

## 2021 Kansas Statutes

**22-3730. Community parenting release; duties and authority of secretary of corrections.** (a) The secretary of corrections may transfer an offender from a correctional facility to home detention in the community if the secretary determines that community parenting release is an appropriate placement and:

- (1) The offender is serving a current sentence for a nondrug severity level 4 through 10 felony or a drug severity level 3 through 5 felony and is determined to be low, low-moderate or moderate risk on a standardized risk assessment tool;
- (2) the offender has no prior or current conviction for a sex offense or an inherently dangerous felony as defined in K.S.A. 2021 Supp. 21-5402, and amendments thereto, not including a drug severity level 3 through 5 felony;
- (3) the offender has not been found by the United States attorney general to be subject to a deportation detainer or order;
- (4) the offender signs any release of information waivers required to allow information regarding current or prior child in need of care cases involving the offender to be shared with the department of corrections;
- (5) the offender had physical custody of such offender's minor child or was a legal guardian or custodian with physical custody of a minor child at the time the offense for which the offender is serving a sentence was committed;
- (6) the offender has 12 months or less remaining of the offender's sentence; and
- (7) the secretary of corrections determines that such placement is in the best interests of the child.

(b) Prior to transferring an offender from a correctional facility to home detention pursuant to this section, the secretary of corrections shall obtain information from the department for children and families regarding any child in need of care case involving the offender. Such information shall be used by the secretary of corrections in determining whether placing an offender in community parenting release is in the best interests of the child.

(c) Offenders placed on community parenting release shall provide to the secretary of corrections an approved residence and living arrangement prior to transfer to home detention.

(d) The secretary of corrections shall:

- (1) Require offenders placed on community parenting release to:
  - (A) Comply with the provisions of K.S.A. 21-6609, and amendments thereto; and
  - (B) participate in programming and treatment that the secretary determines is needed;and
- (2) assign a parole officer to monitor the offender's compliance with conditions of community parenting release.

(e) The secretary of corrections has the authority to return any offender serving the remainder of such offender's sentence on community parenting release to a correctional facility if the offender is not complying with community parenting release requirements.

**History:** L. 2016, ch. 87, § 1; July 1.