

Article 9.--PAROLE

44-9-101 Definitions. The parole officer means the person responsible for the supervision of those individuals released on parole by the Kansas parole board. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5214, K.S.A. 1985 Supp. 22-3717, as amended by L. 1986, ch. 136; effective May 1, 1980; amended May 1, 1985; amended May 1, 1987.)

44-9-102 (Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 21-4603, 21-4604, 75-5210, 75-5210(c); effective May 1, 1980; revoked May 1, 1981.)

44-9-103 (Authorized by and implementing K.S.A. 75-5216, 75-5251, K.S.A. 1988 Supp. 75-5217, effective May 1, 1980; amended May 1, 1984; amended May 1, 1987; amended March 12, 1990, revoked July 11, 1994.)

44-9-104 (Authorized by and implementing K.S.A. 22-3717, 75-5216, 75-5251; and K.S.A. 1988 Supp. 75-5217; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986; amended March 12, 1990; revoked July 11, 1994.)

44-9-105 Preliminary hearing for alleged violators. Alleged parole violators, conditional release violators, and post-release supervision violators shall be afforded the opportunity to request a hearing to determine if there has been any violation of any conditions of supervision. The requirements for the hearing are as follows:

(a) Notice of the charges. The releasee shall be informed of the charges in writing with sufficient particularity and sufficient time in advance of the hearing to prepare a defense. The hearing shall be held within 3 to 14 days after service of the notice of charges, subject to authorized continuances.

(b) The purpose of the hearing is to determine whether probable cause exists to believe that a condition of supervision has been violated. The hearing shall be held before a party not involved in the case. Pending the hearing, the releasee shall remain incarcerated.

(c) The hearing shall be held close to the site of the arrest or commission of the alleged violation. The hearing may be held at a correctional facility contiguous to the county where the releasee was arrested or the violation is alleged to have been committed. For this purpose Johnson county, Kansas shall be considered to be a county contiguous to Lansing correctional facility.

(d) The releasee shall be entitled to call witnesses to appear on the releasee's behalf at the hearing.

(1) The hearing officer may restrict the witnesses to those who can testify to the facts relevant to the occurrence of the alleged violation. Character reference witnesses may be excluded.

(2) Witnesses may testify by telephone, provided the releasee is able to hear the testimony of the witness contemporaneously with the hearing officer.

(e) The releasee shall have the right to be made aware of adverse evidence. The releasee shall be allowed to cross examine adverse witnesses unless the hearing

officer decides the witness may be physically harmed if his or her identity were revealed.

(f) The releasee shall be given a written statement of the basis for the decision.

(g) If the releasee had not previously been returned to a correctional facility, upon finding of probable cause, the releasee shall be returned to a correctional facility designated by the secretary of corrections pending a final revocation hearing of the Kansas parole board.

(Authorized by and implementing K.S.A. 75-5251, K.S.A. 1993 Supp. 22-3717, K.S.A. 1993 Supp. 75-5210, K.S.A. 1993 Supp. 75-5217; effective May 1, 1980; amended July 11, 1994.)

44-9-106 Expungement of record process explained to parolee. All persons who have been convicted and placed on probation or parole, and who are otherwise eligible for expungement of conviction record, shall be informed of the proper procedure to be followed in obtaining consideration from the court for the grant of an order expunging the record. (Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 21-4619, 22-3717, 75-5210, 75-5210(b) and (f), 75-5215; effective May 1, 1980.)