
33 inmate has acted in a heroic or outstanding manner in coming to the  
34 assistance of another person in a life threatening situation, preventing  
35 injury or death to a person, preventing the destruction of property or taking  
36 actions which result in a financial savings to the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
22 4643, prior to its repeal, or K.S.A. 2016 Supp. 21-6627, and amendments  
23 thereto, for crimes committed on or after July 1, 2006, shall be placed on  
24 parole for life and shall not be discharged from supervision by the prisoner  
25 review board. When the board orders the parole of an inmate pursuant to  
26 this subsection, the board shall order as a condition of parole that the  
27 inmate be electronically monitored for the duration of the inmate's natural  
28 life.

29 (v) Whenever the prisoner review board orders a person to be  
30 electronically monitored pursuant to this section, or the court orders a  
31 person to be electronically monitored pursuant to K.S.A. 2016 Supp. 21-  
32 6604(r), and amendments thereto, the board shall order the person to  
33 reimburse the state for all or part of the cost of such monitoring. In  
34 determining the amount and method of payment of such sum, the board  
35 shall take account of the financial resources of the person and the nature of  
36 the burden that the payment of such sum will impose.

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

42 (A) As used in this subsection, "pornographic materials" means any  
43 obscene material or performance depicting sexual conduct, sexual contact

1 or a sexual performance; and any visual depiction of sexually explicit  
2 conduct.

3 (B) As used in this subsection, all other terms have the meanings  
4 provided by K.S.A. 2016 Supp. 21-5510, and amendments thereto.

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

10 Sec. 2. K.S.A. 2016 Supp. 75-4318 is hereby amended to read as  
11 follows: 75-4318. (a) Subject to the provisions of subsection (g), all  
12 meetings for the conduct of the affairs of, and the transaction of business  
13 by, all legislative and administrative bodies and agencies of the state and  
14 political and taxing subdivisions thereof, including boards, commissions,  
15 authorities, councils, committees, subcommittees and other subordinate  
16 groups thereof, receiving or expending and supported in whole or in part  
17 by public funds shall be open to the public and no binding action by such  
18 public bodies or agencies shall be by secret ballot. Meetings of task forces,  
19 advisory committees or subcommittees of advisory committees created  
20 pursuant to a governor's executive order shall be open to the public in  
21 accordance with this act.

22 (b) Notice of the date, time and place of any regular or special  
23 meeting of a public body or agency designated in subsection (a) shall be  
24 furnished to any person requesting such notice, except that:

25 (1) If notice is requested by petition, the petition shall designate one  
26 person to receive notice on behalf of all persons named in the petition, and  
27 notice to such person shall constitute notice to all persons named in the  
28 petition;

29 (2) if notice is furnished to an executive officer of an employees'  
30 organization or trade association, such notice shall be deemed to have been  
31 furnished to the entire membership of such organization or association;  
32 and

33 (3) the public body or agency may require that a request to receive  
34 notice must be submitted again to the public body or agency prior to the  
35 commencement of any subsequent fiscal year of the public body or agency  
36 during which the person wishes to continue receiving notice, but, prior to  
37 discontinuing notice to any person, the public body or agency must notify  
38 the person that notice will be discontinued unless the person resubmits a  
39 request to receive notice.

40 (c) It shall be the duty of the presiding officer or other person calling  
41 the meeting, if the meeting is not called by the presiding officer, to furnish  
42 the notice required by subsection (b).

43 (d) Prior to any meeting mentioned by subsection (a), any agenda

1 relating to the business to be transacted at such meeting shall be made  
2 available to any person requesting the agenda.

3 (e) The use of cameras, photographic lights and recording devices  
4 shall not be prohibited at any meeting mentioned by subsection (a), but  
5 such use shall be subject to reasonable rules designed to insure the orderly  
6 conduct of the proceedings at such meeting.

7 (f) Except as provided by section 22 of article 2 of the constitution of  
8 the state of Kansas, interactive communications in a series shall be open if  
9 they collectively involve a majority of the membership of the public body  
10 or agency, share a common topic of discussion concerning the business or  
11 affairs of the public body or agency, and are intended by any or all of the  
12 participants to reach agreement on a matter that would require binding  
13 action to be taken by the public body or agency.

14 (g) The provisions of the open meetings law shall not apply:

15 (1) To any administrative body that is authorized by law to exercise  
16 quasi-judicial functions when such body is deliberating matters relating to  
17 a decision involving such quasi-judicial functions;

18 (2) to the prisoner review board when conducting parole hearings or  
19 parole violation hearings held at a correctional institution *or comment*  
20 *sessions with victims or the families of victims*;

21 (3) to any impeachment inquiry or other impeachment matter referred  
22 to any committee of the house of representatives prior to the report of such  
23 committee to the full house of representatives; and

24 (4) if otherwise provided by state or federal law or by rules of the  
25 Kansas senate or house of representatives.

26 Sec. 3. K.S.A. 2016 Supp. 22-3717 and 75-4318 are hereby repealed.

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