

X Handbook on Parole
and
Related Procedures



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61265

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PREFACE

This booklet was designed to elaborate on the Adult Authority's Rules and Regulations. It was prepared in a question and answer form directed toward an inmate's case on some of the more frequently asked questions related to parole procedures. We hope you will find the articles informative and helpful.

The Adult Authority hopes the information in this booklet will provide you with the answers to some of the questions most frequently asked by inmates, members of their families, and other interested parties. In the final analysis, each inmate must be considered on the individual merits of the case and in the relationship to the rights of society.

This booklet has been adopted by the Adult Authority effective May 25, 1979 and is subject to any future authorized changes.

More specific inquiries may be directed to the Kansas Adult Authority, Room 418, 535 Kansas Avenue, Topeka, Kansas 66603.

NCJRS

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ACQUISITIONS

ELEMENTS OF PAROLE

This handbook deals with many aspects of the parole process, ranging from initial planning through final discharge. The basic question most frequently posed by inmates is "How do I get released on parole?"

There is no short and simple answer to the question, but inmates should know that every parole release can be divided into four separate preparatory steps.

To be released on parole you must:

- A. Be declared eligible for parole (See pages 1-3)
- B. Have an acceptable parole plan (See pages 7-8)
- C. Have a parole hearing with the Kansas Adult Authority (see pages 4-7)
- D. Be granted parole by the Kansas Adult Authority (See pages 8-12)

Once all these basic pieces have been fitted together, the inmate will have achieved parole release. If you have questions about any of the individual steps, please read the pages of this handbook listed for each step.

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1. What is the Kansas Adult Authority?

The Kansas Adult Authority is a five member commission appointed by the Governor for four year terms. The Authority is an independent agency charged with the statutory responsibilities of: (1) conducting initial hearings to establish parole eligibility on newly committed inmates who were sentenced for crimes committed after January 1, 1979; (2) holding hearings to determine the granting or denying paroles; (3) authorizing discharges from parole supervision; (4) conducting final revocation hearings and (5) examining applications for executive clemency.

2. What is a parole?

Basically, parole is a method by which an inmate may be released to serve part of the unexpired sentence in the community and under the supervision of a parole officer. The Authority may also parole an individual to a treatment facility, criminal detainer or for deportation purposes. Parole is a legal contract and permits reincarceration in the event of misbehavior and whenever probable cause has been established that a parolee has violated the conditions of the parole agreement.

Parole is not a gift. It is one more step in the treatment process to be extended to those whom the Paroling Authority believes acceptable to that program.

3. What is meant by a parole eligibility date?

This is the date when an inmate is granted a hearing for consideration of parole release by the Adult Authority.

4. How does an inmate become eligible for parole?

a. Any inmate who was convicted and sentenced for a crime committed prior to January 1, 1979, achieves parole eligibility under the Secretary of Corrections' regulations and after the court's jurisdiction of 120 days has expired from the date the sentence was imposed. Inmates with a minimum term of twenty-nine years or greater must serve fifteen calendar years and persons sentenced under the mandatory firearm act must serve the full minimum term prior to achieving parole eligibility.

b. Any inmate who was convicted and sentenced for a crime committed after January 1, 1979, will meet with the Adult Authority within six months after the sentence was imposed, and along with the Unit Team or institutional representative, will have parole eligibility determined in the following manner:

Persons convicted of a class A offense or with a minimum term of twenty-nine years or greater must serve fifteen calendar years prior to becoming eligible for a parole hearing. Defendants who are sentenced to class B, C crimes, or under the habitual criminal act, must serve the minimum term less earned good time credits. Persons sentenced to D or E crimes will have their parole eligibility established by the Adult Authority and in conjunction with the Secretary of Corrections rules and regulations. Inmates sentenced under the mandatory firearm act must serve the full minimum

term as imposed by the court, regardless of the class of crime committed.

Examples of parole eligibility for crimes committed after January 1, 1979.

1. A defendant sentenced to life imprisonment for a class A offense or where the minimum term was twenty-nine years or greater *must* serve fifteen calendar years prior to becoming eligible for a parole hearing.
2. A person convicted of a class B offense with a five year minimum term imposed by the court will have parole eligibility at five years at the commencement of sentence. The inmate may have parole eligibility advanced by earning good time credits, and on a five year sentence might become eligible for parole as soon as 3 years, by earning the maximum amount of good time credits. (For good time credit chart, see page 15. After an inmate earns good time credits, parole eligibility may be deferred to the full minimum term for misconduct in which the inmate forfeited good time credits through the institution's disciplinary procedures.
3. A person convicted of a class D offense will have parole eligibility as determined by the Adult Authority and in conjunction with the Department of Corrections as established from the initial hearing.
4. Any inmate convicted under the mandatory firearm act as specified by the court must serve the full minimum term prior to achieving parole eligibility.

5. How is parole eligibility determined on persons who receive multiple sentences?

Defendants who are sentenced to concurrent terms will have their parole eligibility determined by the highest class of crime and sentence imposed by the court. Persons who receive consecutive sentences shall have their terms aggregated by adding the minimum sentences together and the maximum sentences together. The resulting figures will constitute the total controlling sentence and will be used to determine the parole eligibility date. Inmates who are sentenced to consecutive terms on different dates shall have their parole eligibility computed in the same manner and adjusted for any unserved portion of the earlier sentence or terms. *Examples:*

1. A defendant sentenced to a class B offense of 5 to 20 years and a class D offense or 1 of 5 years concurrently will have parole eligibility as determined by the class B offense on the minimum term of 5 years. This may be reduced to 3 years by earning the maximum allowable 2 years of good time credits.
2. A person convicted of two class B offenses of 5 to 20 years consecutively and on the same date will have a total aggregate and controlling sentence of 10 to 40 years and parole eligibility at 10 years. This may be reduced to 5½ years by earning the maximum allowable 4½ years of good time credits.

6. How much good time credits are allowed on the minimum sentence?

By legislative authority, the Adult Authority permits an inmate to earn two months good time credit for the first year, four months for the second year, and six months for the third year or thereafter, which is based on the minimum sentence imposed by the court. The good time credits do not apply to a person who is sentenced to a term that requires fifteen calendar years of confinement or is sentenced under the mandatory firearm act. These good time credits shall be earned and are administered by the Department of Corrections. They may be awarded for reasons such as satisfactory institutional conduct, work assignment, and participation in available and recommended self-help treatment programs which are related to reduce future criminal conduct.

(In computing good time credits refer to the good time table on page 15 of this handbook.)

7. How are good time credits applied on the maximum sentence?

The same rates of good time credits are allowed on the maximum sentence and credited to an inmate on admission to a correctional facility in order to arrive at a conditional release date. The conditional release date is the date when an inmate shall be released if not paroled sooner. These good time credits may be forfeited for institutional infractions in which an inmate is found guilty through disciplinary proceedings administered under the Secretary of Corrections regulations. In this manner, the conditional release date may not be deferred beyond the maximum sentence date. There is no conditional release date on persons serving a life maximum term.

8. Do good time credits apply while on parole?

Yes, the same amount of authorized good time credits are eligible to persons on parole. However, these good time credits may be forfeited by the Authority on an individual who is returned for violation of parole which resulted in a revocation.

9. What is meritorious good time?

Meritorious good time is additional credit of no more than thirty days per incident that may be awarded to an inmate for exceptional performance, outstanding contribution to the Department of Corrections or their operations, or circumstances such as the prevention of injury to a staff member or another inmate. These awards must be approved by the Authority and have the favorable recommendation of the institutional Director and Secretary of Corrections. This credit does not apply to the minimum term of an inmate who is required to serve fifteen calendar years or who must serve the full minimum term under the mandatory firearm act.

10. Does the time served in local custody pending a conviction count towards the sentence?

Yes, the amount of jail credit, which is determined by the court, is applied toward the beginning sentence date from which any authorized good time credits are computed.

11. What is an initial hearing?

By law, the Adult Authority holds an initial hearing with new inmates sentenced for crimes committed after January 1, 1979. The institution schedules these hearings within six months after the date the sentence was imposed. The primary reason for the hearing is for the Adult Authority to meet with the newly committed inmate to establish parole eligibility and consider the inmate's treatment program at the institution. In the case of Class A, B, and C felonies, and where the habitual criminal act was imposed, parole eligibility will be established by the Authority in accordance with the statutory requirements. In D and E felony cases, the Adult Authority itself will determine the parole eligibility date, in consultation with the Unit Team or staff representative present at the hearing. Factors which will be taken into consideration at the hearing may be:

- a. Circumstances related to the offense and prior offenses.
- b. Personal deficiencies and factors contributing to criminal behavior.
- c. Vocational and educational needs.
- d. Mental or physical disabilities.
- e. Drug or alcohol abuse problems.
- f. Preliminary survey of parole release needs in appropriate cases.

The Authority will also inform the inmate of its expectations and respond to questions about parole and any related procedures.

The initial hearing provides an opportunity for the inmate, the Adult Authority, and the Unit Team to discuss the inmate's needs and develop a plan for the inmate's life while incarcerated. Active participation of the inmate at the initial hearing is considered essential by the Adult Authority.

12. How often are parole hearings held?

The members of the Authority conduct parole hearings every month at the major correctional facilities that are under the Secretary of Corrections. They may consolidate the hearings at some of the smaller facilities consistent with the security and efficiency of institutional operations. The members also travel to the Larned Security Hospital on a semi-annual basis to interview eligible inmates who have been transferred there for care and treatment and are under the jurisdiction of the Secretary of Corrections.

13. What is the purpose of a parole hearing?

The Kansas law requires that before ordering a parole, the Authority shall have the inmate appear before it and shall interview the inmate. In infrequent cases this may be impractical because of the inmate's physical or mental

condition or absence from the institution. In those cases the hearing is held and a decision is made without the presence of the inmate.

- I. In general, parole hearings are conducted to allow the inmate the opportunity to:
 - a. Present to the Authority in person the inmate's version of the offense and the causes of the commission of the crime and any prior convictions.
 - b. To discuss the inmate's problems and needs.
 - c. To discuss the progress the inmate has made and the treatment programs that were completed.
 - d. To present the reasons the inmate is ready for parole release consideration.
 - e. To present a parole plan.
 - f. To discuss other matters that are pertinent to consideration of parole release.

II. Parole hearings provide the Adult Authority the opportunity to:

- a. Review all available reports and material pertinent to the case such as (1) the sentence imposed by the court and any mitigating or aggravating circumstances of the offense, prior criminal record, and underlying causes for the inmate's criminal conduct, (2) institutional conduct, work performance and participation in available self-help treatment programs, (3) community release plan, (4) inputs from the Department of Corrections' staff and officials from the area of conviction as well as other interested parties, and (5) the inmate's readiness for parole release and ability to become a law abiding citizen.

14. In what manner are inmates scheduled for parole hearing?

The institution's classification department schedules eligible applicants for parole appearance before the Adult Authority in the following manner:

1. Persons who are sentenced for crimes committed prior to January 1, 1979, are scheduled by the Department of Corrections for parole hearing approximately two months after they have achieved the required parole eligibility under the Department of Corrections regulations.
2. Persons who are sentenced for crimes committed after January 1, 1979, are scheduled for parole hearing according to the felony crime for which they were committed to imprisonment.
 - a. Inmates who are sentenced to class A, B, C felonies, or under the habitual criminal or mandatory firearm act are scheduled for parole hearing approximately one month prior to their earliest parole eligible release date.

- b. Inmates who are sentenced to class D or E felonies will have their parole eligibility established by the Authority from the initial hearing

15. How is the inmate informed of the Authority's action?

After the hearings, the members return to the central office in Topeka where they reexamine each case. The written report of the Authority's action is then sent to the institution for notification of each inmate considered. If parole is granted, the inmate is assigned to a particular parole district. Whenever parole is not granted, written reasons for the decision and recommendations for improvement are also furnished to the applicant through the unit team. Outside interested parties are not normally informed of the Authority's decision until sufficient assurance has been received that the inmate has been notified through the institution's staff.

16. How important is it for an inmate to have a good conduct and work assignment record and to participate in recommended treatment programs?

It is very important. The ability to get along with staff members and other inmates in the institution is a good indication of how one will get along on the outside with others.

If an inmate has a good work record in the institution, it too, is an indication that he or she will be a good worker on parole. If he or she has no trade or skill, it is important that he or she learn one.

The Kansas Adult Authority places considerable weight on the completion of self-improvement programs.

17. Who may attend the parole hearing?

Attendance at parole hearings is normally limited to the members of the Authority, its Case Analyst, the inmate, and a representative of the unit team or other designated institution staff member. Any additional institutional staff member who wishes to attend the hearing should receive the approval of the Authority beforehand.

In addition, a limited number of persons, who have a professional interest in parole procedures, may be present in an observer capacity providing they receive advance permission from the Authority and the parole applicant offers no objection.

In approving such attendees at parole hearings, the primary considerations include:

- The security and efficiency of institutional operations.
- Professional interest in the parole process.
- The confidentiality of the inmate's case.
- Free discussion of all individual aspects of the case.
- Compliance with the privacy and security act.
- Limited size of the hearing rooms.

Outside interested parties who have information pertinent to the hearing are encouraged to submit letters which will be incorporated in the official file for the Authority's consideration at the hearing. In this manner, a permanent record will be maintained. If necessary, a conference with the interested party may also be held in the central office in Topeka prior to the hearing, if possible.

18. Is an inmate required to have a completed parole plan to see the Authority?

No, the inmate will not be denied a hearing for this reason. However, it is strongly recommended that an inmate confer with the unit team well in advance of the hearing to take steps in developing a proper parole plan. In this manner, a proposed plan can be referred to a field parole officer for checking prior to the parole hearing. This procedure minimizes delays in the parole process.

Normally, in considering release directly to the community, the Authority will expect a reasonable residential arrangement and employment. The Adult Authority also recommends that the plan include a sponsor in the community. If an inmate has an incomplete or marginal parole plan and the Authority is considering favorable parole action, it may result in the case being continued for an improved plan.

If the Authority grants parole, the field parole staff will recheck the plan and submit a report on the parole plan for the Authority's final determination in authorizing the inmate's release.

19. What type of a parole plan should an inmate submit to the unit team?

In proposing a parole plan to the community, the inmate should normally submit a plan which takes into consideration the following criteria:

- a. The plan should be realistic.
- b. It should be compatible with his or her individual needs.
- c. It should offer the greatest opportunity to successfully complete a parole.
- d. It should provide positive and supportive resources.
- e. Persons should normally consider returning to their home community and family unless there are compelling circumstances that would not allow him or her to successfully complete a parole in that area.

The Department of Corrections' staff may also submit a proposed alternate parole plan in behalf of an inmate for the Authority's consideration.

All proposed plans are investigated by the field parole staff and then reported to the Authority prior to authorizing parole release.

In proposing a parole plan for in-patient treatment, the following criteria should be considered:

- a. The treatment program should be designed to meet the individuals' particular needs.

- b. There should be a reasonable probability that the inmate will conform to the requirements and successfully complete the program.
- c. The inmate should be aware of the treatment staff's expectations and requirements.
- d. The inmate should be aware of any financial obligations.
- e. The inmate should be properly motivated to cooperate and take maximum advantage of the program.

Inmates who are considered for parole to an untried charge or a short term treatment program, should also submit a secondary plan for the Authority's consideration. The secondary plan is to be followed after resolution of the pending charges or completion of the treatment program.

20. What does an inmate do if he or she desires to change a parole plan prior to release from the institution?

The inmate should confer with the unit team who will notify the Authority for its consideration and advice. After release all parole plan changes must be approved by the supervising parole officer.

21. What is a sponsor?

A sponsor is a volunteer from the community, usually a friend or acquaintance of the inmate or his or her family, helpful to the parolee as a counselor or advisor while on parole who may be considered a resource in the parole plan. The Authority encourages the use of a sponsor who meets the following criteria:

- a. Possesses a favorable reputation.
- b. Demonstrates a genuine interest in the client.
- c. Is willing to work with the parole officer in a positive manner to meet the needs of the client and the interests of the community.

The sponsor serves voluntarily and incurs no liability for the actions of a parolee.

22. What happens if an inmate commits an institutional infraction after parole has been granted?

The institution will notify the Authority which will consider the extent of the alleged misconduct. In appropriate cases, release may be deferred for the Authority's further review and determination after the institution's disciplinary proceedings are completed. Serious misconduct may result in retarding the release date or cancellation of the parole grant.

23. If an inmate appeals a sentence will this delay any parole procedures?

No, an inmate may appeal a conviction without any adverse consequences in the parole process. If the inmate's conviction is reversed or the controlling sentence modified on appeal the institution and Adult Authority will change their records accordingly.

If the inmate elects to continue serving the sentence while the appeal is going on, he or she receives credit for that time served. If the inmate elects not to serve and is released on bond, he or she receives no credit toward the sentence for the time served while out on bond.

24. Can an inmate ask for reconsideration of an adverse parole decision?

Yes, whenever an inmate believes there is additional evidence that was not considered at the hearing, he or she may write to the Authority in Topeka for its further review and response.

25. What are the conditions of parole?

The conditions under which every parole is granted are as follows:

1. *Reporting and Travel:* Upon parole release from the institution, I agree to report as directed to the assigned parole officer and follow his/her instructions in reporting on a regular basis and keep the officer continuously informed of my residence and employment. If it becomes necessary that I travel outside of my assigned parole district (as determined by the parole officer) or the State of Kansas, I will obtain advance permission from my parole officer.
2. *Laws:* I shall obey all federal and state laws, municipal or county ordinances. If I am arrested for any reason, I will notify my parole officer at the earliest allowable opportunity.
3. *Weapons:* I will not own, possess, purchase, receive, sell or transport any firearms, ammunition or explosive devices or any dangerous weapon as defined by the federal, state or municipal laws or ordinances.
4. *Personal Conduct:* I will not engage in assaultive activities, violence or threats of violence of any sort.
5. *Narcotics/Alcohol:* I will not illegally possess, use or traffic in any controlled substance, narcotics, or other drugs as defined by law except as prescribed by a licensed medical practitioner. I agree and consent to submit to a blood or urine test at the direction of the parole officer. At no time will I consume intoxicating liquor to excess.
6. *Association:* I will not associate with persons engaged in illegal activity and will obtain written permission from the parole officer and institutional director to visit or correspond with inmates of any correctional institution.
7. *Employment:* I agree to secure and maintain reasonable steady employment to the best of my ability unless excused for medical or other valid reasons.

26. What are special conditions of parole?

In addition to the standard conditions placed on every parole, special conditions may be imposed by either the Adult Authority or the field parole officer. A special condition imposed by the Adult Authority may only be modified by action of the Adult Authority. Special conditions imposed by the parole officer may be changed by the officer. Violation of any special condition may result in a revocation of parole, and reincarceration of the parolee.

Frequently imposed special conditions include the following:

- Alcoholic Anonymous — I will participate in a program of Alcoholic Anonymous as determined by my parole officer.
- Halfway House — I agree to reside at the _____ Halfway House and participate in their program until properly released therefrom.
- Alcoholism or drug treatment — I agree to participate in an alcohol and/or drug treatment program as determined by my parole officer.
- Out-patient mental health counseling — I agree to participate in a program of out-patient mental health counseling as determined by my parole officer.
- Travel restriction — I will not return to _____ County without the express permission of my parole officer.

27. Can the Authority impose a special condition of parole requiring restitution for losses resulting in a crime?

Yes, in appropriate cases, the Authority may require restitution as a special condition of parole. In those instances where restitution is required, the parolee should make the necessary arrangements with the local officials and keep the parole officer informed of the amount paid. Whenever possible, the Authority recommends that restitution be made under an inmate status such as while on a work release program. The Authority also recommends that restitution should not be imposed on any untried criminal charge where the court has not yet determined the defendant's innocence or guilt.

28. If parole is granted, how does the Authority set a release date?

The Authority may not parole an individual sooner than his or her earliest parole eligibility date as authorized by law (see question #4, page 1).

The Authority may either establish a fixed date for release, or may authorize parole release whenever arrangements are completed.

In the latter case, release will ordinarily be authorized three working days after the report rechecking the parole plan has been received from the parole officer and approved by the Authority. In this manner, approximately one day is allowed for the customary mail service of the parole certificates to the institution; a second day for administrative dressout requirements at the institution and completing transportation arrangements; and a third day for the actual release of the inmate. This will also permit sufficient opportunity to notify the assigned parole officer of the expected arrival time of the parolee.

In establishing a fixed release date, the Authority may take the following into consideration:

- Whether the Authority believes an inmate should serve a longer period of time in relation to the offense.
- Whether specified training programs need to be completed.
- Whether the inmate's behavior requires further observation.
- Whether additional pre-release counseling is desirable.

29. If parole is granted, how are transportation arrangements determined?

These arrangements are normally provided by the institutional staff. Private individuals may transport the parolee with the approval of the institution.

Any requests for sidetrips or stopovers out of the ordinary should be referred to the Authority and complete information as to the reasons should be provided. If approved, no additional expense to the state will be permitted and the Authority normally expects the parolee to remain with a responsible adult during the stopover. In some instances, the Authority may require the parolee to report to a parole officer on arrival and departure during the sidetrip or stopover. After the parolee reports to the assigned parole district any further travel requests should be referred to the parole officer.

30. What are the procedures for an out-of-state parole?

Since Kansas is a member of the Interstate Compact Agreement, inmates who have been granted parole to an out-of-state plan are permitted to be supervised by a parole officer in that area. The institutional staff will assist the inmate in submitting the necessary application and material to the compact administrator with the Kansas Secretary of Corrections who will refer the case to the receiving state for its customary investigation. If there are sufficient merits to the plan, and it meets with its approval under the compact agreement, the receiving state will notify the Authority through the Kansas compact administrator at which time the parole certificates for release will be issued.

The Authority encourages inmates who are residents and have families and resources in another state to consider returning to their native state. Inmates who wish to return to another state should not present a Kansas plan and then immediately after parole release request transfer to that state from the parole officer.

31. What is a conditional release?

A conditional release means the date when an inmate is released after serving the maximum sentence less authorized good time credits. In computing a conditional release date, refer to the good time table on page 15.

Ordinarily, a person ordered to conditional release is not placed under supervision though he or she remains under the technical jurisdiction of the Secretary of Corrections until discharge. The conditional releasee is normally considered by the Authority for discharge one year after release, unless the maximum sentence expires sooner, providing that the Authority receives no adverse reports. The conditional releasee is expected to keep the Secretary of Corrections' division of field service in Topeka informed of his or her current address and to conduct himself or herself in a law abiding manner. If a violation of the conditional release agreement is found, he or she may be retaken on a warrant issued by the Secretary of Corrections to appear before the Authority for a revocation hearing.

32. If an inmate elects to serve to conditional release, will he or she be released without any supervision?

It is the general policy of the Adult Authority not to require supervision of a conditional releasee. However, upon recommendation of the institutional staff, the Authority may assign a conditional releasee to mandatory supervision for a period of 90-180 days. This is primarily for the purpose of assisting an inmate in the transition from confinement to the community.

33. If a parolee commits a violation of parole what are the normal procedures?

In general, after a person has been released on parole, the Secretary of Corrections may issue a warrant whenever a violation of parole has been established and at the determination and rules and regulations of the Secretary of Corrections. If probable cause has been established that a parolee has violated the conditions of parole, either for new crimes as determined by the court or for technical violations as discovered from the preliminary hearing held by the field parole staff and impartial hearing officer, the alleged violator may be returned by the Secretary of Corrections. He or she is then scheduled for a revocation hearing before the Adult Authority. If the violation has been established to the satisfaction of the Authority, it may revoke the parole or take any other appropriate action subject to the rules of the Authority and the Department of Corrections, witnesses may be present at the revocation hearing who have information relevant to the alleged violation. Legal assistance is also permitted to the inmate at the parole revocation hearing conducted by the Authority.

34. May a parolee own or possess a gun for hunting purposes?

No, the conditions of parole restrict the ownership or possession of any weapon. There are also federal, state and local laws prohibiting the use of firearms or weapons by convicted felons.

35. If a parolee fails to report to the parole officer or leaves the parole district without permission, will he or she receive credit toward the sentence during that time?

A parolee who absconds from parole supervision may be declared a fugitive. This is determined by the issuance of a parole violation warrant from the Secretary of Corrections' office. The period of time from the issuance of the warrant to the date when he or she is arrested for return for a revocation hearing is not credited to the sentence.

36. When does a parolee become eligible for discharge from regular parole supervision?

The Authority normally requires two years of parole supervision or longer, to be determined on a case by case basis for persons released on parole who were convicted of class A, B, C felonies or under the habitual criminal act. Parolees convicted of D or E felonies may earn two months credit per year to be deducted from the two year supervision period upon the recommendation of the parole officer and providing they have complied with all conditions of the parole agreement.

A poor performance under parole supervision could well result in causing a parolee to be under supervision for a longer period of time than normal.

37. If a parolee earns a discharge from parole supervision, are civil rights restored?

Yes, this procedure is automatic on issuance of the parole discharge. These civil rights primarily include the right to vote, hold public office and to serve on a jury.

38. Can an inmate get a prior record of conviction expunged or "sealed"?

Whenever parole release has been authorized, an inmate is informed of the privilege of being able to have the record expunged. Any person who was convicted of a class A, B or C felony may petition the sentencing court for an expungement of record after five or more years have elapsed since the discharge from parole supervision was awarded. Persons convicted of a class D or E felony have a two year waiting period after the parole discharge has been awarded. The assistance of legal counsel is recommended in petitioning the court for this privilege. On conviction of any additional crime after the record has been expunged, the expunged conviction may be considered by the court as a prior conviction in determining the sentence to be imposed. The expungement does not relieve an individual of complying with a state or federal law relating to the use or possession of a firearm. Whenever a record of conviction has been expunged, it will not be disclosed to anyone except as authorized by law. (Ref. K.S.A 21-4619)

39. What are the normal procedures for executive clemency?

An inmate who believes that he or she has a deserving case for executive clemency may request the necessary application forms from the institutional staff. Once completed by the inmate, these forms will be submitted to the Authority along with the inmate's reasons for applying for clemency. If the inmate prefers not to disclose the reasons to the institutional staff, this form may be sent directly to the Authority. As required by law, a notice of the inmate's application for clemency is forwarded by the institutional staff to the official county newspaper in the area of conviction so that interested parties may offer comments. The cost of this publication is assumed by the inmate. If the inmate does not have sufficient funds, the applicant may sign a poverty affidavit so that the state will bear the cost of one publication fee per year. Comments are also solicited from the local sentencing and prosecuting officials. After the required forms and publication notice have been completed within the allotted period of time, the Authority conducts a review of the case to determine if a personal interview with the applicant is warranted. Following a review or hearing of the case, the Authority submits a report to the Pardon Attorney in the Governor's Office for the Governor's final action. The Governor will then notify the institution of the decision in each case.

Executive clemency is an extraordinary method of relief, and should not be regarded as a substitute for parole. Inmates who can achieve parole eligibility under the regulations of the Department of Corrections, or as established by the Adult Authority, may wish to have their record or situation reviewed by merely writing to the appropriate department rather than applying for executive clemency.

**KANSAS ADULT AUTHORITY
Good Time Table Explanation**

Minimum and maximum terms shall be computed from the following good time credit chart. These good time credits apply to inmates sentenced to imprisonment for crimes committed after January 1, 1979. Inmates who are sentenced for a class B or C crime, or under the habitual criminal act, shall serve the minimum term, less earned good time credits. Inmates with minimum terms of twenty-nine (29) years or greater shall serve fifteen (15) calendar years prior to parole eligibility. Inmates sentenced for D or E crimes retain parole eligibility at the minimum term, less good time credits, unless a parole eligibility date has been established. Persons convicted under the mandatory firearm act must serve the full minimum term prior to parole eligibility. Conditional release dates are computed from the maximum terms except those persons serving a life sentence.

KANSAS ADULT AUTHORITY

Good Time Table

SENTENCE Minimum (or) Maximum	GOOD TIME EARNED		MUST SERVE	
	Year	Month	Year	Month
1 Year	0	— 2	0	— 10
2 Years	0	— 6	1	— 6
3 Years	1	— 0	2	— 0
4 Years	1	— 6	2	— 6
5 Years	2	— 0	3	— 0
6 Years	2	— 6	3	— 6
7 Years	3	— 0	4	— 0
8 Years	3	— 6	4	— 6
9 Years	4	— 0	5	— 0
10 Years	4	— 6	5	— 6
11 Years	5	— 0	6	— 0
12 Years	5	— 6	6	— 6
13 Years	6	— 0	7	— 0
14 Years	6	— 6	7	— 6
15 Years	7	— 0	8	— 0
16 Years	7	— 6	8	— 6
17 Years	8	— 0	9	— 0
18 Years	8	— 6	9	— 6
19 Years	9	— 0	10	— 0
20 Years	9	— 6	10	— 6
21 Years	10	— 0	11	— 0
22 Years	10	— 6	11	— 6
23 Years	11	— 0	12	— 0
24 Years	11	— 6	12	— 6
25 Years	12	— 0	13	— 0
26 Years	12	— 6	13	— 6
27 Years	13	— 0	14	— 0
28 Years	13	— 6	14	— 6
29 Years	14	— 0	15	— 0

Felony Class of Crime	Range of Penalties	
	Minimum	Maximum
A	Life	Life
B	5-15	to 20-Life
C	1- 5	to 10-20
D	1- 3	to 5-10
E	1	to 2- 5



END