

Case No. \_\_\_\_\_

**SPECIAL RULES SUPPLEMENTAL PAGE (IF APPLICABLE, check box of the special rule that applies and include this page with the corresponding count. Additional copies may be made as needed.) PLEASE DO NOT RENUMBER THIS PAGE.) A special rule that changes the presumptive sentence, without constituting a departure, is applicable to this count because:**

**PUBLIC SAFETY OFFENSES / FIREARMS FINDING APPLY:**

1.  **Person Felony Committed With a Firearm** – presumed prison. Formerly K.S.A. 21-4704(h)
2.  **Agg. Battery of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. Formerly K.S.A. 21-4704(g)
3.  **Agg. Assault of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. Formerly K.S.A. 21-4704(g)
34.  **Battery on a L.E.O., K.S.A. 21-3413(a)(2), resulting in bodily harm-** presumed prison and consecutive. Formerly K.S.A. 21-4704(q)
32.  **Drug Felony While in Possession of a Firearm-** presumed prison. Formerly K.S.A. 21-4705(g)
33.  **Drug Felony With a Firearm that Discharges-** presumed prison. Formerly K.S.A. 21-4705(g)
4.  **Crime Committed for Benefit of a Criminal Street Gang** – presumed prison. Formerly K.S.A. 21-4704(k)
11.  **Extended Jurisdiction Juvenile Imposed** – both juvenile and adult sentences imposed, adult sentence stayed conditioned on successful completion of juvenile sentence. K.S.A. 2010 Supp. 38-2347 and 2011 Supp. 38-2364
35.  **Agg. Endangering a Child** – consecutive sentence required. Formerly K.S.A. 21-3608a(b)
36.  **Ballistic Resistant Material** worn/used in commission/attempt/flight from felony – presumed prison and consecutive. Formerly K.S.A. 21-4704(s)
38.  **Unlawful Sexual Relations** - presumed prison - Formerly K.S.A. 21-4704(r)

**HABITUAL OR REPEAT OFFENSES APPLY:**

5.  **Persistent Sex Offender**, if current conviction is presumed prison – double the maximum duration. Formerly K.S.A. 21-4704(j)
12.  **2<sup>nd</sup> or Subs. Manufacture of a Controlled Substance Conviction** – presumed prison, twice the maximum duration. Formerly K.S.A. 21-4705(e)
26.  **3<sup>rd</sup> or Subs. Felony Drug Possession occurring on or after July 1, 2008** - presumed prison. Formerly K.S.A. 21-4705(f)
13.  **Residential Burglary with a Prior Residential, Nonresidential or Agg. Burglary Conviction** – presumed prison. Formerly K.S.A. 21-4704(l)
27.  **Burglary With Two or More Prior Convictions for a Violation of Theft, Burglary, or Agg. Burglary** – presumed prison. Formerly K.S.A. 21-4704(p).
29.  **Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Agg. Burglary** – presumed prison. Formerly K.S.A. 21-4704(p).
30. **\*\* For #27 or #29, Substance Abuse Underlying Factor, Treatment More Effective to Reduce Reoffense Risk and Community Safety Served** – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. Formerly K.S.A. 21-4704(p)
31.  **3<sup>rd</sup> or Subs. Criminal Deprivation of a Motor Vehicle** – presumptive prison. Formerly K.S.A. 21-4704(n)
16.  **2<sup>nd</sup> Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of statute formerly codified at K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. Formerly K.S.A. 21-4704(i)
17.  **3<sup>rd</sup> or Subs. Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of statute formerly codified at K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. Formerly K.S.A. 21-4704(i)
9.  **Crime Committed While Incarcerated and Serving a Felony Sentence, or While on Probation, Parole, Conditional Release, or Postrelease Supervision for a Felony** – new sentence shall be imposed pursuant to consecutive sentencing provisions in statute formerly codified at K.S.A. 21-4608 and the court may impose prison even if presumption is nonprison. Formerly K.S.A. 21-4603d(f); See also former K.S.A. 21-4608(e)(2) (serving indeterminate sentence)
28.  **Crime Committed While Incarcerated in a Juvenile Correctional Facility for an Offense That Would be a Felony if Committed by an Adult** – presumed prison. Formerly K.S.A. 21-4603d(f)(2)
10.  **Crime Committed While on Felony Bond** – Under statute formerly codified at K.S.A. 21-4603d(f)(3) new sentence “may” be imposed pursuant to consecutive sentencing provisions in statute formerly codified at K.S.A. 21-4608 and the court may impose prison even if presumption is nonprison. However, under statute formerly codified at K.S.A. 21-4608(d), new sentence “shall” be consecutive.
37.  **2<sup>nd</sup> or Subs. Identity Theft or Identity Fraud** – presumed prison (2011 H Sub for SB 55)

**NONGRID OFFENSES APPLY:**

6.  **Felony D.U.I.** (3rd, 4th or Subs.) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2011 Supp. 8-1567, term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)
8.  **Felony Domestic Battery** - nongrid, sentenced pursuant to specific mandatory sentencing requirements of statute formerly codified at K.S.A. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)
21.  **Animal Cruelty** Section 223 of Chapter 136 of the 2010 Session Laws of Kansas; 2<sup>nd</sup> or subsequent conviction; or **Working/ Assistance dog** – formerly K.S.A. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of same statute, term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)

**FINANCE OFFENSES APPLY:**

25.  **Fraudulent Insurance Act**, any combination of acts occurring within 6 consecutive months involving \$25,000 or more - presumed prison. Formerly K.S.A. 40-2,118(e)
15.  **Kansas Securities Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 17-12a508(a)(5)
19.  **Mortgage Business Act**, Second or Subsequent Conviction – presumed prison. K.S.A. 2010 Supp. 9-2203(d)
20.  **Loan Brokers Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a)