

HOUSE BILL No. 2295

By Committee on Corrections and Juvenile Justice

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to offenders on probation, parole or postrelease supervision; requiring
3 persons who live with offenders to report certain behavior.
4

5 WHEREAS, The provisions of this act shall be known as Lailah's law.
6 Now, therefore:

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

8 Section 1. (a) A person who is 18 years of age or older and lives with
9 an offender who is currently serving a term of probation, assignment to a
10 community correctional services program, parole, postrelease supervision,
11 conditional release or suspended sentence shall report any instance the
12 person knows or should have known when such offender is not home
13 during any time that is required by such term of probation, assignment to a
14 community correctional services program, parole, postrelease supervision,
15 conditional release or suspended sentence.

16 (b) (1) A report made under subsection (a) shall be made to the
17 offender's community supervision officer. A community supervision
18 officer shall notify any person who is 18 years of age or older and lives
19 with an offender who is being supervised by such officer of what times the
20 offender is required to be home and how to make the report required by
21 subsection (a).

22 (2) Such report may be made orally, by email or text message and
23 shall be followed by a written report if requested. Each report shall
24 contain, if known:

25 (A) The name of the offender;

26 (B) the address of the offender;

27 (C) the time at which the offender is required to be home pursuant to
28 the offender's term of probation, assignment to a community correctional
29 services program, parole, postrelease supervision, conditional release or
30 suspended sentence;

31 (D) any information the reporter has concerning where the offender
32 might be; and

33 (E) any other information that the reporter believes might be helpful
34 in locating the offender.

35 (c) Failure to make a report required by this section is:

36 (1) An unclassified misdemeanor punishable by a fine of not more

1 than \$500 if the offender commits a new misdemeanor during the time the
2 offender is required to be home pursuant to the offender's term of
3 probation, assignment to a community correctional services program,
4 parole, postrelease supervision, conditional release or suspended sentence;
5 and

6 (2) a class C nonperson misdemeanor if the offender commits a new
7 felony during the time the offender is required to be home pursuant to the
8 offender's term of probation, assignment to a community correctional
9 services program, parole, postrelease supervision, conditional release or
10 suspended sentence.

11 (d) Any person who, without malice, participates in the making of a
12 report pursuant to this section or who participates in any investigation or
13 judicial proceeding related to a report made pursuant to this section shall
14 have immunity from any civil liability that might otherwise be incurred or
15 imposed.

16 (e) The provisions of this section shall not apply to persons living
17 with an offender who is serving a term of probation, assignment to a
18 community correctional services program, parole, postrelease supervision,
19 conditional release or suspended sentence for an offense when the person
20 is the victim of such offense.

21 (f) It shall be an affirmative defense to any prosecution under this
22 section that the defendant was not properly notified by the community
23 supervision officer of the time when the offender was required to be home
24 or how to make the report required by subsection (a).

25 (g) The state of Kansas, the secretary of corrections, any court
26 services department and any employees or agents thereof shall not be
27 liable for damages caused by any negligent act or omission in carrying out
28 the provisions of this section.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.