

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2444

By Representatives McNorton, Anderson, Barrett, Blex, Bloom, Bohi, Brantley, Bryce, Buehler, Butler, Caiharr, Chauncey, Collins, Droege, 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 **in custody for a prior felony or** on probation, parole
6 or postrelease supervision for a prior felony; prohibiting certain
7 dispositional and durational departures when a new felony is committed
8 by offenders while **in custody for a prior felony or** on probation, parole
9 or postrelease supervision for a prior felony; **relating to release**
10 **prior to trial; providing limitations and restrictions on releasing a**
11 **person charged with a felony upon the person's own recognizance;**
12 requiring secured minimum appearance bond amounts for certain
13 defendants who commit a new felony while on probation, parole,
14 postrelease supervision or bond for a prior felony unless the court
15 makes certain findings; amending K.S.A. 21-6818 and K.S.A. 2025
16 Supp. 21-6615, 21-6804 and 22-2802 and repealing the existing
17 sections.

18

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

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

1 sentence from such date as though the defendant were actually
2 incarcerated in any of the institutions of the state correctional system.

3 (2) When computing the defendant's sentence, the following shall not
4 be considered time spent incarcerated pending disposition of the
5 defendant's case:

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

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

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

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

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

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

33 (A) *All sentences, whether pronounced before, on or after July 1,
34 2026, and to all computations of jail credit by the department of
35 corrections and the courts; and*

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

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

1 Sec. 2. K.S.A. 2025 Supp. 21-6804 is hereby amended to read as
 2 follows: 21-6804. (a) The provisions of this section shall be applicable to
 3 the sentencing guidelines grid for nondrug crimes. The following
 4 sentencing guidelines grid shall be applicable to nondrug felony crimes:
 5

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	633	620	618	586	554	285	272	258	267
II	493	467	460	438	416	216	205	194	200
III	247	235	228	216	207	102	100	94	92
IV	172	162	154	144	75	71	69	66	64
V	136	130	128	120	114	60	57	53	50
VI	46	43	41	39	37	36	34	32	30
VII	34	32	31	29	27	26	24	23	21
VIII	23	21	20	19	18	17	16	15	13
IX	17	16	15	14	13	12	11	10	9
X	13	12	11	11	10	9	8	7	6

LEGEND

Presumptive Probation
Reckless
Presumptive Imprisonment

1

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

4

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

10

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

17

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

23

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

26

27 (A) Prison sentence;

28

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

31

32 (C) period of postrelease supervision at the sentencing hearing.
33 Failure to pronounce the period of postrelease supervision shall not negate
34 the existence of such period of postrelease supervision.

35

36 (3) In presumptive nonprison cases, the sentencing court shall
37 pronounce the:

38

39 (A) Prison sentence; and

40

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

42

43 (f) Each grid block states the presumptive sentencing range for an
44 offender whose crime of conviction and criminal history place such
45 offender in that grid block. If an offense is classified in a grid block below
46 the dispositional line, the presumptive disposition shall be
47 nonimprisonment. If an offense is classified in a grid block above the
48 dispositional line, the presumptive disposition shall be imprisonment. If an
49 offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose
50 an optional nonprison sentence as provided in subsection (q).

51

52 (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal,
53 aggravated battery against a law enforcement officer committed prior to
54 July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments
55 thereto, aggravated assault against a law enforcement officer, which places

1 the defendant's sentence in grid block 6-H or 6-I shall be presumed
2 imprisonment. The court may impose an optional nonprison sentence as
3 provided in subsection (q).

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

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

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

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

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

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

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

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

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

42 (ii) at the time of the conviction under clause (i) has at least one
43 conviction for rape in this state or comparable felony under the laws of

1 another state, the federal government or a foreign government.

2 (3) Except as provided in subsection (j)(2)(B), the provisions of this
3 subsection shall not apply to any person whose current convicted crime is
4 a severity level 1 or 2 felony.

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

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

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

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

20 (C) its members have a common name or common identifying sign or
21 symbol; and

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

30 (l) Except as provided in subsection (o), the sentence for a violation
31 of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or
32 conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments
33 thereto, to commit such offense, when such person being sentenced has a
34 prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its
35 repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-
36 5807(b), and amendments thereto, or any attempt or conspiracy to commit
37 such offense, shall be presumptive imprisonment.

38 (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-
39 5913(a)(2), and amendments thereto, shall be presumptive imprisonment.
40 If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G,
41 5-H or 5-I, the court may impose an optional nonprison sentence as
42 provided in subsection (q).

43 (n) The sentence for a violation of criminal deprivation of property, as

1 defined in K.S.A. 21-5803, and amendments thereto, when such property
2 is a motor vehicle, and when such person being sentenced has any
3 combination of two or more prior convictions of K.S.A. 21-3705(b), prior
4 to its repeal, or of criminal deprivation of property, as defined in K.S.A.
5 21-5803, and amendments thereto, when such property is a motor vehicle,
6 shall be presumptive imprisonment. Such sentence shall not be considered
7 a departure and shall not be subject to appeal.

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

31 (A) Substance abuse was an underlying factor in the commission of
32 the crime;

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

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

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

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

19 (A) Substance abuse was an underlying factor in the commission of
20 the crime;

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

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

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

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

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

43 (B) the recommended treatment program is available and the offender

1 can be admitted to such program within a reasonable period of time; or
2 (C) the nonprison sanction will serve community safety interests by
3 promoting offender reformation.

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

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

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

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

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

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

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

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

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

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

1 (w) The sentence for aggravated criminal damage to property as
2 defined in K.S.A. 21-5813(b), and amendments thereto, when such person
3 being sentenced has a prior conviction for any nonperson felony shall be
4 presumptive imprisonment. Such sentence shall not be considered a
5 departure and shall not be subject to appeal.

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

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

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

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

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

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

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

41 (z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments
42 thereto, or any other provision of law to the contrary, the sentence for a
43 violation of criminal possession of a weapon by a convicted felon as

1 defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive
2 imprisonment and shall be served consecutively to any other term or terms
3 of imprisonment imposed if the trier of fact makes a finding beyond a
4 reasonable doubt that:

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

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

9 (2) The sentence imposed pursuant to paragraph (1) shall not be
10 considered a departure and shall not be subject to appeal. No other
11 sentence shall be permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;
2 (N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)
3 (1), and amendments thereto;
4 (O) fleeing or attempting to elude a police officer, as defined in
5 K.S.A. 8-1568(b), and amendments thereto;
6 (P) any felony that includes the domestic violence designation
7 pursuant to K.S.A. 22-4616, and amendments thereto; or
8 (Q) any attempt, conspiracy or criminal solicitation, as defined in
9 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any
10 felony offense defined in this subsection.

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

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

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

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

29 (bb) (1) If the trier of fact makes a finding beyond a reasonable doubt
30 that an offender committed any act described in K.S.A. 21-5408, 21-5409,
31 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 215428,
32 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-
33 5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and
34 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
35 21-5301 and 21-5302, and amendments thereto, to commit any such act
36 with knowledge that a woman is pregnant and with the intent that such act
37 will compel such woman to obtain an abortion when such woman has
38 expressed her desire to not obtain an abortion, the sentence for such
39 offense shall be:

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

42 (B) (i) if such offense is classified in severity level 1, except as
43 otherwise provided in clause (ii), imprisonment for life, and such offender

1 shall not be eligible for probation or suspension, modification or reduction
2 of sentence. In addition, such offender shall not be eligible for parole prior
3 to serving 25 years' imprisonment, and such 25 years' imprisonment shall
4 not be reduced by the application of good time credits. No other sentence
5 shall be permitted.

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

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

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

27 Sec. 3. K.S.A. 21-6818 is hereby amended to read as follows: 21-
28 6818. (a) *(1) Except as provided in this subsection and K.S.A. 21-6804 and
29 21-6805, and amendments thereto, when a departure sentence is
30 appropriate, the sentencing judge may depart from the sentencing
31 guidelines as provided in this section.*

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

39 (3) *The sentencing judge shall not impose a downward dispositional
40 departure sentence or a downward durational departure sentence if the
41 judge makes a finding that the offender committed the current felony crime
42 of conviction while the offender was in custody for a prior felony or on
43 probation, assignment to a community correctional services program,*

1 *under suspended sentence or on parole or postrelease supervision for a*
2 *prior felony. The finding under this paragraph may be made by the judge*
3 *at the time of sentencing.*

4 (b) When a sentencing judge departs in setting the duration of a
5 presumptive term of imprisonment:

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

9 (2) the presumptive term of imprisonment set in such departure shall
10 not total more than double the maximum duration of the presumptive
11 imprisonment term.

12 (c) When a sentencing judge imposes a prison term as a dispositional
13 departure:

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

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

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

27 Sec. 4. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as
28 follows: 22-2802. (a) Any person charged with a crime shall, at the
29 person's first appearance before a magistrate, be ordered released pending
30 preliminary examination or trial upon the execution of an appearance bond
31 in an amount specified by the magistrate and sufficient to assure the
32 appearance of such person before the magistrate when ordered and to
33 assure the public safety. If the person is being bound over for a felony, the
34 bond shall also be conditioned on the person's appearance in the district
35 court or by way of a two-way electronic audio-video communication as
36 provided in subsection (n) at the time required by the court to answer the
37 charge against such person and at any time thereafter that the court
38 requires. Unless the magistrate makes a specific finding otherwise, if the
39 person is being bonded out for a person felony or a person misdemeanor,
40 the bond shall be conditioned on the person being prohibited from having
41 any contact with the alleged victim of such offense for a period of at least
42 72 hours. The magistrate may impose such of the following additional
43 conditions of release as will reasonably assure the appearance of the

1 person for preliminary examination or trial:

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

4 (2) place restrictions on the travel, association or place of abode of
5 the person during the period of release;

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

9 (4) place the person under a house arrest program pursuant to K.S.A.
10 21-6609, and amendments thereto; or

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

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

26 (c) ~~The appearance bond shall be executed with sufficient solvent
27 sureties who are residents of the state of Kansas, unless the magistrate
28 determines, in the exercise of such magistrate's discretion, that requiring
29 sureties is not necessary to assure the appearance of the person at the time
30 ordered. (1) If a person is charged with a misdemeanor, the
31 appearance bond shall be executed with sufficient solvent sureties who
32 are residents of the state of Kansas unless the magistrate determines,
33 in the exercise of such magistrate's discretion, that requiring sureties
34 is not necessary to assure the appearance of the person at the time
35 ordered or to assure public safety.~~

36 (2) (A) If a person is charged with a felony, the appearance bond
37 shall be executed with sufficient solvent sureties who are residents of
38 the state of Kansas unless the magistrate determines by clear and
39 convincing evidence, after a hearing at which the person charged is
40 present, that requiring sureties is not necessary to assure the
41 appearance of the person at the time ordered or to assure public
42 safety.

43 (B) Prior to releasing a person charged with a felony without a

1 surety, the magistrate shall determine, after a hearing at which the
2 person is present, whether the person meets the following
3 qualifications:

- 4 (i) Is a lawful resident of the state of Kansas;
- 5 (ii) has no prior felony conviction;
- 6 (iii) has no prior history of failure to appear for any court
7 appearances;
- 8 (iv) has no detainer or hold from any other jurisdiction;
- 9 (v) has not been extradited from and is not awaiting extradition
10 to another state;
- 11 (vi) has not been detained for an alleged violation of probation;
- 12 (vii) has not been charged with a felony violation of K.S.A. 8-
13 1567, and amendments thereto; and
- 14 (viii) has not been charged with a drug severity level 1, 2 or 3
15 felony.

16 (C) If the magistrate determines that the person does not meet
17 one or more of the qualifications listed in subparagraph (B), there is a
18 presumption that such person is either a flight risk or that such
19 person's release would endanger the public. Such presumption may
20 only be overcome by clear and convincing evidence. Prior to ordering
21 a release of such person without a surety, the magistrate shall make a
22 written finding on the record that such person is not a public safety
23 risk and not a flight risk and specify which of the qualifications listed
24 in subparagraph (B) that such person meets.

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

35 (e) Except as provided further, the amount of the appearance bond
36 shall be the same whether executed as described in subsection (c) or
37 posted with a deposit of cash as described in subsection (d). When the
38 appearance bond has been set at \$2,500 or less and the most serious charge
39 against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson
40 felony, a drug severity level 4 felony committed prior to July 1, 2012, a
41 drug severity level 5 felony committed on or after July 1, 2012, or a
42 violation of K.S.A. 8-1567, and amendments thereto, the magistrate may
43 allow the person to deposit cash with the clerk in the amount of 10% of the

1 bond, provided the person meets at least the following qualifications:

2 (1) Is a resident of the state of Kansas;

3 (2) has a criminal history score category of G, H or I;

4 (3) has no prior history of failure to appear for any court appearances;

5 (4) has no detainer or hold from any other jurisdiction;

6 (5) has not been extradited from, and is not awaiting extradition to,

7 another state; and

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

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

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

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

20 (1) The nature and circumstances of the crime charged;

21 (2) the weight of the evidence against the defendant;

22 (3) whether the defendant is lawfully present in the United States;

23 (4) the defendant's family ties, employment, financial resources,
24 character, mental condition, length of residence in the community, record
25 of convictions, record of appearance or failure to appear at court
26 proceedings or of flight to avoid prosecution;

27 (5) the likelihood or propensity of the defendant to commit crimes
28 while on release, including whether the defendant will be likely to
29 threaten, harass or cause injury to the victim of the crime or any witnesses
30 thereto; and

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

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

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

41 (k) A magistrate ordering the release of a person on any conditions
42 specified in this section may at any time amend the order to impose
43 additional or different conditions of release. If the imposition of additional

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

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

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

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

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

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

40 (2) If the magistrate determines that such defendant has a prior
41 conviction of any crime that constitutes a sexually violent crime as defined
42 in K.S.A. 22-4902, and amendments thereto, bond shall be at least
43 \$750,000 cash or surety and have at least minimum conditions of no

1 contact with any victims or witnesses and the magistrate shall place the
2 person under a house arrest program pursuant to subsection (a)(4). Such
3 bond shall not be reduced or modified downward unless the magistrate
4 determines by a preponderance of the evidence at an evidentiary hearing
5 and makes a written finding on the record that the defendant is not a public
6 safety risk and not a flight risk. At such evidentiary hearing, there shall be
7 a presumption that the defendant is both a public safety risk and a flight
8 risk.

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

17 (A) ~~\$100,000~~ **\$50,000** *if the most serious charge against the person*
18 *is a severity level 7, 8, 9 or 10 felony or a drug severity level 4 or 5 felony;*

19 (B) ~~\$250,000~~ **\$100,000** *if the most serious charge against the*
20 *person is a severity level 4, 5 or 6 felony or a drug severity level 3 felony;*
21 *and*

22 (C) ~~\$500,000~~ **\$250,000** *if the most serious charge against the*
23 *person is a severity level 1, 2 or 3 felony or a drug severity level 1 or 2*
24 *felony.*

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

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

30 (B) ~~application of the minimum amount requirement would be~~
31 ~~excessive under the circumstances.~~ Such bond shall not be reduced or
32 modified downward unless the magistrate determines by a
33 preponderance of the evidence at an evidentiary hearing and makes a
34 written finding on the record that the defendant is not a public safety
35 risk and not a flight risk. At such evidentiary hearing, there shall be a
36 presumption that the defendant is both a public safety risk and a
37 flight risk.

38 Sec. 5. K.S.A. 21-6818 and K.S.A. 2025 Supp. 21-6615, 21-6804 and
39 22-2802 are hereby repealed.

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