

{As Amended by House Committee of the Whole}

Session of 2026

HOUSE BILL No. 2747

By Committee on Judiciary

Requested by Representative Ward

2-6

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the revised Kansas sentencing guidelines act; specifying that courts
3 shall consider certain factors in determining whether a prior violation
4 of law is comparable to any act described in certain driving under the
5 influence crimes when calculating a person's criminal history
6 classification; amending K.S.A. 21-6811 and repealing the existing
7 section.

9 **{WHEREAS, The amendments made to the provisions of K.S.A.
10 21-6811 by this act shall be known as Sidnee's Law.}**

11 **{Now, therefore:}**

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

13 Section 1. K.S.A. 21-6811 is hereby amended to read as follows: 21-
14 6811. In addition to the provisions of K.S.A. 21-6810, and amendments
15 thereto, the following shall apply in determining an offender's criminal
16 history classification as contained in the presumptive sentencing
17 guidelines grids:

18 (a) Every three prior adult convictions or juvenile adjudications of
19 class A and class B person misdemeanors in the offender's criminal history,
20 or any combination thereof, shall be rated as one adult conviction or one
21 juvenile adjudication of a person felony for criminal history purposes.
22 Every three prior adult convictions or juvenile adjudications of assault as
23 defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 21-5412(a), and
24 amendments thereto, occurring within a period commencing three years
25 prior to the date of conviction for the current crime of conviction shall be
26 rated as one adult conviction or one juvenile adjudication of a person
27 felony for criminal history purposes.

28 (b) A conviction of criminal possession of a firearm as defined in
29 K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons
30 as defined in K.S.A. 21-6301(a)(10) or (a)(11), and amendments thereto,
31 or unlawful possession of a firearm as in effect on June 30, 2005, and as
32 defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select
33 class B nonperson misdemeanor conviction or adjudication and shall not
34 be scored as a person misdemeanor for criminal history purposes.

35 (c) (1) If the current crime of conviction was committed before July

1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (B) a violation of a law of another state—or, an ordinance of any city; or resolution of any county, ~~which~~ that prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state—or, an ordinance of any city; or resolution of any county, ~~which~~ that prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state—or, an ordinance of any city; or resolution of any county, ~~which~~ that prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto.

(4) *For the purposes of this subsection, in determining whether a violation of a law of another state, an ordinance of any city or resolution of any county prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, the court shall consider the factors listed in K.S.A. 8-1567(j), and amendments thereto.*

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 21-5807(a)(2) or (a)(3), and amendments thereto.

1 The facts required to classify prior burglary adult convictions and
2 juvenile adjudications shall be established by the state by a preponderance
3 of the evidence.

4 (e) (1) Out-of-state convictions and juvenile adjudications shall be
5 used in classifying the offender's criminal history.

6 (2) An out-of-state crime will be classified as either a felony or a
7 misdemeanor according to the convicting jurisdiction.

8 (A) If a crime is a felony in the convicting jurisdiction, it will be
9 counted as a felony in Kansas.

10 (B) If a crime is a misdemeanor in the convicting jurisdiction, the
11 state of Kansas shall refer to the comparable offense under the Kansas
12 criminal code in effect on the date the current crime of conviction was
13 committed to classify the out-of-state crime as a class A, B or C
14 misdemeanor. If the comparable offense in the state of Kansas is a felony,
15 the out-of-state crime shall be classified as a class A misdemeanor. If the
16 state of Kansas does not have a comparable offense in effect on the date
17 the current crime of conviction was committed, the out-of-state crime shall
18 not be used in classifying the offender's criminal history.

19 (C) If a crime is not classified as either a felony or a misdemeanor in
20 the convicting jurisdiction, the state of Kansas shall refer to the
21 comparable offense under the Kansas criminal code in effect on the date
22 the current crime of conviction was committed to classify the out-of-state
23 crime as either a felony or a misdemeanor. If the state of Kansas does not
24 have a comparable offense in effect on the date the current crime of
25 conviction was committed, the out-of-state crime shall not be used in
26 classifying the offender's criminal history.

27 (3) The state of Kansas shall classify the crime as person or
28 nonperson.

29 (A) In designating a misdemeanor as person or nonperson,
30 comparable offenses under the Kansas criminal code in effect on the date
31 the current crime of conviction was committed shall be referred to. If the
32 state of Kansas does not have a comparable person offense in effect on the
33 date the current crime of conviction was committed, the out-of-state crime
34 shall be classified as a nonperson crime.

35 (B) In designating a felony crime as person or nonperson, the felony
36 crime shall be classified as follows:

37 (i) An out-of-state conviction or adjudication for the commission of a
38 felony offense, or an attempt, conspiracy or criminal solicitation to commit
39 a felony offense, shall be classified as a person felony if one or more of the
40 following circumstances is present as defined by the convicting
41 jurisdiction in the elements of the out-of-state offense:

42 (a) Death or killing of any human being;

43 (b) threatening or causing fear of bodily or physical harm or violence,

1 causing terror, physically intimidating or harassing any person;

2 (c) bodily harm or injury, physical neglect or abuse, restraint,

3 confinement or touching of any person, without regard to degree;

4 (d) the presence of a person, other than the defendant, a charged

5 accomplice or another person with whom the defendant is engaged in the

6 sale, distribution or transfer of a controlled substance or non-controlled

7 substance;

8 (e) possessing, viewing, depicting, distributing, recording or

9 transmitting an image of any person;

10 (f) lewd fondling or touching, sexual intercourse or sodomy with or

11 by any person or an unlawful sexual act involving a child under the age of

12 consent;

13 (g) being armed with, using, displaying or brandishing a firearm or

14 other weapon, excluding crimes of mere unlawful possession; or

15 (h) entering or remaining within any residence, dwelling or

16 habitation.

17 (ii) An out-of-state conviction or adjudication for the commission of a

18 felony offense, or an attempt, conspiracy or criminal solicitation to commit

19 a felony offense, shall be classified as a person felony if the elements of

20 the out-of-state felony offense that resulted in the conviction or

21 adjudication necessarily prove that a person was present during the

22 commission of the offense. For purposes of this clause, the person present

23 must be someone other than the defendant, a charged accomplice or

24 another person with whom the defendant is engaged in the sale,

25 distribution or transfer of a controlled substance or non-controlled

26 substance. The presence of a person includes physical presence and

27 presence by electronic or telephonic communication.

28 (iii) An out-of-state conviction or adjudication for the commission of

29 a felony offense, or an attempt, conspiracy or criminal solicitation to

30 commit a felony offense, shall be classified as a nonperson felony if the

31 elements of the offense do not require proof of any of the circumstances in

32 subparagraph (B)(i) or (ii).

33 (4) Convictions or adjudications occurring within the federal system,

34 other state systems, the District of Columbia, foreign, tribal or military

35 courts are considered out-of-state convictions or adjudications.

36 (5) The facts required to classify out-of-state adult convictions and

37 juvenile adjudications shall be established by the state by a preponderance

38 of the evidence.

39 (f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6),

40 prior to its repeal, or K.S.A. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4)

41 and (d)(5), and amendments thereto, juvenile adjudications will be applied

42 in the same manner as adult convictions. Out-of-state juvenile

43 adjudications will be treated as juvenile adjudications in Kansas.

1 (g) A prior felony conviction of an attempt, a conspiracy or a
2 solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to
3 their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments
4 thereto, to commit a crime shall be treated as a person or nonperson crime
5 in accordance with the designation assigned to the underlying crime.

6 (h) Drug crimes are designated as nonperson crimes for criminal
7 history scoring.

8 (i) If the current crime of conviction is for a violation of K.S.A. 8-
9 1602(b)(3) through (b)(5), and amendments thereto, each of the following
10 prior convictions for offenses committed on or after July 1, 2011, shall
11 count as a person felony for criminal history purposes: K.S.A. 8-235, 8-
12 262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605, ~~21-5405(a)~~
13 ~~(3) or (a)(5), 21-5406 and 40-3104, and amendments thereto, and K.S.A.~~
14 ~~21-5405(a)(3) or (a)(5) and 21-5406, and amendments thereto, or a~~
15 violation of a city ordinance or law of another state ~~which~~ that would also
16 constitute a violation of such sections. *For the purposes of this subsection,*
17 *in determining whether a violation of a city ordinance or law of another*
18 *state would also constitute a violation of K.S.A. 8-1567, and amendments*
19 *thereto, the court shall consider the factors listed in K.S.A. 8-1567(j), and*
20 *amendments thereto.*

21 (j) The amendments made to this section by chapter 5 of the 2015
22 Session Laws of Kansas are procedural in nature and shall be construed
23 and applied retroactively.

24 Sec. 2. K.S.A. 21-6811 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the Kansas register.