

HOUSE BILL No. 2444

By Representatives McNorton, Anderson, Barrett, Blex, Bloom, Bohi, Brantley, Bryce, Buehler, Butler, Caiharr, Chauncey, Collins, Droge, Ellis, Helwig, Johnson, Long, Minnix, Neelly, Reavis, Resman, Rhiley, Roeser, Roth, Sappington, Schwertfeger, Seiwert, C. Smith, Steele, Stiens, Sutton, Tarwater, VanHouden, Wasinger, White, K. Williams, Wilson and Wolf

1-14

1 AN ACT concerning crimes, punishment and criminal procedure;
2 providing that jail credit when consecutive sentences are imposed shall
3 not apply to more than one case; creating a special sentencing rule of
4 presumptive imprisonment when a new felony is committed by certain
5 offenders while on probation, parole or postrelease supervision for a
6 prior felony; prohibiting certain dispositional and durational departures
7 when a new felony is committed by offenders while on probation,
8 parole or postrelease supervision for a prior felony; requiring secured
9 minimum appearance bond amounts for certain defendants who commit
10 a new felony while on probation, parole, postrelease supervision or
11 bond for a prior felony unless the court makes certain findings;
12 amending K.S.A. 21-6818 and K.S.A. 2025 Supp. 21-6615, 21-6804
13 and 22-2802 and repealing the existing sections.
14

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

16 Section 1. K.S.A. 2025 Supp. 21-6615 is hereby amended to read as
17 follows: 21-6615. (a) (1) In any criminal action in which the defendant is
18 convicted, the judge, if the judge sentences the defendant to confinement,
19 shall direct that for the purpose of computing the defendant's sentence and
20 parole eligibility and conditional release dates thereunder, that such
21 sentence is to be computed from a date, to be specifically designated by
22 the court in the sentencing order of the journal entry of judgment. Such
23 date shall be established to reflect and shall be computed as an allowance
24 for the time that the defendant has spent incarcerated pending the
25 disposition of the defendant's case. The defendant shall be entitled to have
26 credit applied for each day spent incarcerated. In recording the
27 commencing date of such sentence the date as specifically set forth by the
28 court shall be used as the date of sentence and all good time allowances as
29 are authorized by the secretary of corrections are to be allowed on such
30 sentence from such date as though the defendant were actually
31 incarcerated in any of the institutions of the state correctional system.

32 (2) When computing the defendant's sentence, the following shall not
33 be considered time spent incarcerated pending disposition of the

1 defendant's case:

2 (A) Any time awarded as credit in another case when consecutive
3 sentences are imposed on a defendant, *consistent with subsection (d)*; or

4 (B) any time spent incarcerated in another jurisdiction if no hold has
5 been issued in such jurisdiction for the case being sentenced.

6 (b) In any criminal action in which probation or assignment to
7 community corrections is revoked and the defendant is sentenced to
8 confinement, for the purpose of computing the defendant's sentence and
9 parole eligibility and conditional release date, the defendant's sentence is
10 to be computed from a date, hereafter to be specifically designated in the
11 sentencing order of the journal entry of judgment. Such date shall be
12 established to reflect and shall be computed as an allowance for the time
13 that the defendant has spent in a residential facility while on probation or
14 assignment to community correctional residential services program. The
15 commencing date of such sentence shall be used as the date of sentence
16 and all good time allowances as are authorized by law are to be allowed on
17 such sentence from such date as though the defendant were actually
18 incarcerated in a correctional institution.

19 (c) Such credit is not to be considered to reduce the minimum or
20 maximum terms of confinement authorized by law for the offense of
21 which the defendant has been convicted.

22 (d) (1) *When consecutive sentences are imposed on a defendant, days*
23 *spent in custody that are attributable to more than one case shall be*
24 *credited only once against the aggregated consecutive term. The*
25 *sentencing court may allocate such days to one case or apportion such*
26 *days among cases, but the same days shall not be applied more than once*
27 *to reduce multiple portions of consecutive terms.*

28 (2) *The provisions of this subsection shall apply to:*

29 (A) *All sentences, whether pronounced before, on or after July 1,*
30 *2026, and to all computations of jail credit by the department of*
31 *corrections and the courts; and*

32 (B) *any case posture, including, but not limited to, direct appeals,*
33 *probation revocation proceedings, motions to correct illegal sentence,*
34 *habeas corpus actions and actions under K.S.A. 60-1507, and*
35 *amendments thereto, pending on or filed after July 1, 2026.*

36 (3) *Any judicial interpretations regarding application of jail time*
37 *credit to consecutive sentences in conflict with or inconsistent with this*
38 *section and the amendments to this section by this act are superseded to*
39 *the extent of such conflict or inconsistency.*

40 Sec. 2. K.S.A. 2025 Supp. 21-6804 is hereby amended to read as
41 follows: 21-6804. (a) The provisions of this section shall be applicable to
42 the sentencing guidelines grid for nondrug crimes. The following
43 sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	585 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	156 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 35 32	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 23	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Probation with Prob. Par.
Presumptive Imprisonment

1
2 (b) Sentences expressed in the sentencing guidelines grid for nondrug
3 crimes represent months of imprisonment.

4 (c) The sentencing guidelines grid is a two-dimensional crime
5 severity and criminal history classification tool. The grid's vertical axis is
6 the crime severity scale which classifies current crimes of conviction. The
7 grid's horizontal axis is the criminal history scale which classifies criminal
8 histories.

9 (d) The sentencing guidelines grid for nondrug crimes as provided in
10 this section defines presumptive punishments for felony convictions,
11 subject to the sentencing court's discretion to enter a departure sentence.
12 The appropriate punishment for a felony conviction should depend on the
13 severity of the crime of conviction when compared to all other crimes and
14 the offender's criminal history.

15 (e) (1) The sentencing court has discretion to sentence at any place
16 within the sentencing range. In the usual case it is recommended that the
17 sentencing judge select the center of the range and reserve the upper and
18 lower limits for aggravating and mitigating factors insufficient to warrant a
19 departure.

20 (2) In presumptive imprisonment cases, the sentencing court shall
21 pronounce the complete sentence which shall include the:

22 (A) Prison sentence;

23 (B) maximum potential reduction to such sentence as a result of good
24 time; and

25 (C) period of postrelease supervision at the sentencing hearing.
26 Failure to pronounce the period of postrelease supervision shall not negate
27 the existence of such period of postrelease supervision.

28 (3) In presumptive nonprison cases, the sentencing court shall
29 pronounce the:

30 (A) Prison sentence; and

31 (B) duration of the nonprison sanction at the sentencing hearing.

32 (f) Each grid block states the presumptive sentencing range for an
33 offender whose crime of conviction and criminal history place such
34 offender in that grid block. If an offense is classified in a grid block below
35 the dispositional line, the presumptive disposition shall be
36 nonimprisonment. If an offense is classified in a grid block above the
37 dispositional line, the presumptive disposition shall be imprisonment. If an
38 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
39 an optional nonprison sentence as provided in subsection (q).

40 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,
41 aggravated battery against a law enforcement officer committed prior to
42 July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments
43 thereto, aggravated assault against a law enforcement officer, which places
44 the defendant's sentence in grid block 6-H or 6-I shall be presumed
45 imprisonment. The court may impose an optional nonprison sentence as
46 provided in subsection (q).

1 (h) When a firearm is used to commit any person felony, the
2 offender's sentence shall be presumed imprisonment. The court may
3 impose an optional nonprison sentence as provided in subsection (q).

4 (i) (1) The sentence for the violation of the felony provision of K.S.A.
5 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
6 amendments thereto, shall be as provided by the specific mandatory
7 sentencing requirements of that section and shall not be subject to the
8 provisions of this section or K.S.A. 21-6807, and amendments thereto.

9 (2) If because of the offender's criminal history classification the
10 offender is subject to presumptive imprisonment or if the judge departs
11 from a presumptive probation sentence and the offender is subject to
12 imprisonment, the provisions of this section and K.S.A. 21-6807, and
13 amendments thereto, shall apply and the offender shall not be subject to
14 the mandatory sentence as provided in K.S.A. 21-5823, and amendments
15 thereto.

16 (3) Notwithstanding the provisions of any other section, the term of
17 imprisonment imposed for the violation of the felony provision of K.S.A.
18 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
19 amendments thereto, shall not be served in a state facility in the custody of
20 the secretary of corrections. Prior to imposing any sentence pursuant to
21 this subsection, the court may consider assigning the defendant to a house
22 arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

23 (j) (1) The sentence for any persistent sex offender whose current
24 convicted crime carries a presumptive term of imprisonment shall be
25 double the maximum duration of the presumptive imprisonment term. The
26 sentence for any persistent sex offender whose current conviction carries a
27 presumptive nonprison term shall be presumed imprisonment and shall be
28 double the maximum duration of the presumptive imprisonment term.

29 (2) Except as otherwise provided in this subsection, as used in this
30 subsection, "persistent sex offender" means a person who:

31 (A) (i) Has been convicted in this state of a sexually violent crime, as
32 defined in K.S.A. 22-3717, and amendments thereto; and

33 (ii) at the time of the conviction under clause (i) has at least one
34 conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and
35 amendments thereto, in this state or comparable felony under the laws of
36 another state, the federal government or a foreign government; or

37 (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502,
38 prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

39 (ii) at the time of the conviction under clause (i) has at least one
40 conviction for rape in this state or comparable felony under the laws of
41 another state, the federal government or a foreign government.

42 (3) Except as provided in subsection (j)(2)(B), the provisions of this
43 subsection shall not apply to any person whose current convicted crime is

1 a severity level 1 or 2 felony.

2 (k) (1) If it is shown at sentencing that the offender committed any
3 felony violation for the benefit of, at the direction of, or in association with
4 any criminal street gang, with the specific intent to promote, further or
5 assist in any criminal conduct by gang members, the offender's sentence
6 shall be presumed imprisonment. The court may impose an optional
7 nonprison sentence as provided in subsection (q).

8 (2) As used in this subsection, "criminal street gang" means any
9 organization, association or group of three or more persons, whether
10 formal or informal, having as one of its primary activities:

11 (A) The commission of one or more person felonies; or

12 (B) the commission of felony violations of article 57 of chapter 21 of
13 the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010
14 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony
15 violation of any provision of the uniform controlled substances act prior to
16 July 1, 2009; and

17 (C) its members have a common name or common identifying sign or
18 symbol; and

19 (D) its members, individually or collectively, engage in or have
20 engaged in the commission, attempted commission, conspiracy to commit
21 or solicitation of two or more person felonies or felony violations of article
22 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
23 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
24 transfer, any felony violation of any provision of the uniform controlled
25 substances act prior to July 1, 2009, or any substantially similar offense
26 from another jurisdiction.

27 (l) Except as provided in subsection (o), the sentence for a violation
28 of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or
29 conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments
30 thereto, to commit such offense, when such person being sentenced has a
31 prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its
32 repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-
33 5807(b), and amendments thereto, or any attempt or conspiracy to commit
34 such offense, shall be presumptive imprisonment.

35 (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-
36 5913(a)(2), and amendments thereto, shall be presumptive imprisonment.
37 If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G,
38 5-H or 5-I, the court may impose an optional nonprison sentence as
39 provided in subsection (q).

40 (n) The sentence for a violation of criminal deprivation of property, as
41 defined in K.S.A. 21-5803, and amendments thereto, when such property
42 is a motor vehicle, and when such person being sentenced has any
43 combination of two or more prior convictions of K.S.A. 21-3705(b), prior

1 to its repeal, or of criminal deprivation of property, as defined in K.S.A.
2 21-5803, and amendments thereto, when such property is a motor vehicle,
3 shall be presumptive imprisonment. Such sentence shall not be considered
4 a departure and shall not be subject to appeal.

5 (o) (1) The sentence for a felony violation of theft of property as
6 defined in K.S.A. 21-5801, and amendments thereto, or burglary as
7 defined in K.S.A. 21-5807(a), and amendments thereto, when such person
8 being sentenced has no prior convictions for a violation of K.S.A. 21-3701
9 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A.
10 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-
11 5807(a), and amendments thereto; or the sentence for a felony violation of
12 theft of property as defined in K.S.A. 21-5801, and amendments thereto,
13 when such person being sentenced has one or two prior felony convictions
14 for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their
15 repeal, or theft of property as defined in K.S.A. 21-5801, and amendments
16 thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807,
17 and amendments thereto; or the sentence for a felony violation of burglary
18 as defined in K.S.A. 21-5807(a), and amendments thereto, when such
19 person being sentenced has one prior felony conviction for a violation of
20 K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of
21 property as defined in K.S.A. 21-5801, and amendments thereto, or
22 burglary or aggravated burglary as defined in K.S.A. 21-5807, and
23 amendments thereto, shall be the sentence as provided by this section,
24 except that the court may order an optional nonprison sentence for a
25 defendant to participate in a drug treatment program, including, but not
26 limited to, an approved aftercare plan, if the court makes the following
27 findings on the record:

28 (A) Substance abuse was an underlying factor in the commission of
29 the crime;

30 (B) substance abuse treatment in the community is likely to be more
31 effective than a prison term in reducing the risk of offender recidivism;
32 and

33 (C) participation in an intensive substance abuse treatment program
34 will serve community safety interests.

35 (2) A defendant sentenced to an optional nonprison sentence under
36 this subsection shall be supervised by community correctional services.
37 The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall
38 apply to a defendant sentenced under this subsection. The sentence under
39 this subsection shall not be considered a departure and shall not be subject
40 to appeal.

41 (p) (1) The sentence for a felony violation of theft of property as
42 defined in K.S.A. 21-5801, and amendments thereto, when such person
43 being sentenced has any combination of three or more prior felony

1 convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to
2 their repeal, or theft of property as defined in K.S.A. 21-5801, and
3 amendments thereto, or burglary or aggravated burglary as defined in
4 K.S.A. 21-5807, and amendments thereto; or the sentence for a violation
5 of burglary as defined in K.S.A. 21-5807(a), and amendments thereto,
6 when such person being sentenced has any combination of two or more
7 prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716,
8 prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and
9 amendments thereto, or burglary or aggravated burglary as defined in
10 K.S.A. 21-5807, and amendments thereto, shall be presumed
11 imprisonment and the defendant shall be sentenced to prison as provided
12 by this section, except that the court may recommend that an offender be
13 placed in the custody of the secretary of corrections, in a facility
14 designated by the secretary to participate in an intensive substance abuse
15 treatment program, upon making the following findings on the record:

16 (A) Substance abuse was an underlying factor in the commission of
17 the crime;

18 (B) substance abuse treatment with a possibility of an early release
19 from imprisonment is likely to be more effective than a prison term in
20 reducing the risk of offender recidivism; and

21 (C) participation in an intensive substance abuse treatment program
22 with the possibility of an early release from imprisonment will serve
23 community safety interests by promoting offender reformation.

24 (2) The intensive substance abuse treatment program shall be
25 determined by the secretary of corrections, but shall be for a period of at
26 least four months. Upon the successful completion of such intensive
27 treatment program, the offender shall be returned to the court and the court
28 may modify the sentence by directing that a less severe penalty be
29 imposed in lieu of that originally adjudged within statutory limits. If the
30 offender's term of imprisonment expires, the offender shall be placed
31 under the applicable period of postrelease supervision. The sentence under
32 this subsection shall not be considered a departure and shall not be subject
33 to appeal.

34 (q) (1) As used in this section, an "optional nonprison sentence" is a
35 sentence which the court may impose, in lieu of the presumptive sentence,
36 upon making the following findings on the record:

37 (A) An appropriate treatment program exists which is likely to be
38 more effective than the presumptive prison term in reducing the risk of
39 offender recidivism; and

40 (B) the recommended treatment program is available and the offender
41 can be admitted to such program within a reasonable period of time; or

42 (C) the nonprison sanction will serve community safety interests by
43 promoting offender reformation.

1 (2) Any decision made by the court regarding the imposition of an
2 optional nonprison sentence shall not be considered a departure and shall
3 not be subject to appeal.

4 (r) The sentence for a violation of K.S.A. 21-5413(c)(2), and
5 amendments thereto, shall be presumptive imprisonment and shall be
6 served consecutively to any other term or terms of imprisonment imposed.
7 Such sentence shall not be considered a departure and shall not be subject
8 to appeal.

9 (s) The sentence for a violation of K.S.A. 21-5512, and amendments
10 thereto, shall be presumptive imprisonment. Such sentence shall not be
11 considered a departure and shall not be subject to appeal.

12 (t) (1) If the trier of fact makes a finding beyond a reasonable doubt
13 that an offender wore or used ballistic resistant material in the commission
14 of, or attempt to commit, or flight from any felony, in addition to the
15 sentence imposed pursuant to the Kansas sentencing guidelines act, the
16 offender shall be sentenced to an additional 30 months' imprisonment.

17 (2) The sentence imposed pursuant to paragraph (1) shall be
18 presumptive imprisonment and shall be served consecutively to any other
19 term or terms of imprisonment imposed. Such sentence shall not be
20 considered a departure and shall not be subject to appeal.

21 (3) As used in this subsection, "ballistic resistant material" means
22 any:

23 (A) Commercially produced material designed with the purpose of
24 providing ballistic and trauma protection, including, but not limited to,
25 bulletproof vests and kevlar vests; and

26 (B) homemade or fabricated substance or item designed with the
27 purpose of providing ballistic and trauma protection.

28 (u) The sentence for a violation of K.S.A. 21-6107, and amendments
29 thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and
30 21-5302, and amendments thereto, to commit such offense, when such
31 person being sentenced has a prior conviction for a violation of K.S.A. 21-
32 4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or
33 any attempt or conspiracy to commit such offense, shall be presumptive
34 imprisonment. Such sentence shall not be considered a departure and shall
35 not be subject to appeal.

36 (v) The sentence for a third or subsequent violation of K.S.A. 8-1568,
37 and amendments thereto, shall be presumptive imprisonment and shall be
38 served consecutively to any other term or terms of imprisonment imposed.
39 Such sentence shall not be considered a departure and shall not be subject
40 to appeal.

41 (w) The sentence for aggravated criminal damage to property as
42 defined in K.S.A. 21-5813(b), and amendments thereto, when such person
43 being sentenced has a prior conviction for any nonperson felony shall be

1 presumptive imprisonment. Such sentence shall not be considered a
2 departure and shall not be subject to appeal.

3 (x) The sentence for a violation of K.S.A. 21-5807(a)(1), and
4 amendments thereto, shall be presumptive imprisonment if the offense
5 under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such
6 sentence shall not be considered a departure and shall not be subject to
7 appeal.

8 (y) (1) Except as provided in paragraph (3), if the trier of fact makes a
9 finding beyond a reasonable doubt that an offender committed a nondrug
10 felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301
11 and 21-5302, and amendments thereto, to commit a nondrug felony
12 offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p)
13 (1) and (3), and amendments thereto, while such officer was engaged in
14 the performance of such officer's duty, or in whole or in any part because
15 of such officer's status as a law enforcement officer, the sentence for such
16 offense shall be:

17 (A) If such offense is classified in severity level 2 through 10, one
18 severity level above the appropriate level for such offense; and

19 (B) (i) if such offense is classified in severity level 1, except as
20 otherwise provided in clause (ii), imprisonment for life, and such offender
21 shall not be eligible for probation or suspension, modification or reduction
22 of sentence. In addition, such offender shall not be eligible for parole prior
23 to serving 25 years' imprisonment, and such 25 years' imprisonment shall
24 not be reduced by the application of good time credits. No other sentence
25 shall be permitted.

26 (ii) The provisions of clause (i) requiring the court to impose a
27 mandatory minimum term of imprisonment of 25 years shall not apply if
28 the court finds the offender, because of the offender's criminal history
29 classification, is subject to presumptive imprisonment and the sentencing
30 range exceeds 300 months. In such case, the offender is required to serve a
31 mandatory minimum term equal to the sentence established pursuant to the
32 sentencing range.

33 (2) The sentence imposed pursuant to paragraph (1) shall not be
34 considered a departure and shall not be subject to appeal.

35 (3) The provisions of this subsection shall not apply to an offense
36 described in paragraph (1) if the factual aspect concerning a law
37 enforcement officer is a statutory element of such offense.

38 (z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments
39 thereto, or any other provision of law to the contrary, the sentence for a
40 violation of criminal possession of a weapon by a convicted felon as
41 defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive
42 imprisonment and shall be served consecutively to any other term or terms
43 of imprisonment imposed if the trier of fact makes a finding beyond a

1 reasonable doubt that:

2 (A) The weapon the offender possessed during such violation was a
3 firearm; and

4 (B) such firearm was used by the offender during the commission of
5 any violent felony.

6 (2) The sentence imposed pursuant to paragraph (1) shall not be
7 considered a departure and shall not be subject to appeal. No other
8 sentence shall be permitted.

9 (3) The provisions of this subsection shall not apply to an offender
10 who is prohibited from possessing a weapon pursuant to K.S.A. 21-6304,
11 and amendments thereto, as a result of a juvenile adjudication.

12 (4) As used in this subsection, "violent felony" means any of the
13 following:

14 (A) Capital murder, as defined in K.S.A. 21-5401, and amendments
15 thereto;

16 (B) murder in the first degree, as defined in K.S.A. 21-5402, and
17 amendments thereto;

18 (C) murder in the second degree, as defined in K.S.A. 21-5403, and
19 amendments thereto;

20 (D) voluntary manslaughter, as defined in K.S.A. 21-5404, and
21 amendments thereto;

22 (E) kidnapping, as defined in K.S.A. 21-5408(a)(1), and amendments
23 thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and
24 amendments thereto;

25 (F) aggravated assault, as defined in K.S.A. 21-5412(b)(1), and
26 amendments thereto, and aggravated assault of a law enforcement officer,
27 as defined in K.S.A. 21-5412(d)(1), and amendments thereto;

28 (G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)
29 (1)(B), and amendments thereto, and aggravated battery against a law
30 enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and
31 amendments thereto;

32 (H) mistreatment of a dependent adult or mistreatment of an elder
33 person, as defined in K.S.A. 21-5417(a)(1), and amendments thereto;

34 (I) rape, as defined in K.S.A. 21-5503, and amendments thereto;

35 (J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and
36 amendments thereto;

37 (K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and
38 amendments thereto;

39 (L) any felony offense described in K.S.A. 21-5703 or 21-5705, and
40 amendments thereto;

41 (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;

42 (N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)
43 (1), and amendments thereto;

1 (O) fleeing or attempting to elude a police officer, as defined in
2 K.S.A. 8-1568(b), and amendments thereto;

3 (P) any felony that includes the domestic violence designation
4 pursuant to K.S.A. 22-4616, and amendments thereto; or

5 (Q) any attempt, conspiracy or criminal solicitation, as defined in
6 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any
7 felony offense defined in this subsection.

8 (aa) (1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or
9 (a)(1)(B), and amendments thereto, if the trier of fact makes a finding
10 beyond a reasonable doubt that the offender discharged a firearm and that
11 the offender knew or reasonably should have known that:

12 (A) A person was present in the dwelling, building, structure or motor
13 vehicle at which the offender discharged a firearm, shall be presumptive
14 imprisonment and, in addition to the sentence imposed pursuant to the
15 Kansas sentencing guidelines act, the offender shall be sentenced to an
16 additional 60 months of imprisonment; and

17 (B) a person less than 14 years of age was present in the dwelling,
18 building, structure or motor vehicle at which the offender discharged a
19 firearm, shall be presumptive imprisonment and, in addition to the
20 sentence imposed pursuant to the Kansas sentencing guidelines act, the
21 offender shall be sentenced to an additional 120 months of imprisonment.

22 (2) The sentence imposed pursuant to paragraph (1) shall be served
23 consecutively to any other term or terms of imprisonment imposed. Such
24 sentence shall not be considered a departure and shall not be subject to
25 appeal.

26 (bb) (1) If the trier of fact makes a finding beyond a reasonable doubt
27 that an offender committed any act described in K.S.A. 21-5408, 21-5409,
28 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-5428,
29 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-
30 5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and
31 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
32 21-5301 and 21-5302, and amendments thereto, to commit any such act
33 with knowledge that a woman is pregnant and with the intent that such act
34 will compel such woman to obtain an abortion when such woman has
35 expressed her desire to not obtain an abortion, the sentence for such
36 offense shall be:

37 (A) If such offense is classified in severity level 2 through 10, one
38 severity level above the appropriate level for such offense; and

39 (B) (i) if such offense is classified in severity level 1, except as
40 otherwise provided in clause (ii), imprisonment for life, and such offender
41 shall not be eligible for probation or suspension, modification or reduction
42 of sentence. In addition, such offender shall not be eligible for parole prior
43 to serving 25 years' imprisonment, and such 25 years' imprisonment shall

1 not be reduced by the application of good time credits. No other sentence
2 shall be permitted.

3 (ii) The provisions of clause (i) requiring the court to impose a
4 mandatory minimum term of imprisonment of 25 years shall not apply if
5 the court finds the offender, because of the offender's criminal history
6 classification, is subject to presumptive imprisonment and the sentencing
7 range exceeds 300 months. In such case, the offender is required to serve a
8 mandatory minimum term equal to the sentence established pursuant to the
9 sentencing range.

10 (2) The sentence imposed pursuant to paragraph (1) shall not be
11 considered a departure and shall not be subject to appeal.

12 *(cc) The sentence for a felony offense committed while an offender*
13 *was on probation, assignment to a community correctional services*
14 *program, under suspended sentence or on parole or postrelease*
15 *supervision for a prior felony and when such offender's criminal history*
16 *score is A, B, C, D or E shall be presumptive imprisonment regardless of*
17 *the grid block for such current felony. A sentence imposed pursuant to this*
18 *subsection shall be served consecutively to any other term or terms of*
19 *imprisonment imposed in the prior felony case in which the offender was*
20 *on probation, assignment to a community correctional services program,*
21 *under suspended sentence or on parole or postrelease supervision. Such*
22 *sentence shall not be considered a departure and shall not be subject to*
23 *appeal.*

24 Sec. 3. K.S.A. 21-6818 is hereby amended to read as follows: 21-
25 6818. (a) *(1) Except as provided in this subsection and K.S.A. 21-6804 and*
26 *21-6805, and amendments thereto,* when a departure sentence is
27 appropriate, the sentencing judge may depart from the sentencing
28 guidelines as provided in this section.

29 (2) The sentencing judge shall not impose a downward dispositional
30 departure sentence for any crime of extreme sexual violence, as defined in
31 K.S.A. 21-6815, and amendments thereto. The sentencing judge shall not
32 impose a downward durational departure sentence for any crime of
33 extreme sexual violence, as defined in K.S.A. 21-6815, and amendments
34 thereto, to less than 50% of the center of the range of the sentence for such
35 crime.

36 (3) *The sentencing judge shall not impose a downward dispositional*
37 *departure sentence or a downward durational departure sentence if the*
38 *judge makes a finding that the offender committed the current felony crime*
39 *of conviction while the offender was on probation, assignment to a*
40 *community correctional services program, under suspended sentence or*
41 *on parole or postrelease supervision for a prior felony. The finding under*
42 *this paragraph may be made by the judge at the time of sentencing.*

43 (b) When a sentencing judge departs in setting the duration of a

1 presumptive term of imprisonment:

2 (1) The judge shall consider and apply the sentencing guidelines, to
3 impose a sentence that is proportionate to the severity of the crime of
4 conviction and the offender's criminal history; and

5 (2) the presumptive term of imprisonment set in such departure shall
6 not total more than double the maximum duration of the presumptive
7 imprisonment term.

8 (c) When a sentencing judge imposes a prison term as a dispositional
9 departure:

10 (1) The judge shall consider and apply the sentencing guidelines to
11 impose a sentence that is proportionate to the severity of the crime of
12 conviction; and

13 (2) the term of imprisonment shall not exceed the maximum duration
14 of the presumptive imprisonment term listed within the sentencing grid.
15 Any sentence inconsistent with the provisions of this section shall
16 constitute an additional departure and shall require substantial and
17 compelling reasons independent of the reasons given for the dispositional
18 departure.

19 (d) If the sentencing judge imposes a nonprison sentence as a
20 dispositional departure from the guidelines, the recommended duration
21 shall be as provided in subsection (c) of K.S.A. 21-6608, and amendments
22 thereto.

23 Sec. 4. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as
24 follows: 22-2802. (a) Any person charged with a crime shall, at the
25 person's first appearance before a magistrate, be ordered released pending
26 preliminary examination or trial upon the execution of an appearance bond
27 in an amount specified by the magistrate and sufficient to assure the
28 appearance of such person before the magistrate when ordered and to
29 assure the public safety. If the person is being bound over for a felony, the
30 bond shall also be conditioned on the person's appearance in the district
31 court or by way of a two-way electronic audio-video communication as
32 provided in subsection (n) at the time required by the court to answer the
33 charge against such person and at any time thereafter that the court
34 requires. Unless the magistrate makes a specific finding otherwise, if the
35 person is being bonded out for a person felony or a person misdemeanor,
36 the bond shall be conditioned on the person being prohibited from having
37 any contact with the alleged victim of such offense for a period of at least
38 72 hours. The magistrate may impose such of the following additional
39 conditions of release as will reasonably assure the appearance of the
40 person for preliminary examination or trial:

41 (1) Place the person in the custody of a designated person or
42 organization agreeing to supervise such person;

43 (2) place restrictions on the travel, association or place of abode of

1 the person during the period of release;

2 (3) impose any other condition deemed reasonably necessary to
3 assure appearance as required, including a condition requiring that the
4 person return to custody during specified hours;

5 (4) place the person under a house arrest program pursuant to K.S.A.
6 21-6609, and amendments thereto; or

7 (5) place the person under the supervision of a court services officer
8 responsible for monitoring the person's compliance with any conditions of
9 release ordered by the magistrate. The magistrate may order the person to
10 pay for any costs associated with the supervision provided by the court
11 services department in an amount not to exceed \$15 per week of such
12 supervision. The magistrate may also order the person to pay for all other
13 costs associated with the supervision and conditions for compliance in
14 addition to the \$15 per week.

15 (b) In addition to any conditions of release provided in subsection (a),
16 for any person charged with a felony, the magistrate may order such
17 person to submit to a drug and alcohol abuse examination and evaluation
18 in a public or private treatment facility or state institution and, if
19 determined by the head of such facility or institution that such person is a
20 drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to
21 treatment for such drug or alcohol abuse, as a condition of release.

22 (c) The appearance bond shall be executed with sufficient solvent
23 sureties who are residents of the state of Kansas, unless the magistrate
24 determines, in the exercise of such magistrate's discretion, that requiring
25 sureties is not necessary to assure the appearance of the person at the time
26 ordered.

27 (d) A deposit of cash in the amount of the bond may be made in lieu
28 of the execution of the bond pursuant to subsection (c). Except as provided
29 in subsection (e), such deposit shall be in the full amount of the bond and
30 in no event shall a deposit of cash in less than the full amount of bond be
31 permitted. Any person charged with a crime who is released on a cash
32 bond shall be entitled to a refund of all moneys paid for the cash bond,
33 after deduction of any outstanding restitution, costs, fines and fees, after
34 the final disposition of the criminal case if the person complies with all
35 requirements to appear in court. The court may not exclude the option of
36 posting bond pursuant to subsection (c).

37 (e) Except as provided further, the amount of the appearance bond
38 shall be the same whether executed as described in subsection (c) or
39 posted with a deposit of cash as described in subsection (d). When the
40 appearance bond has been set at \$2,500 or less and the most serious charge
41 against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson
42 felony, a drug severity level 4 felony committed prior to July 1, 2012, a
43 drug severity level 5 felony committed on or after July 1, 2012, or a

1 violation of K.S.A. 8-1567, and amendments thereto, the magistrate may
2 allow the person to deposit cash with the clerk in the amount of 10% of the
3 bond, provided the person meets at least the following qualifications:

- 4 (1) Is a resident of the state of Kansas;
- 5 (2) has a criminal history score category of G, H or I;
- 6 (3) has no prior history of failure to appear for any court appearances;
- 7 (4) has no detainer or hold from any other jurisdiction;
- 8 (5) has not been extradited from, and is not awaiting extradition to,
9 another state; and

- 10 (6) has not been detained for an alleged violation of probation.

11 (f) *Except as provided in subsection (q)*, in the discretion of the court,
12 a person charged with a crime may be released upon the person's own
13 recognizance by guaranteeing payment of the amount of the bond for the
14 person's failure to comply with all requirements to appear in court. The
15 release of a person charged with a crime upon the person's own
16 recognizance shall not require the deposit of any cash by the person.

- 17 (g) The court shall not impose any administrative fee.

18 (h) In determining which conditions of release will reasonably assure
19 appearance and the public safety, the magistrate shall, on the basis of
20 available information, take into account:

- 21 (1) The nature and circumstances of the crime charged;
- 22 (2) the weight of the evidence against the defendant;
- 23 (3) whether the defendant is lawfully present in the United States;
- 24 (4) the defendant's family ties, employment, financial resources,
25 character, mental condition, length of residence in the community, record
26 of convictions, record of appearance or failure to appear at court
27 proceedings or of flight to avoid prosecution;
- 28 (5) the likelihood or propensity of the defendant to commit crimes
29 while on release, including whether the defendant will be likely to
30 threaten, harass or cause injury to the victim of the crime or any witnesses
31 thereto; and

- 32 (6) whether the defendant is on probation ~~or~~, parole *or postrelease*
33 *supervision* from a ~~previous~~ *prior* offense at the time of the alleged
34 commission of the subsequent offense.

- 35 (i) The appearance bond shall set forth all of the conditions of release.

36 (j) A person for whom conditions of release are imposed and who
37 continues to be detained as a result of the person's inability to meet the
38 conditions of release shall be entitled, upon application, to have the
39 conditions reviewed without unnecessary delay by the magistrate who
40 imposed them. If the magistrate who imposed conditions of release is not
41 available, any other magistrate in the county may review such conditions.

- 42 (k) A magistrate ordering the release of a person on any conditions
43 specified in this section may at any time amend the order to impose

1 additional or different conditions of release. If the imposition of additional
2 or different conditions results in the detention of the person, the provisions
3 of subsection (j) shall apply.

4 (l) Statements or information offered in determining the conditions of
5 release need not conform to the rules of evidence. No statement or
6 admission of the defendant made at such a proceeding shall be received as
7 evidence in any subsequent proceeding against the defendant.

8 (m) The appearance bond and any security required as a condition of
9 the defendant's release shall be deposited in the office of the magistrate or
10 the clerk of the court where the release is ordered. If the defendant is
11 bound to appear before a magistrate or court other than the one ordering
12 the release, the order of release, together with the bond and security shall
13 be transmitted to the magistrate or clerk of the court before whom the
14 defendant is bound to appear.

15 (n) Proceedings before a magistrate as provided in this section to
16 determine the release conditions of a person charged with a crime
17 including release upon execution of an appearance bond may be conducted
18 by two-way electronic audio-video communication between the defendant
19 and the judge in lieu of personal presence of the defendant or defendant's
20 counsel in the courtroom in the discretion of the court. The defendant may
21 be accompanied by the defendant's counsel. The defendant shall be
22 informed of the defendant's right to be personally present in the courtroom
23 during such proceeding if the defendant so requests. Exercising the right to
24 be present shall in no way prejudice the defendant.

25 (o) The magistrate may order the person to pay for any costs
26 associated with the supervision of the conditions of release of the
27 appearance bond in an amount not to exceed \$15 per week of such
28 supervision. As a condition of sentencing under K.S.A. 21-6604, and
29 amendments thereto, the court may impose the full amount of any such
30 costs in addition to the \$15 per week, including, but not limited to, costs
31 for treatment and evaluation under subsection (b).

32 (p) (1) If a defendant is charged with rape, as described in K.S.A. 21-
33 5503, and amendments thereto, criminal sodomy or aggravated criminal
34 sodomy, as described in K.S.A. 21-5504, and amendments thereto,
35 aggravated sexual battery, as described in K.S.A. 21-5505, and
36 amendments thereto, or indecent liberties with a child or aggravated
37 indecent liberties with a child, as described in K.S.A. 21-5506, and
38 amendments thereto, the magistrate shall determine prior convictions of
39 such offenses or comparable out-of-state convictions upon available
40 evidence.

41 (2) If the magistrate determines that such defendant has a prior
42 conviction of any crime that constitutes a sexually violent crime as defined
43 in K.S.A. 22-4902, and amendments thereto, bond shall be at least

1 \$750,000 cash or surety and have at least minimum conditions of no
2 contact with any victims or witnesses and the magistrate shall place the
3 person under a house arrest program pursuant to subsection (a)(4). Such
4 bond shall not be reduced or modified downward unless the magistrate
5 determines by a preponderance of the evidence at an evidentiary hearing
6 and makes a written finding on the record that the defendant is not a public
7 safety risk and not a flight risk. At such evidentiary hearing, there shall be
8 a presumption that the defendant is both a public safety risk and a flight
9 risk.

10 *(q) (1) If the affidavit establishes probable cause that the person was*
11 *on probation, parole, postrelease supervision or bond for a prior felony*
12 *offense at the time of the alleged commission of a charged felony offense*
13 *and the person's criminal history score under the Kansas sentencing*
14 *guidelines act was previously established as A, B, C, D or E, the person*
15 *shall not be released upon the person's own recognizance. Except as*
16 *provided in subsection (q)(2), the court shall set a secured appearance*
17 *bond in an amount not less than:*

18 *(A) \$100,000 if the most serious charge against the person is a*
19 *severity level 7, 8, 9 or 10 felony or a drug severity level 4 or 5 felony;*

20 *(B) \$250,000 if the most serious charge against the person is a*
21 *severity level 4, 5 or 6 felony or a drug severity level 3 felony; and*

22 *(C) \$500,000 if the most serious charge against the person is a*
23 *severity level 1, 2 or 3 felony or a drug severity level 1 or 2 felony.*

24 *(2) The court may set a secured appearance bond in an amount less*
25 *than the minimum amount required by subsection (q)(1) only upon written,*
26 *case-specific findings that:*

27 *(A) A lesser secured appearance bond will reasonably assure the*
28 *safety of the community and the person's appearance; and*

29 *(B) application of the minimum amount requirement would be*
30 *excessive under the circumstances.*

31 Sec. 5. K.S.A. 21-6818 and K.S.A. 2025 Supp. 21-6615, 21-6804 and
32 22-2802 are hereby repealed.

33 Sec. 6. This act shall take effect and be in force from and after its
34 publication in the statute book.