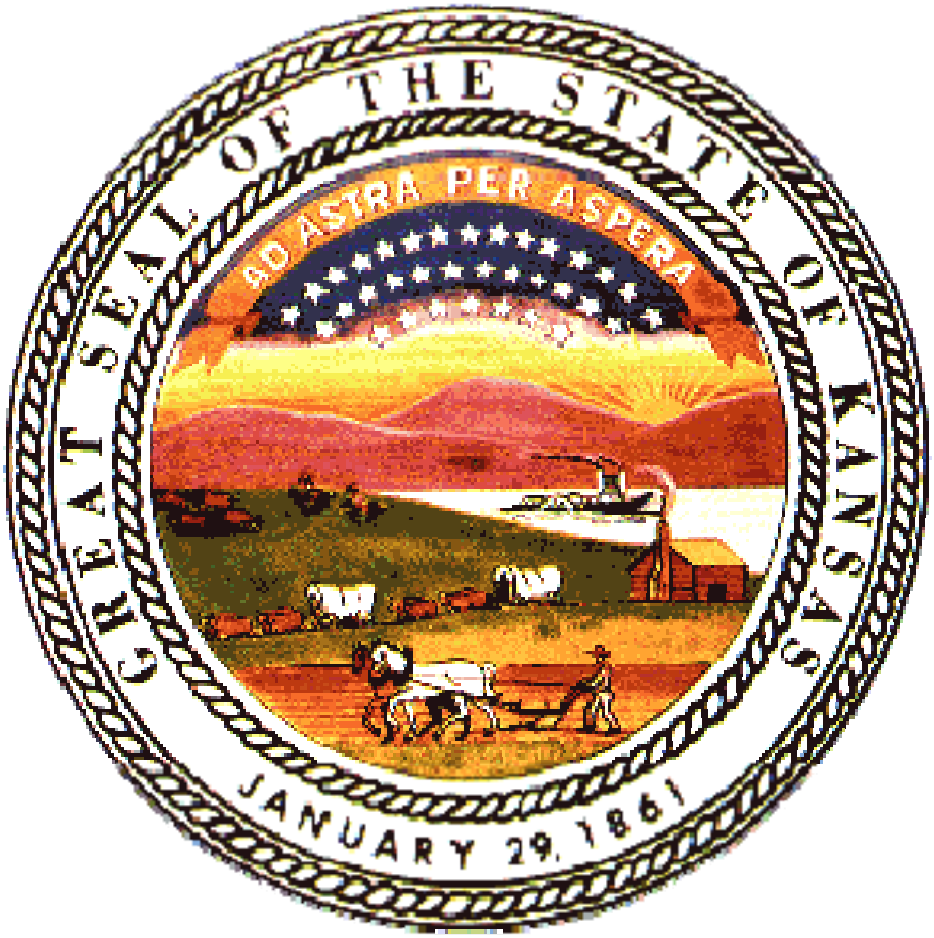
KANSAS

SENTENCING GUIDELINES



DESK REFERENCE MANUAL

2008

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INTRODUCTION

The 2008 Kansas Sentencing Commission Desk Reference Manual ("Manual") provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA), K.S.A. 21-4701 *et seq*. The Manual contains features that we hope will not only inform users of the latest developments in the Sentencing Guidelines but also help to facilitate more efficient use of the Manual and guidelines application.

In order to reduce the size of the Manual and hopefully make it more manageable, the Time Line of Selected Events Related to the KSGA has been removed from the printed version of the Manual and is now posted, along with other Appendices, on the Kansas Sentencing Commission (KSC) website at www.kansas.gov/ksc. All of the 2008 legislative changes relative to the sentencing guidelines remain in the manual and are summarized in the first section. The case law updates formerly located in Appendix A have been reformatted and posted on the KSC website under the "Case Law Updates" link. These updates are now organized by topic area and posted with the most recent cases at the top of the page. Finally, the chart contained in Appendix C outlining non-statutory departure reasons that have been approved or disapproved by the Kansas appellate courts has been updated to reflect the most recent published decisions through June 30, 2008 and has been posted on our website. Both Appendix B and C may be found by clicking the "Agency Publications" link and then selecting the 2008 Desk Reference Manual. Posting these documents on our website rather than publishing them in the Manual will allow us to easily update the material as new information becomes available.

The statutory listings of felonies and misdemeanors in Appendix E and F have also been modified to reflect the specific statutory violations based upon the 2008 Legislative Changes. Due to the costs of printing, only the alphabetical sort of the felonies and misdemeanor statutes have been included in the printed manual. The numerical, severity level, and class sorts are now only available for download from the KSC website. The complete versions of both the felony and misdemeanor statute files are posted with the Desk Reference Manual under the "Agency Publications" link.

The Kansas Sentencing Commission encourages criminal justice professionals to contact our staff for further information and assistance regarding related questions concerning the Manual or the Kansas Sentencing Guidelines Act. Questions may be directed to our Staff at (785) 296-0923, or by the e-mail link found on the Kansas Sentencing Commission website.

Sentencing provisions in effect at the time of the commission of the crime control the sentence for the offense(s) of conviction. Amendments to statutes are not applied retroactively unless the statutory language clearly indicates the intent to apply the changes retroactively.

Changes to the penalties and/or statutory language, and newly enacted legislation listed within the 2008 Legislative Changes to the Kansas Sentencing Guidelines Act and Related Criminal Law are effective on the date listed below the change(s).

ADDITIONAL COPIES

Requests for additional copies of the 2008 Manual may be obtained from the Kansas Sentencing Commission at a cost of ten dollars each for a bound hard copy document and five dollars each for a computer disk. This Manual may also be accessed free of charge via the Kansas Sentencing Commission website at www.kansas.gov/ksc.

This Manual is not copyrighted. The entire text of this Manual along with all of the grids, charts and forms, may be reproduced in part or in its entirety by any party wishing to do so. The 2008 Desk Reference Manual should always be used in consultation with the applicable Kansas statutes, the language of which are always controlling.

2008 LEGISLATIVE CHANGES TO THE KANSAS SENTENCING GUIDELINES ACT AND RELATED CRIMINAL LAW

Changes affecting the Kansas Sentencing Guidelines Act (K.S.A. 21-4701 et seq.,) and other related criminal statutes were made by the Kansas Legislature during the 2008 Legislative Session. These changes are summarized below under the headings of the Bills which the changes were included.

FELONY OFFENSES

Senate Bill 46

Senate Bill 46 as amended would allow persons who were in compliance with the National Firearms Act (28 USC 5801 et seq.) to possess silencers for firearms, shotguns with barrels less than 18 inches long, and automatic weapons. Senate Bill 46 as amended would allow a licensed dealer, manufacturer, or importer to deal in these types of firearms as well as any person to possess such firearms under federal restrictions. The bill would amend current law to **increase the penalty for the crime of defacing identification marks of a firearm, K.S.A. 2007 Supp. 21-4205, from a class B nonperson misdemeanor to a severity level 10 nonperson felony.**

Defacing identification marks of a firearm is intentionally changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

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

Senate Bill 411

Senate Bill 411 as amended would expand current law by adding three parole suitability factors to the list of factors considered by the Kansas Parole Board when making determinations regarding parole suitability. The three new factors are **risk factors revealed by any risk assessment** of the inmate and **recommendations by the staff of the facility** where the inmate is incarcerated, and **proportionality of the time the inmate has served to the sentence a person would receive under the Kansas Sentencing Guidelines** for the conduct that resulted in the inmate's incarceration.

Senate Bill 411 as amended would also extend the sentencing pilot program regarding the use of the LSI-R assessment tool in Johnson County for two years until July 1, 2010.

This act shall effect and be in force from and after its publication in the statute book.

House Substitute for Senate Bill 414

House Substitute for Senate Bill 414 would amend the crime of stalking, K.S.A. 21-3438 (The stalking provisions were originally contained in House Bill 2850). The amended crime of stalking to now include the following: Intentionally or recklessly engaging in a course of conduct that targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; Intentionally engaging in a course of conduct targeted at a specific person which the individual knows will place the targeted person in fear for such person's safety or the

safety of a member of such person's immediate family; or after being served with, or otherwise provided notice of , any protective order that prohibits contact with a targeted person, intentionally or recklessly engaging in at least one act that violates the provisions of the order and would cause a reasonable person to fear for safety, or the safety of a member of the person's immediate family and the targeted person is actually placed in such fear.

The severity levels for stalking would be increased as follows:

Upon a first conviction, stalking as described in the first part above would be **a class A person misdemeano**r. Upon a second or subsequent conviction, stalking as described in the first part above would be **a severity level 7 person felony**.

Upon a first conviction, stalking as described in the second part above would be **a class A person misdemeanor**. Upon a second or subsequent conviction, stalking as described in the second part above would be **a severity level 5 person felony.**

Upon a first conviction, stalking as described in the third part above would be **a severity level 9 person felony**. Upon a second or subsequent conviction, stalking as described in the third part above would be **a severity level 5 person felony**.

A person served with a protective order or a person who engaged in stalking after having been advised against the stalking activities by uniformed law enforcement officers would be presumed to have acted intentionally.

The bill **defines course of conduct** to mean two or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct would not include constitutionally protected activity or conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct would include, but not be limited to, any of the following acts or a combination thereof: threatening the safety of the targeted person or a member of such person's immediate family; following, approaching or confronting the targeted person or a member of such person's immediate family; appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family; causing damage to the targeted person's residence or property or that of a member of such person's immediate family; placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person; causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; and any act of communication.

No protective order shall be construed to prohibit an attorney, or person acting on behalf of an attorney who is representing the defendant in a civil or criminal proceeding from contacting the protected party for a legitimate purpose within the scope of a civil or criminal proceeding.

Further the bill inserts the provision that in a criminal proceeding a person who claims an exemption, exception or exclusion would have the burden of going forward with the asserted claim; and add the provision that present incarceration of a person who violates stalking elements would not be a bar to prosecution.

This bill shall take effect and be in force from and after its publication in the statute book.

House Substitute for Senate Bill 414 amending the crime of stalking, K.S.A. 21-3438:

21-3438(a)(1)	21-3438(a)(2)	21-3438(a)(3)	21-3438(c) (establishes a presumption)
Intentionally or recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.	Intentionally engaging in a course of conduct targeted at a specific person which the individual knows will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family;	After being served with or otherwise provided notice of, any protective order included in K.S.A. 21-3843, and amendments thereto, that prohibits contact with a targeted person, intentionally or recklessly engaging in at least one act listed in subsections (f)(1) that violates the provision of the order and would cause a reasonable person to fear for such person's safety or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.	For the purposes of section (c), a person served with a protective order as defined by K.S.A. 21-3843, and amendments thereto, or a person who engaged in acts which would constitute stalking, after having been advised by a uniformed law enforcement officer, that such person's actions were in violation of this section, shall be presumed to have acted intentionally as to any like future act targeted at the specific person or persons named in the order or as advised by the officer.
Upon a first conviction, stalking as described in subsection (a)(1) is a class A person misdemeanor;	Upon a first conviction, stalking as described in subsection (a)(2) is a class A person misdemeanor.	Upon a first conviction, stalking as described in subsection (a)(3) is a severity level 9 person felony.	
Upon a second or subsequent conviction, stalking as described in subsection (a)(1) is a severity level 7 person felony.	Upon a second or subsequent conviction, stalking as described in subsection (a)(2) is a severity level 5 person felony.	Upon a second or subsequent conviction, stalking as described in subsection (a)(3) is a severity level 5 person felony	

Senate Bill 419

Senate Bill 419 establishes the judgment form record and contents of Journal Entry of Judgment for use by the sentencing court when a judgment is rendered for felony crimes or if defendant is sentenced to imprisonment in the custody of the secretary of corrections. Amending K.S.A. 22-3426.

This bill shall take effect and be in force from and after its publication in the statute book.

Senate Bill 430

Senate Bill 430 makes the crime of **aggravated criminal threat, K.S.A.2007 Supp. 21-3419a, a severity level 5 person felony, regardless of economic loss.**

Aggravated criminal threat is a criminal threat, K.S.A. 2007 Supp. 21-3419, which causes the evacuation of a public, commercial or industrial building, place of assembly, or a facility of transportation. Under current law, the crime of aggravated criminal threat is a severity level 4, 5, or 6 person felony, depending on the economic loss.

This bill shall be effective upon publication in the Kansas Register.

Senate Bill 435

Senate Bill 435 requires the Kansas Sentencing Commission to annually produce, subject to appropriations, Juvenile Justice Authority correctional projection figures following its receipt of data from the JJA and to develop bed impact predictions regarding legislation that may affect juvenile correctional facility population. Amending K.S.A. 2007 Supp. 74-9101(b)(20).

This bill shall take effect and be in force from and after its publication in the statute book.

Senate Bill 477

Senate Bill 477, as amended, would amend current law to add electronic solicitation to the list of sexually violent crimes requiring registration pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq.

This bill shall be effective upon publication in the Kansas Register.

Senate Bill 481

Senate Bill 481, concerning substances included in the list of controlled substances, schedule I, amends current law to add the hallucinogenic drugs salvia divinorum (salvinorum A) and datura stramonium (gypsum weed or jimson weed) to the schedule I of the Kansas Controlled Substances Act. The bill would make it illegal to possess, use, or sell these drugs. Amending K.S.A. 65-4105 (d) (30) and (31).

The bill shall be effective upon its publication in the Kansas Register.

Substitute for House Bill 2207

Substitute for House Bill 2207 amends two statutes that are part of the Pharmacy Act of the State of Kansas and one statute that is a part of an act under which out-of-state-entities that dispense contact lenses to Kansans are regulated by the Board of Healing Arts.

K.S.A. 65-1657, the statute that concerns nonresident pharmacies would be amended to change the penalty for violation of the statute from a class C misdemeanor to severity level 10, nonperson felony. See Section 2. Amending K.S.A. 65-1657 (l) and (h), part of and supplemental to the pharmacy act of the state of Kansas.

Substitute for House Bill 2207 shall be effective on publication in the Kansas Register.

House Bill 2359

House Bill 2359 requires an individual to disclose any arrest, conviction, or diversion that has been expunged on an application for a license to carry a concealed weapon. Under House Bill 2359, if the applicant had arrests, convictions, or diversions expunged, and the applicant has been eligible for expungement for five years or more immediately preceding the date the application for licensure is submitted, then the applicant would not be disqualified from being issued a license to carry a concealed weapon. In addition, if the applicant has been convicted or placed on diversions for a felony and the felony has been expunged or is expugnable and the applicant has not been convicted of a felony that is not subject to expungement or adjudicated as a juvenile for an act that would be a felony, if committed by an adult, a license would be issued.

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

Substitute for House Bill 2545

Substitute for House Bill 2545 adds specific hallucinogenic drugs to the list of substances that are illegal to possess or have under one's control. A second conviction under the provisions of the bill is a drug severity level 4 felony. For instance, the drug MDMA, (Ecstasy)(3,4-methylendedioxymethamphetamine) has been added to the list of substances that are illegal to possess or have under one's control; a first conviction is a class A misdemeanor and the second conviction under the provisions of the bill would be a drug severity level 4 felony. Amending K.S.A 65-4162(b).

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

House Bill 2617

House Bill 2617 amends the implied consent law in order to require DUI mandatory implied consent to alcohol and drug testing in the event of traffic fatality or near fatality, the law regarding forensic examinations and testing, information, immunity, and costs.

The act shall take effect and be in force from and after its publication in the statute book.

Section 1. Amending K.S.A. 2007 Supp. 8-1001 (b) through (i); (k)(10) and (w)

K.S.A. 2007 Supp. 8-1001(b), as amended, requires a law enforcement officer to request a person to submit to a blood test or urine test for alcohol or drugs, or both, when the law enforcement officer has probable cause to believe:

- The person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs; OR

- The person was driving a commercial motor vehicle while having alcohol or other drugs in such person's system; OR

- The person was under the age of 21 years while having alcohol or other drugs in such person's system; AND

- The person was operating or attempting to operate the vehicle under the influence of alcohol or drugs, or both, and was involved in a vehicle accident or collision resulting in serious injury or death and such person could be cited for any traffic offense. The traffic offense violation shall constitute probable cause for a request for alcohol or drug testing.

K.S.A. 2007 Supp. 8-1001(w) as amended defines serious injury as a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:

- Disabling a person from the physical capacity to remove themselves from the scene;

- Rendering a person unconscious;

- Suffering the immediate loss or absence of the normal use of at least one limb;

- Determining, by a physician, of the need for surgery; and/or

- Indicating the person may die or be permanently disabled.

- However, the test would not be required if the law enforcement officer has reasonable grounds to believe the actions of the operator did not contribute to the accident or collision.

K.S.A. 2007 Supp. 8-1001(c), as amended, authorizes a law enforcement officer to direct a medical professional, including a licensed physician's assistant, to draw a blood sample (d)(1) as amended if the person has given consent; or (d)(2) as amended if medically unable to consent or (d)(3) as amended refuses to consent, when the person was operating or attempting to operate the vehicle while under the influence of alcohol or drugs, or both, and was involved in a vehicle accident or collision resulting in the immediate or likely death of any person and such person could be cited for any traffic offense.

K.S.A. 2007 Supp. 8-1001(e) as amended provides that when directed by a law enforcement officer, the medical professional would be required to withdraw the sample as soon as practical as long as the collection of the sample does not jeopardize the person's medical health assessment, care, or treatment. Further, the medical professional and the medical care facility where the blood is drawn would be acting on good faith that the prerequisites have been met by the law enforcement officer when the officer directs the blood draw.

K.S.A. 2007 Supp. 8-1001(f) as amended requires that the sample would be independent of the sample collected for medical purposes.

K.S.A. 2007 Supp. 8-1001(g) as amended provides that if a person needs to be restrained to collect the sample, law enforcement would be responsible for applying any such restraint.

K.S.A. 2007 Supp. 8-1001 (i) as amended provides that if the person is medically unable to provide a urine sample due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (d) and (e) shall apply to the collection of the urine sample.

K.S.A. 2007 Supp. 8-1001 (k)(10) as amended provides that after the completion of the testing, the person has the right to secure additional testing which if desired should be done as soon as possible and is customarily available from medical care facilities willing to conduct such testing.

The act shall take effect and be in force from and after its publication in the statute book.

House Bill 2707

Section 1. Amending K.S.A. 21-3702(a)(5),(6)

Expands the current law regarding theft of property to include a leased, rented or loaner motor vehicle that had not been returned after notice has been given to the person who leased, rented or was loaned the vehicle. A three (3) day limit starts to run upon receipt or refusal of the demand letter for return of the vehicle. The lessor would be allowed to notify the local law enforcement agency which would be able to enter any such motor vehicle into any appropriate state and local computer system listing stolen motor vehicles.

Section 2. Amending K.S.A. 21-3705 (b)(1),(2) criminal deprivation of property that is a motor vehicle, as defined in K.S.A. 8-1437 and amendments thereto.

The penalty for a first or second conviction under the above provisions would be a class A nonperson misdemeanor subject to a sentence of not less than 30 days and up to a year's imprisonment and a fine of $100 for a first conviction and a sentence of not less than 60 days nor more than a year's imprisonment and a fine of $200 for a second conviction. A third or subsequent conviction is now a severity level 9, nonperson felony. The sentence for the felony is presumptive imprisonment (See Section 4, K.S.A. 21-4704)

Section 3. Amending K.S.A. 21-4608(e)(2)

The period of post incarceration supervision shall be based on the longest term of post incarceration supervision imposed for all crimes upon which sentence was imposed or until discharge from supervision by the Kansas Parole Board. The term of post incarceration supervision imposed by this paragraph shall apply retroactively to crimes committed prior to the effective date of this act.

"Post incarceration supervision" includes parole and postrelease supervision.

Section 4. Amending K.S.A. 21-4704 (o)(1)(2)(3), (p)(1)(2)(3)

Theft with no prior conviction for theft or burglary,

Theft with one or two prior convictions for theft, burglary or aggravated burglary, or
Burglary with one prior conviction for theft, burglary, or aggravated burglary:
Optional nonprison sentence to participate in drug treatment program

The sentence for a felony theft or burglary when the offender being sentenced has no prior conviction for theft or burglary, or the sentence for theft when such offender has one or two prior felony convictions for theft, burglary or aggravated burglary; or the sentence for burglary when such offender has one prior felony conviction for theft, burglary, or aggravated burglary shall be the sentence as provided by the sentencing guidelines except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including but not limited to, an approved after-care plan, if the court finds on the record that substance abuse was an underlying factor in the commission of the crime(s); substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and participation in an intensive substance abuse treatment program will serve community safety interests. A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of K.S.A. 21-4729 (2003 Senate Bill 123) shall apply.

Theft with any combination of three or more convictions for theft, burglary or aggravated burglary, or burglary with any combination of two or more convictions for theft, burglary or aggravated burglary: Presumptive Imprisonment with possible court recommendation to participate in KDOC intensive 4 month substance abuse treatment program.

The sentence for a felony theft when such offender has any combination of three or more prior felony convictions for theft, burglary or aggravated burglary, or the sentence for felony burglary when such offender has any combination of two or more prior convictions for theft, burglary and aggravated burglary shall be presumed imprisonment and the defendant shall be sentenced to prison, except that the court may recommend that such defendant be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, if the court finds on the record that substance abuse was an underlying factor in the commission of the crime(s); substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

This intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. This sentence shall not be considered a departure and shall not be subject to appeal.

Section 5. Amending K.S.A. 21-4705(f)(1),(2)

Third or subsequent conviction of K.S.A. 65-4160 or 65-4162:
Presumptive Imprisonment with intensive substance abuse treatment; exceptions

The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison. Such term of imprisonment shall be served in a facility designated by the secretary of corrections to

participate in an intensive substance abuse treatment program. The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed. If the offender's terms of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

If the defendant has previously completed a certified drug abuse treatment program, has been discharged or refused to participate in a certified drug abuse treatment program, has completed an intensive substance abuse treatment program or has been discharged or refused to participate in an intensive substance abuse treatment program, such defendant's term of imprisonment shall not be subject to modification.

Section 6. Amending K.S.A. 21-4714(b)(10)

Pre-sentence investigation reports (PSIs) for a third or subsequent felony conviction of drug possession shall include substance abuse assessment as provided in K.S.A. 21-4729.

Section 7. Amending K.S.A. 21-4719(a)

Provides that no downward dispositional departure shall be imposed for any crime of extreme sexual violence; further provides that the sentencing judge shall not impose a downward durational departure for a crime of extreme sexual violence to less than 50% of the center of the range of the sentence for such crime.

Section 8. Amending K.S.A. 22-3716 (a)

Provides that any court service officer or community correctional services officer may deputize any other officer with power of arrest to do so by giving the officer a verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction.

Section 9. Amending K.S.A. 2007 Supp. 74-9501(9)(A)

Establishes the Substance Abuse Policy Board, and extends the sunset provisions for the Sex Offender Policy Board to June 30, 2011.

Section 10. Amending K.S.A. 2007 Supp. 75-5210(b)

Provides that inmates sentenced to a state facility designated by the secretary to participate in an intensive substance abuse treatment program, shall have a presumption of minimum security status. These presumptions of minimum security status shall be applied to the initial security custody upon readmission into a correctional facility or admission into a state facility to participate in an intensive substance abuse treatment program, unless the security custody status is increased pursuant to policies adopted by the secretary. The security custody status designed by the department shall not be subject to judicial review.

Section 11. Amending K.S.A. 2007 Supp. 75-5217(a)

Provides any parole officer may deputize others by a verbal statement to assist in the arrest of a released inmate who has violated the conditions of release.

Section 12. Amending K.S.A. 2007 Supp. 75-5220(e)

Provides that any offender sentenced to a facility designated by the secretary of corrections to participate in an intensive substance abuse treatment program shall not be transferred to the state reception and diagnostic center but directly to such facility, unless otherwise directed by the secretary. The secretary may transfer the housing and confinement of any offender sentenced to a facility to participate in an intensive substance abuse treatment program to any institution or facility to K.S.A. 75-5206 and amendments thereto.

The act shall take effect and be in force from and after its publication in the statute book.

House Bill 2726

House Bill 2726 prohibits law enforcement personnel from requesting or requiring an alleged victim of sex offenses including incest or aggravated incest to submit to a polygraph examination or similar truth-telling device.

The act shall take effect and be in force from and after its publication in the statute book.

House Bill 2780

House Bill 2708 amends the law regarding the following provisions:

- Cruelty to animals fine is increased, on a second or subsequent conviction, to not less than $500 nor more than $2,500; Amending K.S.A. 21-4310(d)(2).

- Aggravated endangering a child is an offense that shall not be expunged; Amending K.S.A. 21-4619 (c)(11).

- An offender, whose non-prison sanction is revoked and whose crime was sexually motivated, is required to serve post-release supervision; Amending K.S.A. 22-3716(e).

- Domestic battery fines are increased from $1,000 to $7,500; Amending K.S.A. 21-3412a(b)(3): and

- Adds the Heart of America Regional Computer Forensics Laboratory to the list of facilities that can perform and charge for criminalistic laboratory services; Amending K.S.A. 2007 Supp. 28-176 (e)

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

House Bill 2845

House Bill 2845 amends the crime of aiding escape, K.S.A. 21-3811. Aiding escape by an employee or volunteer of the Kansas Department of Corrections (KDOC), or employee or volunteer of a contractor of KDOC would be punishable as a severity level 4, nonperson felony.

This bill shall take effect and be in force from and after its publication in the statute book.

MISDEMEANOR OFFENSES

Senate Bill 21

Intentional disclosure of the applicant employment information compiled and submitted for nomination or appointments to state office requiring appointing authority and subject to Senate confirmation is a class A nonperson misdemeanor

Senate Bill 21, New Section 1(g), provides that all such information except conviction information will be confidential and that intentional disclosure of the information will be a class A nonperson misdemeanor. Information may be disposed of in a manner provided by K.S.A. 75-3501 et seq. if the nomination is withdrawn or the appointment is denied.

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

Senate Bill 46

Defacing identification marks of a firearm is amended from a class B nonperson misdemeanor to a severity level 10, nonperson felony

Senate Bill 46, amending K.S.A. 21-4205, increases the penalty for the crime of defacing identification marks of a firearm from a class B nonperson misdemeanor to a severity level 10, nonperson felony.

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

House Substitute for Senate Bill 226

Funeral Picketing is a class B misdemeanor; each day a violation occurs is a separate offense

House Substitute for Senate Bill 226, repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a, creates the Kansas Funeral Privacy Act prohibiting a public demonstration within 150 feet of any entrance to any cemetery, church, mortuary, or other location where a funeral is held or conducted. The prohibition would commence within one hour prior to the scheduled commencement of the funeral. In addition, the act prohibits knowingly obstructing, hindering, impeding or blocking a person's entry to or exit from a funeral or knowingly impeding vehicles which are part of the funeral procession. Violations of these provisions would be a class B person misdemeanor. Each day a violation occurs would constitute a separate offense.

This Act took effect upon its publication in the Kansas Register on April 10, 2008.

Senate Bill 267

Failure to Comply with a Wildlife and Parks Citation is a class C misdemeanor

Senate Bill 267, amending K.S.A. 2007 Supp. 32-1054, creates the new crime of failure to comply with a wildlife and parks citation. The new crime would be defined as failure to:

- Appear before a district court in response to a citation and to pay any fine, court costs, assessments, or fees imposed in full;

- Fully pay or satisfy all fines, court costs, assessments, or fees imposed as part of a sentence of any district court for violation of the Kansas wildlife and parks laws; or

- Comply with a wildlife and parks citation as provided in law.

Failure to comply with a wildlife and parks citation is a class C misdemeanor, regardless of the disposition of the original charge.

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

House Substitute for Senate Bill 273

Illegally obtaining or communicating confidential child support debtor information is a class B nonperson misdemeanor

House Substitute for SB 273 amends K.S.A. 39-759 prohibiting the illegal obtaining or communication of confidential information about absent parents to include information obtained under the provisions applying to support debtors. Any person who either illegally obtains or communicates confidential information is guilty of a class B nonperson misdemeanor.

This act shall take effect and be in force from and after its publication in the statute book

Senate Bill 410

Penalty for assisting or harboring an escaped juvenile repealed

Senate Bill 410 repeals K.S.A 76-2111 that finds any individual convicted of assisting or harboring an escaped juvenile from a juvenile correctional facility guilty of a misdemeanor.

House Substitute for Senate Bill 414

Stalking, upon a first conviction, as described in subsections (a)(1) and (a)(2) is a class A person misdemeanor

House Substitute for Senate Bill 414 provides the crime of stalking upon a first conviction as described in both the first subsection and second subsection of the statutory provision, K.S.A. 21-3438, is a class A person misdemeanor.

Subsection (a)(1) includes the following actions:

- Intentionally or recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person are actually

placed in such fear.

Subsection (a)(2) includes the following actions:

- Intentionally engaging in a curse of conduct targeted at a specific person which individual knows will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family.

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

Senate Bill 562

Electioneering is a class C misdemeanor

Senate Bill 562, amending K.S.A. 2007 Supp. 25-2430, authorizes the county election officer to contact the operator at each adult care home and hospital based/long term care unit not less than 60 days before any election to request that the registered voters in the facility be offered the opportunity to vote according to the procedures outlined in this section. The provisions of this section shall not apply to mail ballot elections conducted pursuant to K.S.A. 25-4301 et seq. and amendments thereto.

This act shall take effect and be in force from and after **January 1, 2010, and** its publication in the statute book.

House Bill 2186

Violation of adoption requirements are punishable as an unclassified misdemeanor with a fine of up to $1,000 for each violation

House Bill 2186, amended K.S.A. 59-2123, the law regarding adoptions, to ensure that persons who advertise to adopt, find an adoptive home for a child or otherwise place a child for adoption are subject to regulation. A person advertising to assist in an adoption process shall state in the advertisement whether or not such person is licensed in any profession and, if licenses, under what authority the license is issued and in what profession. This requirement shall not apply to the Department of Social and Rehabilitation Services or to an individual seeking to adopt a child. In addition, the bill makes violation of these requirements to be punishable as an unclassified misdemeanor with a fine of up to $1,000 for each violation.

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

Substitute for House Bill 2207

Pharmacy and contact lens dispensing; nonresident pharmacy violation raised from a class C misdemeanor to a severity level 10 nonperson felony

Substitute for House Bill No. 2207, amending K.S.A. 2007 Supp. 65-1657, makes it unlawful for any nonresident pharmacy which is not registered under Pharmacy and Contact Lens Dispensing Act to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not yet registered with the board. Violation of this provision is raised from a class C misdemeanor to a severity level 10 nonperson felony.

This act became effective on publication in the Kansas Register on April 17, 2008.

House Bill 2315

Home inspectors; conducting home inspections for compensation without registration pursuant to Act requirements is a class A misdemeanor

House Bill 2315 requiring home inspector registration and certification under the Kansas Home Inspectors Professional Competence and Financial Responsibility Act makes a violation of this section a class A nonperson misdemeanor.

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

Senate Substitute for House Bill 2504

Amusement rides inspection and regulation; violating safety rules for amusement rides are class B and class C misdemeanors

Senate Substitute for House Bill 2504 provides for the inspection and regulation of amusement rides; including penalties and remedies for violations, specifically Section 10(a) provides for a class B misdemeanor for any knowing violation of the safety rules by an owner or operator of an amusement ride and Section 10(b) provides it is a class C misdemeanor to violate section 8 requiring any person contracting with an owner for the amusement ride's operations must ensure that inspection certificate as well as maintenance and inspections records are available, and that safety instructions for rides are posted. Each day a violation continues shall constitute a separate offense.

This act shall take effect and be in force from and after January 1, 2009 and its publication in the statute book.

House Bill 2657

Motorboat noise abatement; failure to comply with a request or direction of an officer authorized to enforce the noise standard is a class C misdemeanor

HB 2657, amending K.S.A. 2007 Supp. 32-1120(c), allows an officer who is authorized to enforce the noise standard and who has caused to suspect a motorboat is not in compliance to direct the operator to submit the boat to an on-site test. The owner of a motorboat that is in violation of the noise standard would have 60 days from the date of the violation to bring the vessel into compliance. It would be the owner's responsibility to have the motorboat tested by the Department of Wildlife and Parks after taking action to bring it into compliance, and, if the test is failed, to keep the motor boat moored until the Department certifies compliance. Failure to comply with a request or direction of an officer who is authorized to enforce the noise abatement standard for motorboats operated on Kansas waters pursuant to K.S.A. 2007 Supp. 32-1120(c) is a class C misdemeanor.

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

House Bill 2707

Criminal deprivation of a motor vehicle is a class A misdemeanor for a first or second conviction

House Bill 2707 amending K.S.A. 21-3705 provides that a first or second conviction of criminal deprivation of a motor vehicle as described in K.S.A. 8-1437 is a class A misdemeanor.

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

House Bill 2721

Violations of the Body Arts Act are class A misdemeanors

House Bill 2721, amending K.S.A. 65-1942, makes additions to the list of violations that can result in a disciplinary action under the act which tattoo artists, permanent color technicians, and persons engaged in body piercing are licensed. A violation of any of the following restrictions constitutes a class A misdemeanor.

- Producing an indelible mark or figure on the body of another by scarring, using scalpels or other related equipment;

- Producing an indelible mark or figure on the body of another by branding, using a hot iron other instrument; and

- Using any instrument, other than a needle, for the purpose of tattooing, cosmetic tattooing or body piercing.

K.S.A. 65-1953 as amended also states it is a class A misdemeanor offense to violate either the prohibition against either body piercing, cosmetic tattooing or tattooing on or to any person under 18 years of age without prior written and notarized parental consent together with the parent or guardian giving consent physically present, or the requirement that such written documentation be retained for a period of five (5) years.

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

House Bill 2772

Real estate appraisers and sales contracts; violations of license/certification provisions amended from a class B misdemeanor to a class A nonperson misdemeanor

Senate Substitute for House Bill No. 2772 amending K.S.A. 58-4103, provides that no person other than a state certified or licensed appraiser shall advertise or otherwise represent in any manner that such person is a state certified or licensed appraiser. Violation of this section is amended from a class B misdemeanor to a class A nonperson misdemeanor.

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

CHAPTER I: THE BASICS OF THE SENTENCING GUIDELINES

Sentencing Considerations

The sentencing court should consider all available alternatives in determining the appropriate sentence for each offender. The sentencing guidelines seek to establish equity among like offenders in typical case scenarios. Rehabilitative measures are still an integral part of the corrections process, and criminal justice professionals will continue their efforts in reestablishing offenders within communities. The guidelines do not prohibit sentencing courts from departing from the prescribed sentence in atypical cases. The sentencing court is free to choose an appropriate sentence, or combination of sentences, for each case. See K.S.A. 21-4603d.

Sentencing Guidelines

The Kansas Sentencing Guidelines Act (KSGA) became effective July 1, 1993. Two grids, containing the sentencing range for drug crimes and nondrug crimes, were developed for use as a tool in sentencing. The sentencing guidelines grids provide practitioners in the criminal justice system with an overview of presumptive felony sentences. The presumptive sentence is determined by two factors: the severity level of the current crime of conviction and the offender's criminal history. The grid block where the severity level of the crime and the offender's total criminal history score intersect is the presumed sentence, stated in months. See K.S.A. 21-4704.

Off-Grid Crimes

The crimes of capital murder (K.S.A. 21-3439), murder in the first degree (K.S.A. 21-3401), treason (K.S.A. 21-3801) and several specific sex offenses involving victims less than 14 years of age and offenders 18 years of age or older are designated as off-grid person crimes and for such crimes, the term of imprisonment shall be imprisonment for life. K.S.A. 21-4706. However, in most cases, such sentences do not actually mean that the offender will remain imprisoned for the remainder of the offender's life. Generally, an offender will become eligible for parole after serving a mandatory term of years in confinement. The exceptions are for convictions of capital murder wherein the death penalty is not imposed and for convictions as an aggravated habitual sex offender.

A person convicted of premeditated first-degree murder will be eligible for parole after serving 25 years in confinement unless the court finds that aggravating circumstances exist and such aggravating circumstances are not outweighed by any mitigating circumstances. In that case, the person shall serve 40 or 50 years pursuant to K.S.A. 21-4638 before becoming eligible for parole. See K.S.A. 22-3717(b)(1), 21-4635(b), (d), and 21-4638(hard 40 for crimes committed prior to July 1, 1999, hard 50 for crimes committed on or after July 1, 1999). For crimes committed on or after July 1, 2006 where a hard 50 sentence could be imposed, such sentence will not be imposed if the offender's criminal history would result in a guidelines sentence in excess of 600 months. In that case, the mandatory minimum will be the 600+ months as provided by the guidelines grid. K.S.A. 21-4638.

Felony murder and treason carry a term of life imprisonment with eligibility for parole after serving 15 years for crimes committed after July 1, 1993 but prior to July 1, 1999, and 20 years for crimes committed on or after July 1, 1999. See K.S.A. 22-3717(b)(2).

In 2006, Senate Substitute for House Bill 2576 was passed and designated certain sex offenses involving victims less than 14 years of age and offenders 18 years of age or older as off-grid felonies. If an offender is convicted of one of these off-grid sex offenses, the sentence shall be imprisonment for life pursuant to K.S.A. 21-4643 unless the offender is determined to be an aggravated habitual sex offender. K.S.A. 21-4706(d). If the offender is determined to be an aggravated habitual sex offender, the sentence would be imprisonment for life without the possibility of parole. K.S.A. 21-4642.

As with the aggravated habitual sex offender, K.S.A. 21-4635 provides that if a person is convicted of capital murder where the crime was committed on or after July 1, 2004, and a sentence of death is not imposed pursuant to K.S.A. 21-4624, such person shall be sentenced to life imprisonment without the possibility of parole. If the crime of capital murder was committed prior to July 1, 2004, and the death penalty was not imposed, the mandatory minimum term of imprisonment would be 25 years unless aggravating factors were found to outweigh any mitigating ones. In that case, the term would be either 40 or 50 years as with premeditated first degree murder. K.S.A. 2003 Supp. 21-4635. The death penalty and the sentence of life imprisonment without parole do not apply to juveniles or persons determined to be mentally retarded.

Drug Grid and Nondrug Grid

There are two grids used for sentencing on felony convictions. The drug grid is used for sentencing of drug crimes described in K.S.A. Chapter 65, Article 41. The nondrug grid is used for sentencing of all other felony crimes. Both grids are similar in appearance. The criminal history categories make up the horizontal axis and the crime severity levels make up the vertical axis. Each grid contains nine criminal history categories. The drug grid contains four severity levels while the nondrug grid contains ten severity levels. A thick, black dispositional line cuts across both grids. Above the dispositional line are unshaded grid blocks, which are designated as presumptive prison sentences. Below the dispositional line are shaded grid blocks, which are designated as presumptive probation sentences.

The grids also contain blocks that have lines passing through them, which are referred to as "border boxes." A border box has a presumptive prison sentence but the sentencing court may choose to impose an optional nonprison sentence, which will not constitute a departure. The nondrug grid contains three border boxes, in levels 5-H, 5-I and 6-G. The drug grid contains five border boxes, in levels 3-E, 3-F, 3-G, 3-H and 3-I. See K.S.A. 21-4704 and 21-4705.

Grid Blocks

Within each grid block are three numbers, representing months of imprisonment. The three numbers provide the sentencing court with a range for sentencing. The sentencing court has discretion to sentence at any place within the range. The middle number in the grid block is the standard number and is intended to be the appropriate sentence for typical cases. The upper and lower numbers should be used

for cases involving aggravating or mitigating factors insufficient to warrant a departure. See K.S.A. 21-4704 and 21-4705.

The sentencing court may depart upward to increase the length of a sentence up to double the duration within the grid block. The court may also depart downward to lower the duration of a presumptive sentence to any extent. See K.S.A. 21-4716, 21-4717 and 21-4718. The court may also impose a dispositional departure when aggravating or mitigating circumstances exist that are substantial and compelling. See K.S.A. 21-4719(c)(2).

In *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face" for the imposition of upward durational departure sentences. In the 2002 Legislative Session both K.S.A. 2001 Supp. 21-4716 and K.S.A. 21-4718 were amended to correct the upward durational departure problem arising from *Gould* and this change became effective on June 6, 2002. The jury now determines all of the aggravating factors that might enhance the maximum sentence, based upon the reasonable doubt standard. The trial court determines if the presentation of evidence regarding the aggravating factors will be presented during the trial of the matter, or in a bifurcated jury proceeding following the trial. See K.S.A. 21-4718.

CHAPTER II: PROCEDURE PRIOR TO SENTENCING

Determination of the Date of Offense; Application to the Sentencing Guidelines

The Kansas Sentencing Guidelines Act (KSGA) applies to all felony crimes committed on or after July 1, 1993. All felony crimes committed prior to that date should be prosecuted under the laws existing prior to that date. A crime is committed prior to July 1, 1993, if any essential elements of the crime as then defined occurred before July 1, 1993. If it cannot be determined that the crime was committed prior to or after July 1, 1993, the offender should be prosecuted under laws existing prior to the KSGA. See K.S.A. 21-4723.

The date of offense controls selection of the appropriate Journal Entry form. Each year the Journal Entry forms are updated to reflect the laws and special sentencing rules in effect beginning July 1 of that year. Therefore, when completing a journal entry form make sure that the year of the form corresponds with the laws in effect for the date of offense. Examples: For an offense committed on May 1, 2001, complete the 2000 Journal entry form. For an offense committed October 7, 1996, the corresponding 1996 Journal entry form should be completed.

Accusatory Instruments

All accusatory instruments filed for crimes to be sentenced under the KSGA system should allege facts sufficient to classify the crime severity level of the offense on the guidelines grid. If a particular felony crime is sub classified into different versions of the same offense that have been assigned different severity levels, the accusatory instrument should include facts sufficient to establish the required elements of the version of the offense carrying the severity level reflected in the accusatory instrument. See K.S.A. 22-3201.

Fingerprinting; Sentencing Guidelines Implications

Municipal Court Duties The court is required to ensure that fingerprints are taken upon conviction for a city ordinance violation comparable to a class A or B misdemeanor as defined by a Kansas criminal statute, or for an assault as defined in K.S.A. 21-3408. See K.S.A. 12-4517(a).

Law Enforcement Duties Every sheriff, police department or countywide law enforcement agency in the state is required to make two sets of fingerprint impressions of a person who is arrested if the person is:

- wanted for the commission of a felony. On or after July 1, 1993, fingerprints shall also be taken if the person is wanted for the commission of a class A or B misdemeanor or a violation of a county resolution which would be the equivalent of a class A or B misdemeanor as defined by a Kansas criminal statute, or for an assault as defined in K.S.A. 21-3408.
- is believed to be a fugitive from justice;
- may be in the possession at the time of arrest of any goods or property reasonably believed to have been stolen by the person;

- is in possession of firearms or other concealed weapons, burglary tools, high explosives or other appliances believed to be used solely for criminal purposes;
- is wanted for any offense which involves sexual conduct prohibited by law or for violation of the uniform controlled substances act; or
- is suspected of being or known to be a habitual criminal or violator of the intoxicating liquor law.

See K.S.A. 21-2501(a).

County/District Court Duties The court shall ensure, upon the accused person's first appearance, or in any event, before final disposition of a felony or a class A or B misdemeanor or a violation of a county resolution which prohibits an act which is prohibited by a class A or B misdemeanor, the offender has been processed and fingerprinted. See K.S.A. 21-2501(b).

Juvenile Court Duties Fingerprints shall not be taken of any juvenile who is taken into custody for any purpose, with the following exceptions:

- Fingerprints of a juvenile may be taken if authorized by the court having jurisdiction;
- After adjudication, fingerprints shall be taken of all juvenile offenders adjudicated due to commission of an offense which if committed by an adult would constitute the commission of a felony or any of the following misdemeanor violations:
    - K.S.A. 21-3424, criminal restraint, when the victim is less than 18 years of age,
    - Subsection (a)(1) of K.S.A. 21-3503, indecent liberties with a child,
    - K.S.A. 21-3507, adultery, when one of the parties involved is less than 18 years of age,
    - K.S.A. 21-3508, lewd and lascivious behavior,
    - Subsection (b)(1) of K.S.A. 21-3513, promoting prostitution, when one of the parties involved is less than 18 years of age,
    - K.S.A. 21-3517, sexual battery, and
    - an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, to commit a violation of any of the offenses specified in this subsection;
- Fingerprints of a juvenile may be taken under K.S.A. 21-2501, if the juvenile has been prosecuted as an adult pursuant to K.S.A. 38-2347; and
- Fingerprints may be taken of any juvenile admitted to a juvenile correctional facility.

See K.S.A. 38-2313.

Official Records

All Kansas law enforcement agencies shall maintain a permanent record, on forms approved by the Attorney General, of all felony and misdemeanor offenses reported or known to have been committed within their respective jurisdictions. K.S.A. 21-2501a(a). All law enforcement agencies must file a report of such offenses, on a form approved by the Attorney General, with the Kansas Bureau of Investigation (KBI) within 72 hours after such offense is reported or known to have been committed. K.S.A. 21-2501a(b). Effective April 21, 2005, all law enforcement agencies must report within 30 days and on forms approved by the Attorney General, any methamphetamine laboratory seizures or dump sites and any theft or attempted theft of anhydrous ammonia that occurs in such agency's jurisdiction. K.S.A. 21-2501a(c).

Plea Agreement Rules

The parties may move to dismiss any charge or counts pursuant to a plea bargain. The parties may stipulate to a particular sentence within the grid block classification appropriate for an offender given his or her crime of conviction and complete criminal history score. The parties may agree to recommend a sentence outside the presumptive range on the grid when departure factors exist. These factors must be stated on the record. The State may agree to file or not to file specific charges or counts. See K.S.A. 21-4713.

A plea agreement involving the deliberate deletion of an offender's prior convictions from criminal history or an agreement by the prosecution to disregard any prior convictions of the offender which will elevate the severity level of the offense or count in the offender's criminal history is impermissible. See K.S.A. 21-4713(f) and 21-4708(b)(2).

The sentencing court is free to accept or reject any plea agreement entered into by the parties. At the time of acceptance of a plea of guilty or *nolo contendere*, the sentencing court must inform the offender of the specific severity level of the crime and the range of penalties associated with that severity level. See K.S.A. 22-3210.

Once the guilty or *nolo contendere* plea has been accepted by the court, the severity level of the crime cannot be elevated for sentencing purposes due to the subsequent discovery of prior convictions which would have raised the severity level of the crime; instead the prior convictions will be used in the determination of the criminal history category. See K.S.A. 21-4707(b)(4).

Diversions

A diversion agreement cannot be entered into for a DUI violation if; the defendant has previously participated in a diversion for DUI, has previously been convicted of or pleaded *nolo contendere* to a DUI or, during the time of the DUI the defendant was involved in a motor vehicle accident or collision resulting in personal injury or death. K.S.A. 22-2908(b)(1).

A diversion agreement cannot be entered into for a class A or B felony or for crimes committed on or after July 1, 1993, an off-grid crime, a nondrug severity level 1, 2 or 3 felony, or a drug severity level 1 or 2 felony. K.S.A. 22-2908(b)(2).

A county or district attorney may enter into a diversion agreement in lieu of criminal proceedings on a complaint for violation of Wildlife and Parks laws (Article 10 of Chapter 32) if the diversion carries the same penalties as the conviction for the corresponding violation. If the defendant has previously participated in one or more diversions then each subsequent diversion would carry the same penalties as the conviction for the corresponding violation. See K.S.A. 22-2908(c).

Deferring Sentence Pending Mental Examination

A mental health examination may be completed on the offender as part of the presentence investigation report. The sentencing court may commit the offender to a state security hospital or suitable local mental health facility for such examination. The maximum duration of commitment that can be imposed for the examination is 120 days. See K.S.A. 22-3429.

Drug Abuse Assessment

As part of the presentence investigation, offenders who meet the requirements of K.S.A. 21-4729(a) (2003 Senate Bill 123) shall be subject to a drug abuse assessment which shall include a clinical interview with a mental health professional (as defined in subsection (g) of K.S.A. 21-4729) and a recommendation concerning drug abuse treatment for the offender, and a criminal risk-need assessment, unless otherwise specifically ordered by the court. The criminal risk need assessment shall assign a high or low risk status to the offender. K.S.A. 21-4729(b).

The presentence criminal risk-need assessment shall be conducted by a court services officer or a community corrections officer. The presentence drug abuse treatment program placement assessment shall be conducted by a drug abuse treatment program certified by the secretary of corrections to provide assessment and treatment services. See K.S.A. 75-52,144(b).

The drug abuse assessment is only available to the parties, the sentencing judge, the department of corrections and if requested, the Kansas Sentencing Commission. See K.S.A. 21-4714(c).

CHAPTER III: CRIME SEVERITY LEVELS

General Rules for Determining Severity Levels

The severity levels range from severity level 1 to severity level 10 on the nondrug grid. Level 1 is used to categorize the most severe crimes and level 10 is used to categorize the least severe crimes. Crimes listed within each level are considered relatively equal in severity. K.S.A. 21-4707(a).

The crime severity scale contained in the sentencing guidelines grid for drug crimes consist of four levels of crimes. Crimes listed within each level are also considered relatively equal in severity. Level 1 is used to categorize the most severe crimes and level 4 is used to categorize the least severe crimes. K.S.A. 21-4708(a).

The following provisions shall be applicable with regard to ranking offenses according to the crime severity scale:

(1) The sentencing court will designate the appropriate severity level if it is not provided by statute. When considering an unranked offense in relation to the crime severity scale, the sentencing court should refer to comparable offenses on the crime severity scale. K.S.A. 21-4707(c)(1).

(2) Except for off-grid felony crimes, which are classified as person felonies, any felony crimes omitted from the crime severity scale shall be considered nonperson felonies. K.S.A. 21-4707(c)(2).

(3) All unclassified felonies shall be scored as level 10 nonperson crimes. K.S.A. 21-4707(c)(3).

All felony crimes, with the exception of off-grid crimes, felony driving under the influence (K.S.A. 8-1567), felony domestic battery (K.S.A. 21-3412a), and animal cruelty (K.S.A. 21-4310 and 21-4318) should be categorized in one or more of the crime severity levels. The severity level designation of each felony crime is included in the statutory definition of the crime. Some crimes include a broad range of conduct. In such circumstances, there may be a different severity level designated for violations of different subsections of the statute. All felonies are listed in Appendix E of this Manual in three versions: numerically by statute number; alphabetically by description; and by severity level and then by statute number.

Anticipatory Crimes

The anticipatory crimes, attempt, conspiracy and solicitation, are treated differently for off-grid felonies, offenses on the nondrug grid and drug grid, and misdemeanor offenses.

Attempt (K.S.A. 21-3301)

- An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1.
  - This reduction of severity level does not apply if the offender is being sentenced as an aggravated habitual sex offender, or for child sex offenses involving a victim less than 14 years of age and an offender 18 or older. See K.S.A. 21-4642 and K.S.A. 21-4643 (Jessica's Law).
- An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

- An attempt to commit a felony that prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

  - The provision for the reduction of a sentence on the drug grid by six months for an attempted crime does not apply in cases involving an attempt to manufacture a controlled substance under K.S.A. 65-4159. K.S.A. 65-4159(d).

- An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor. An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Conspiracy (K.S.A. 2007 21-3302)

- Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2.
  - This reduction of severity level does not apply if the offender is being sentenced as an aggravated habitual sex offender, or for child sex offenses involving a victim less than 14 years of age and an offender 18 or older. See K.S.A. 21-4642 and K.S.A. 21-4643 (Jessica's Law).

- Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

- Conspiracy to commit a felony that prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

- Conspiracy to commit a misdemeanor is a class C misdemeanor.

Solicitation (K.S.A. 2007 21-3303)

- Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3.
  - This reduction of severity level does not apply if the offender is being sentenced as an aggravated habitual sex offender, or for child sex offenses involving a victim less than 14 years of age and an offender 18 or older. See K.S.A. 21-4642 and K.S.A. 21-4643 (Jessica's Law).

- Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three (3) severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for solicitation to commit a nondrug felony shall be a severity level 10.

- Criminal solicitation to commit a felony that prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

CHAPTER IV: CRIMINAL HISTORY

Criminal History Rules

The horizontal axis or top of the grid represents the criminal history categories. Nine categories are used to designate prior criminal history. Category A is used to categorize offenders having three (3) or more prior felony convictions designated as person crimes. Category I is used to categorize offenders having either no criminal record or a single conviction or juvenile adjudication for a misdemeanor. The criminal history categories classify an offender's criminal history in a quantitative as well as a qualitative manner. The categories between A and I reflect cumulative criminal history with an emphasis on whether prior convictions were for person crimes or nonperson crimes. Generally, person crimes are weighted more heavily than nonperson crimes. Within limits, prior convictions for person crimes will result in a harsher sentence for the current crime of conviction. See K.S.A. 21-4709.

The criminal history scale is represented in an abbreviated form on the horizontal axis of the nondrug grid and the drug grid. The relative severity of each criminal history category decreases from left to right on the grids, with Criminal History Category A being the most serious classification and Criminal History Category I being the least serious classification.

Criminal History Category	**Descriptive Criminal History**
A	The offender's criminal history includes three or more adult convictions or juvenile adjudications, in any combination, for person felonies.
B	The offender's criminal history includes two adult convictions or juvenile adjudications, in any combination, for person felonies.
C	The offender's criminal history includes one adult conviction or juvenile adjudication for a person felony, and one or more adult convictions or juvenile adjudications for nonperson felonies.
D	The offender's criminal history includes one adult conviction or juvenile adjudication for a person felony, but no adult conviction or juvenile adjudication for a nonperson felony.
E	The offender's criminal history includes three or more adult convictions or juvenile adjudications for nonperson felonies, but no adult conviction or juvenile adjudication for a person felony.
F	The offender's criminal history includes two adult convictions or juvenile adjudications for nonperson felonies, but no adult conviction or juvenile adjudication for a person felony.
G	The offender's criminal history includes one adult conviction or juvenile adjudication for a nonperson felony, but no adult conviction or juvenile adjudication for a person felony.
H	The offender's criminal history includes two or more adult convictions or juvenile adjudications for nonperson and/or select misdemeanors, and no more than two adult convictions or juvenile adjudications for person misdemeanors, but no adult conviction or juvenile adjudication for either a person or nonperson felony.
I	The offender's criminal history includes no prior record, or one adult conviction or juvenile adjudication for a person, nonperson, or a select misdemeanor, but no adult conviction or juvenile adjudication for either a person or a nonperson felony.

Criminal History Categories are based upon the following types of prior convictions and/or adjudications:

- person felonies;
- nonperson felonies;
- person misdemeanors and comparable municipal ordinance and county resolution violations;
- class A nonperson misdemeanors and comparable municipal ordinance and county resolution violations; and
- class B nonperson select misdemeanors and comparable municipal ordinance and county resolution violations.

The "person" designation refers to crimes that inflict, or could inflict, physical or emotional harm to another person. Examples of person crimes are robbery, rape, aggravated arson, and battery. The "nonperson" designation refers generally to crimes committed that inflict, or could inflict, damage to property. Nonperson crimes also include offenses such as drug crimes, failure to appear, suspended driver's license, perjury, etc. The "select" designation refers to convictions for weapons violations.

All convictions and adjudications, except as otherwise provided, should be included in the offender's criminal history. Prior convictions should be recorded in descending order by the date of conviction, starting with the most recent conviction. An offender's **criminal history classification** is determined using the following rules pursuant to K.S.A. 21-4710:

1) Only verified prior convictions will be considered and scored. K.S.A. 21-4710(d)(1).

   - **A prior conviction is** any conviction, other than another count in the current case which was brought in the same information or complaint or which was joined for trial with other counts in the current case pursuant to K.S.A. 22-3203, which occurred prior to imposition of sentence in the current case regardless of whether the crime that was the subject of the prior conviction was committed before or after the commission of the current crime of conviction. K.S.A. 21-4710(a).

   - The classification of a prior conviction will be made in accordance with the law applicable at the time of the conviction. See K.S.A. 21-4710(d)(9) and 21-4723.

   - Prior convictions or adjudications, whether sentenced concurrently or consecutively, will each be counted separately. K.S.A. 21-4710(c).

2) All prior adult felony convictions, including expungements, will be considered and scored. K.S.A. 21-4710(d)(2).

3) There will be no decay factor applicable to adult convictions. K.S.A. 21-4710(d)(3).

4) All person misdemeanor convictions, class A nonperson misdemeanor convictions, class B select nonperson misdemeanors, and comparable municipal ordinance and county resolution violations shall be considered and scored. K.S.A. 21-4710(d)(7).

   - Convictions for "comparable municipal ordinance and county resolution violations" may only be scored for criminal history purposes for crimes committed on or after July 1, 1994, when K.S.A. 1993 Supp. 21-4710(d)(7) was amended to specifically allow for those convictions to

be counted for criminal history purposes. See *State v. Dunn*, 21 Kan. App. 2d 359, 900 P.2d 245 (1995).

5) Unless otherwise provided by law, unclassified felonies and misdemeanors shall be considered and scored as nonperson crimes for the purpose of determining criminal history. K.S.A. 21-4710(d)(8).

6) Prior convictions of a crime defined by a statute that has since been repealed shall be scored using the classification assigned at the time of such conviction. K.S.A. 21-4710(d)(9).

7) Prior convictions of a crime defined by a statute that has since been determined unconstitutional by an appellate court shall not be used for criminal history scoring purposes. K.S.A. 21-4710(d)(10).

8) If prior convictions of any crime operate to enhance the severity level or penalties for the current crime of conviction, elevate the current crime of conviction from a misdemeanor to a felony, or constitute elements of the present crime of conviction, those prior convictions may not be counted in the offender's criminal history. Unless otherwise provided, all other prior convictions will be considered and scored. See K.S.A. 21-4710(d)(11).

Juvenile Adjudications

Except as otherwise provided, a juvenile adjudication which would have been a nonperson class D or class E felony if committed before July 1, 1993, or a nondrug level 6, 7, 8, 9 or 10, or drug level 4, nonperson felony if committed on or after July 1, 1993, or a misdemeanor if committed by an adult, will decay if the current crime of conviction is committed after the offender reaches the age of 25. K.S.A. 21-4710(d)(4).

For convictions of crimes committed before July 1, 1993, a juvenile adjudication that would constitute a class A, B or C felony, if committed by an adult, will not decay. For convictions of crimes committed on or after July 1, 1993, a juvenile adjudication which would constitute an off-grid felony, a nondrug severity level 1, 2, 3, 4 or 5 felony, or a drug severity level 1, 2 or 3 felony, if committed by an adult, will not decay. K.S.A. 21-4710(d)(5). All juvenile adjudications that would constitute a person felony will not decay. K.S.A. 21-4710(d)(6).

Diversions

Diversions are not "convictions" and are therefore not included in criminal history, with the exception of the felony DUI and the Involuntary Manslaughter provisions.

- The felony DUI exception provides that, for the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under the DUI provisions, a "conviction" includes entering into a diversion agreement in lieu of further criminal proceedings on a DUI violation. See K.S.A. 8-1567(m)(1), (2).

- On or after July 1, 1996, if the current crime of conviction is for a violation of K.S.A. 21-3442, Involuntary Manslaughter while driving under the influence of drugs or alcohol, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for a DUI violation shall count as one person felony for criminal history purposes. K.S.A. 2005 Supp. 21-4711(c)(2).

Information Not Relevant to Criminal History

The following information is **not** relevant to establishing an offender's criminal history classification under the KSGA therefore; the following types of prior criminal activity **should not** be recorded on the Criminal History Worksheet.

- **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement, or arrests not resulting in adjudication.

- **Adults:** Do not include traffic infractions, diversions contacts with law enforcement, or arrests not resulting in conviction.

Special Applications in Determining Criminal History K.S.A. 21-4711

The following special rules are applicable to the determination of the offender's criminal history category.

3:1 Person Misdemeanors

Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, are to be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. K.S.A. 21-4711(a). Convictions or adjudications for misdemeanor person crimes may place an offender in a higher criminal history category classification. For example, an offender who has five misdemeanor batteries will fall into criminal history category D, which reflects one prior person felony conviction, rather than criminal history category H, which reflects only multiple misdemeanor convictions.

In addition, every three prior adult convictions or adjudications of misdemeanor assault, as defined in K.S.A. 21-3408, that occurred within a period of three years commencing immediately prior to the date of conviction for the current crime, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. K.S.A. 21-4711(a).

Select Class B Nonperson Misdemeanors

A prior conviction for a violation of: subsection (a)(1) of K.S.A. 21-4204, criminal possession of firearms by a person who is both addicted to and an unlawful user of a controlled substance; subsection (a)(5) of K.S.A. 21-4204, possession of a firearm on school grounds; or K.S.A. 21-4218, possession of a firearm on the grounds of or in the state capitol building, shall be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes. K.S.A. 21-4711(b).

Involuntary Manslaughter and DUI

If the current crime of conviction is involuntary manslaughter while driving under the influence of alcohol or drugs, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for a violation of K.S.A. 8-1567, or a violation of a law of another state or an ordinance of

any city, or resolution of any county, which prohibits acts described in K.S.A. 8-1567, shall count as one person felony for criminal history purposes. K.S.A. 21-3442 and 21-4711(c)(2).

Burglary

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

- As a prior person felony if the prior conviction or adjudication was classified as a burglary to a dwelling, as described in subsection (a) of K.S.A. 21-3715. K.S.A. 21-4711(d)(1).

- As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary to a building other than a dwelling, as described in subsection (b) of K.S.A. 21-3715. K.S.A. 21-4711(d)(2).

- As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary to a motor vehicle or other means of conveyance of persons or property, as described in subsection (c) of K.S.A. 21-3715. K.S.A. 21-4711(d)(2).

The facts required to classify prior adult convictions or juvenile adjudications for burglary, must be established by the State by a preponderance of the evidence. See K.S.A. 21-4711(d).

Out-of-State Convictions

Prior out-of-state convictions and juvenile adjudications will also be used to determine the appropriate criminal history category classification. Out-of-state crimes will be classified as either felonies or misdemeanors according to the law of the convicting jurisdiction. K.S.A. 21-4711(e). For example, if a crime is a felony in another state, it will be counted as a felony for criminal history purposes regardless of the classification of the crime under Kansas law.

However, the laws of the state of Kansas shall control when classifying the crime as person or nonperson. In designating a crime as person or nonperson, comparable Kansas offenses shall be referred to. K.S.A. 21-4711(e). See also *State v. LaGrange*, 21 Kan. App. 2d 477, 901 P.2d 44 (1995), *rev. denied* 258 Kan. 861 (1995). If the state of Kansas does not have a comparable offense, the out-of-state conviction shall be classified as a nonperson crime. Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal, or military courts are considered out-of-state convictions or adjudications. K.S.A. 21-4711(e).

The facts required to classify out-of-state adult convictions and juvenile adjudications such that they are considered in the determination of the offender's criminal history score must be established by the State by a preponderance of the evidence. K.S.A. 21-4711(e).

Juvenile Records

Subject to the decay rules in K.S.A. 21-4710(d) (4), (d)(5) and (d)(6), prior juvenile adjudications will be treated in the same manner as adult convictions when determining criminal history classification. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas for criminal history purposes. K.S.A. 21-4711(f).

The parties are entitled access to the juvenile files and records of the offender in order to discover or verify criminal history. K.S.A. 22-3212(i).

Anticipatory Crimes

A prior conviction for an attempt, conspiracy, or solicitation to commit a crime will be treated as a person or nonperson crime in accordance with the designation of the underlying crime. K.S.A. 21-4711(g).

Drug Crimes

Drug crimes are designated as nonperson crimes for criminal history scoring. K.S.A. 21-4711(h).

Proof of Criminal History

Unless disputed by the offender, the criminal history worksheet serves as adequate verification of the offender's criminal history. If the offender disputes any aspect of the criminal history worksheet portion of the presentence investigation report as prepared by the field services officer, the offender shall immediately notify the district attorney and the court with a written notice specifying the exact nature of the alleged error. The State will then have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history. The sentencing judge must allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. K.S.A. 21-4715.

CHAPTER V: PRESENTENCE INVESTIGATION REPORTS

Requirements

The sentencing court is required to order a Presentence Investigation Report (PSI) to be prepared by a court services officer as soon as possible after every felony conviction involving crimes committed on or after July 1, 1993, including all unclassified felonies. K.S.A. 21-4714(a). The KSGA establishes a uniform format for the PSI in all felony cases. This format must be used to provide consistency statewide. The PSI includes a face sheet, a Criminal History Worksheet, and limited topic sections covering the current offense: official version, defendant's version, victim(s) statement(s), drug, alcohol, and psychological evaluations of the defendant, restitution amounts, and the field services officer's recommendations regarding conditions of probation where appropriate. See K.S.A. 21-4714. A copy of the PSI, including the Criminal History Worksheet, and the Journal Entry of Judgment, all attached together, must be sent to the Kansas Sentencing Commission for each felony case within thirty days after sentencing. K.S.A. 22-3439(a).

Each PSI prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993 **shall be limited to** the following information:

1. A summary of the factual circumstances of the crime or crimes of conviction.

2. If the defendant desires to provide one, a summary of the defendant's version of the crime.

3. When there is an identifiable victim, a victim report. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

4. An appropriate classification of each crime of conviction on the crime severity scale.

5. A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale, the source of information regarding each listed prior conviction and copies of any available source of journal entries or other documents through which the listed convictions may be verified, including any prior criminal history worksheets.

    a. The following types of prior criminal activity **should not** be recorded on the Criminal History Worksheet.
        i. **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement, or arrests not resulting in adjudication.
        ii. **Adults:** Do not include traffic infractions, diversions contacts with law enforcement, or arrests not resulting in conviction.

6. A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

7. If the proposed grid block classification is a grid block that presumes imprisonment, the presumptive prison term range and the presumptive duration of postrelease supervision as it relates to the crime severity scale.

8. If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be included as part of the nonprison sanction.

9. For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and meet the requirements of K.S.A. 21-4729 (2003 Senate Bill 123), the drug abuse assessment package as provided in K.S.A. 21-4729.

The presentence investigation report will become part of the court record and is accessible to the public, except that the official version, defendant's version, victim's statement, any psychological reports, drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas Sentencing Commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and the warden of the state correctional institution to which the defendant is conveyed in accordance with K.S.A. 75-5220. K.S.A. 21-4714(c).

The criminal history worksheet will not substitute as a presentence investigation report. K.S.A. 21-4714(d).

The presentence investigation report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports. K.S.A. 21-4714(e).

The sentencing court may take judicial notice in a subsequent felony proceeding of an earlier criminal history worksheet included in a presentence investigation report prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993, as verification of the criminal history reflected on the worksheet. K.S.A. 2006 Supp. 21-4714(f). See also *State v. Turner*, 22 Kan. App. 2d 564, 919 P.2d 370 (1996) and *State v. Lakey*, 22 Kan. App. 2d 585, 920 P.2d 470 (1996).

All presentence investigation reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas Sentencing Commission. K.S.A. 21-4714(g).

A copy of the Kansas Sentencing Guidelines Act Presentence Investigation Report form, and Instructions for completing the Presentence Investigation Report form are contained in Appendix D of this Manual.

CHAPTER VI: SENTENCING

Sentencing Range

Each grid block states the presumptive sentencing range, in months, for an offender whose crime of conviction and criminal history place such offender in that grid block. The middle number in the grid block is the "standard" number of months, the upper number in the grid block is the "aggravated" number of months, and the lower number in the grid block is the "mitigated" number of months. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. See K.S.A. 21-4704.

Sentencing Options

The sentencing court may impose any sentence within the presumptive sentencing range. The sentencing court should select the midpoint or standard term of months in the usual case and use the upper or lower term to take into account any aggravating and mitigating factors that do not amount to sufficient justification for a departure. While the sentencing grids provide presumptive punishment for felony convictions, the sentencing court may depart from the presumptive sentence based upon substantial and compelling reasons. See K.S.A. 21-4704 and 21-4716. The sentencing court may increase the sentence up to double the duration within the grid block, lower the duration to any extent, or impose a dispositional departure when aggravating or mitigating circumstances exist which are substantial and compelling. See K.S.A. 21-4716(a), 21-4717(a) and K.S.A. 21-4719(c)(2).

In *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face" for the imposition of upward durational departure sentences. However, in the 2002 Legislative Session, K.S.A. 2001 Supp. 21-4716 and K.S.A. 21-4718 were both amended to correct the upward durational departure problem arising from *Gould*, effective June 6, 2002. A bifurcated jury procedure is now provided to allow the jury to determine any aggravating factors that might enhance the maximum sentence, based upon the reasonable doubt standard. K.S.A. 21-4716(b).

Sentencing in General

Authorized Dispositions (K.S.A. 21-4603d)

Whenever any person has been convicted of a crime, the sentencing court has several sentencing options available that may be imposed either alone or in combination. The court may:

- Commit the defendant to the custody of the Secretary of Corrections if the current crime is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment;

- Commit the defendant to jail for the term provided by law if confinement is for a misdemeanor;

- Impose fines applicable to the offense that may be paid in installments if authorized by the court;

- Release the defendant on probation, under the supervision of a court services officer, if the defendant's crime and criminal history place such defendant in a presumptive nonprison category or, through a departure for substantial and compelling reasons and subject to conditions as the court deems appropriate which may include the imposition of a jail term of not more than 60 days;

- Assign the defendant to a community correctional services program pursuant to K.S.A. 75-5291, or through a departure for substantial and compelling reasons and subject to conditions as the court deems appropriate which may include full or partial restitution;

- Assign to a conservation camp for a period not to exceed 6 months as a condition of the probation followed by a 6 month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

- Assign the defendant to house arrest pursuant to K.S.A. 21-4603b;

- Order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502;

- Order the defendant to repay the amount of any reward paid to aid in defendant's apprehension, any costs and expenses incurred by law enforcement to recapture defendant due to defendant's crime of escape, expenses incurred by firefighting agencies due to defendant's crime of arson, any public funds used by law enforcement to purchase controlled substances from the defendant during the investigation, any medical costs and expenses incurred by law enforcement;

- Order the defendant to pay the administrative fee authorized by K.S.A. 22-4529 unless waived by the court;

- Order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369;

- Order the defendant to pay restitution, including but not limited to, damages or loss caused by the defendant's crime unless the court finds a restitution plan unworkable due to compelling circumstances and states such on the record;

- Order the defendant to submit to and complete an alcohol and drug evaluation and pay a fee for such evaluation when required by subsection (4) of K.S.A. 21-4502;

- Order the defendant to reimburse the county general fund for expenditures by the county to provide counsel and other defense services to the defendant, after any order for restitution has been paid in full;

- Order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigent's defense services to provide counsel and other defense services to the defendant.

- Decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty pursuant to any other Kansas statute.

Fines

Felony and misdemeanor fines are as follows (K.S.A. 2007 21-4503a):

Off-grid and drug severity level 1	≤ $500,000
Nondrug severity level 1 through 5 and drug severity level 2 and 3	≤ $300,000
Nondrug severity level 6 through 10 and drug severity level 4	≤ $100,000
Class A misdemeanor	≤ $2,500
Class B misdemeanor	≤ $1,000
Class C misdemeanor	≤ $500
Traffic infraction	≤ $500
Cigarette or Tobacco infraction	$25

As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender. K.S.A. 21-4503a(c).

A civil penalty of up to $25,000 may be imposed for each violation of the Kansas Securities Act. If the violation is committed against an elderly or disabled person, in addition to any civil penalty otherwise provided by law, the administrator may impose a penalty not to exceed $15,000 for each violation. The total penalty against a person shall not exceed $1,000,000. See K.S.A. 2007 Supp. 17-12a412(c)(3), 17-12a603(b)(2)(C) and 17-12a604(b)(1).

Presumptive Nonprison

In a presumptive nonprison case, the sentencing court must pronounce the duration of the nonprison sanction and must pronounce the underlying prison sentence. See K.S.A. 21-4704(e)(3), 21-4705(c)(3) and 21-4706(b).

Duration of Probation (Court Services or Community Corrections)

For all crimes committed on or after July 1, 1993, the duration of probation in felony cases sentenced for the following severity levels is as follows (K.S.A. 21-4611(c)):

Severity Level	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
Nondrug	36	36	36	36	36	24	24	≤18	≤12	≤12
Drug	36	36	≤18	* ≤12	N/A	N/A	N/A	N/A	N/A	N/A

The KSGA recommends probation duration periods for crimes ranked on the nondrug grid at severity levels 1 through 7 and on the drug grid for severity levels 1 and 2. With three exceptions, the total period in all cases shall not exceed 60 months or the maximum period of the prison sentence that could be imposed, whichever is longer. K.S.A. 21-4611(c)(6). The first exception is that the sentencing court may modify or extend the period of supervision, pursuant to a modification hearing and a judicial finding of necessity, up to a maximum of five (5) years or the maximum period of the prison sentence that could be imposed, whichever is longer. K.S.A. 21-4611(c)(8). Second, if the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. K.S.A. 21-4611(a) and (c)(7). Third, if the defendant is ordered to pay full or partial restitution, the period may be continued as long as the amount of restitution ordered has not been paid. K.S.A. 21-4611(c)(7).

The KSGA sets upper limits on probation duration periods for sentences on severity levels 8 through 10 on the nondrug grid and severity levels 3 and 4 on the drug grid. For crimes at these severity levels, the sentencing court may impose a longer period of probation if the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by the length of the probation terms provided in subsections (c)(3) and (c)(4) of K.S.A. 21-4611. K.S.A. 21-4611(c)(5).

Conditions of Probation

Court services and community corrections officers may recommend conditions of probation for offenders ordered to community placement. The maximum amount of time an offender can be incarcerated in a county jail as a condition of probation in a felony case is 60 days (with an additional maximum of 60 days in jail as a condition of a probation revocation), except for convictions for felony driving under the influence. K.S.A. 21-4603d(a)(3).

Target Population for Community Corrections (2000 Senate Bill 323)

K.S.A. 75-5291(a)(2) defines the target population of offenders for placement in Community Corrections programs. This target population consists of adult offenders convicted of felony offenses who meet one of the following criteria:

1. Offenders whose sentence falls within the designated border boxes on either the drug or nondrug sentencing grids;

2. Offenders whose sentence falls within nondrug grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H, or 7-I;

3. Offenders whose severity level and criminal history classification designate a presumptive prison sentence on either grid but receive a nonprison sentence as the result of a dispositional departure;

4. Offenders convicted of a sex offense as defined in K.S.A. 22-4902, classified as a severity level 7 or higher, and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

5. Offenders for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716 prior to revocation to a state correctional facility;

6. Offenders who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument validated for community corrections placement (effective July 1, 2010);

7. Offenders who are placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program;

8. Offenders who have been sentenced to community corrections supervision pursuant to K.S.A. 21-4729 (2003 Senate Bill 123). K.S.A. 75-5291(a)(2).

Juvenile offenders may be placed in community corrections programs if the local community corrections advisory board approves. However, grants from the community corrections fund administered by the Secretary of Corrections cannot be used for this service. K.S.A. 75-5291(a)(4). A public safety provision also allows direct placement to prison of offenders for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, if the sentencing court sets forth with particularity why placement in community corrections would jeopardize public safety or would not be in the best interest of the offender. K.S.A. 75-5291(a)(5).

Target Population for Treatment (2003 Senate Bill 123)

K.S.A. 21-4603d(n) provides a nonprison sanction of certified drug abuse treatment under community corrections supervision for a defined target population of offenders. This target population is defined in K.S.A. 21-4729 and consists of **adult** offenders convicted of K.S.A. 65-4160 or 65-4162, who meet one of the following criteria:

1. Offenders whose offense is in the 4-E, 4-F, 4-G, 4-H or 4-I grids blocks of the drug grid and who have no prior conviction(s) of:
    a. K.S.A. 65-4142 (unlawful acts involving proceeds derived from violations of the uniform substances control act);
    b. K.S.A. 65-4159 (unlawful manufacturing or attempting such of any controlled substance);
    c. K.S.A. 65-4161 (unlawful acts relating to sale or distribution of opiates, opium, narcotic drugs or designated stimulants);
    d. K.S.A. 65-4163 (unlawful acts relating to sale or distribution of depressants, stimulants or hallucinogenic drugs or other substances); or
    e. K.S.A. 65-4164 (unlawful acts relating to certain narcotic drugs),
    f. or any similar offense from another jurisdiction; or

2. Offenders whose offense is in the 4-A, 4-B, 4-C, or 4-D grids blocks of the drug grid and who have no prior conviction(s) of:
    a. K.S.A. 65-4142 (unlawful acts involving proceeds derived from violations of the uniform substances control act);
    b. K.S.A. 65-4159 (unlawful manufacturing or attempting such of any controlled substance);
    c. K.S.A. 65-4161 (unlawful acts relating to sale or distribution of opiates, opium, narcotic drugs or designated stimulants);
    d. K.S.A. 65-4163 (unlawful acts relating to sale or distribution of depressants, stimulants or hallucinogenic drugs or other substances); or
    e. K.S.A. 65-4164 (unlawful acts relating to certain narcotic drugs),
    f. or any similar offense from another jurisdiction,

    if the offender's prior person felony conviction(s) were severity level 8, 9, or 10 or nongrid offenses and the sentencing court finds and sets forth with particularity the reasons for finding that public safety will not be jeopardized by placement of the offender in a certified drug abuse treatment program. K.S.A. 21-4729.

Offenders whose offense is classified in the 4-E or 4-F drug grid blocks but do not qualify for the certified drug treatment program, must be considered for the Labette Correctional Conservation Camp before a sentencing court may impose a dispositional departure. This must also be done prior to the revocation of a nonprison sanction for an offender whose offense is classified in the 4-E or 4-F drug grid blocks but does not qualify for the certified drug treatment program. K.S.A. 21-4603d(g).

The Secretary of Corrections may also make direct placement to Labette Correction Conservation Camp for offenders whose offense is classified in the 4-E or 4-F drug grid blocks if those offenders do not otherwise meet the requirements of K.S.A. 21-4729. K.S.A. 21-4603d(l).

On or after July 1, 2006, offenders, who are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision, or who are not lawfully present in the United States and being detained for deportation, are not eligible for treatment under SB 123 and shall be sentenced as otherwise provided by law. K.S.A. 21-4729(h).

Presumptive Imprisonment

In presumptive imprisonment cases, the sentencing court must pronounce the prison sentence, the maximum potential good time reduction to such sentence and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision will not negate the period of postrelease supervision. K.S.A. 21-4704(e)(2) and 21-4705(c)(2).

Good Time

The prison sentence represents the time an offender actually serves, subject to a maximum reduction of:

- 20% good time for crimes committed on or after July 1, 1993 and prior to April 20, 1995;
- 15% good time for crimes committed on or after April 20, 1995; or,
- 20% good time for crimes of drug severity level 3 or 4 or nondrug severity level 7-10 committed on or after January 1, 2008. K.S.A. 2007 21-4706(a) and 21-4722(a)(2).

Any reduction in the prison sentence due to good time must be added to the postrelease supervision period to be served after the prison sentence is completed. K.S.A. 2007 21-4722(b).

In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision. K.S.A. 21-4704(e)(2).

Border Boxes

If an offense is classified in grid blocks 5-H, 5-I or 6-G of the nondrug grid, or grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the drug grid, the sentence is presumed imprisonment, but the court may impose an optional nonprison sentence upon making the following findings on the record:

1. An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

    a. the recommended treatment program is available and the offender can be admitted to the program within a reasonable period of time; or

    b. the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the sentencing court to impose an optional nonprison sentence is not considered a departure and is not subject to appeal. K.S.A. 21-4704(f) and 21-4705(d).

Aggravated Habitual Sex Offender

K.S.A. 21-4642(a) provides that the sentence for an aggravated habitual sex offender shall be imprisonment for life without the possibility of parole in the custody of the secretary of corrections. An offender who is sentenced pursuant to this section shall not be eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

An "aggravated habitual sex offender" is defined as a person who, on and after July 1, 2006: (A) has been convicted in this state of a sexually violent crime; and (B) prior to the current conviction, has been convicted on at least two prior conviction events of any sexually violent crime. A "prior conviction event" is defined as one or more felony convictions of a sexually violent crime, occurring on the same day and within a single count. These convictions may result from multiple counts within an information or from more than one information. If a person crosses a county line and commits a felony as part of the same criminal act or acts, such felony, if such person is convicted, shall be considered part of the prior conviction event. K.S.A. 21-4642(c).

Upon sentencing a defendant pursuant to this section, the court shall commit the defendant to the custody of corrections and the court shall state in the sentencing order of judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole. K.S.A. 21-4642(b).

Special Sentencing Rules

Public Safety Offenses:

1. Person Felonies Committed With a Firearm

When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The sentencing court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the sentencing court to impose an optional nonprison sentence is not considered a departure and is not subject to appeal. K.S.A. 21-4704(h).

2. Aggravated Battery Against a Law Enforcement Officer

The sentence for the violation of K.S.A 2006 Supp. 21-3415 (aggravated battery against a law enforcement officer), ***if committed prior to July 1, 2006***, which places the defendant's sentence in grid blocks 6-H or 6-I shall be presumed imprisonment. The sentencing court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the sentencing court to impose an optional nonprison sentence is not considered a departure and is not subject to appeal. ***K.S.A. 21-4704(g)***.

3. Aggravated Assault Against a Law Enforcement Officer

The sentence for the violation of K.S.A 2006 Supp. 21-3411 (aggravated assault of a law enforcement officer), which places the defendant's sentence in grid blocks 6-H or 6-I shall be presumed imprisonment. The sentencing court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the sentencing court to impose an optional nonprison sentence is not considered a departure and is not subject to appeal. ***K.S.A. 21-4704(g)***.

4. Crime Committed for the Benefit of a Criminal Street Gang

K.S.A. 21-4704(k). If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the sentence shall be presumed imprisonment. The sentencing court may impose an optional nonprison sentence and such nonprison sentence is not considered a departure and is not subject to appeal.

11. Extended Jurisdiction Juvenile Imposed

Under K.S.A. 2007 Supp. 38-2364(a), if an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall; (1) impose one or more juvenile sentences under K.S.A. 2007 Supp. 38-2361 and, (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender does not violate the provisions of the juvenile sentence and does not commit a new offense. *An adult felony Journal Entry of Judgment must be completed for these cases.*

Habitual or Repeat Offenses:

5. Persistent Sex Offender

The sentence for any persistent sex offender (as defined in K.S.A. 21-4704(j)) whose current crime of conviction carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term. However, the provisions of this subsection shall not apply to any person whose current crime of conviction is a severity level 1 or 2 nondrug felony, unless such current conviction is for the crime of rape (K.S.A. 21-3502) and the offender has at least one prior conviction for rape in this state or a comparable felony from another state. K.S.A. 21-4704(j).

A prior conviction used to classify a defendant as a persistent sex offender may not again be used to calculate the defendant's criminal history category. K.S.A. 21-4710(d)(11), see also *State v. Taylor*, 27 Kan. App. 2d 62, 998 P.2d 123 (2000), affirmed *State v. Zabrinas,* 271 Kan. 422, 24 P.3d 77 (2001).

Example

- An offender's current crime of conviction is sexual exploitation of a child (K.S.A. 21-3516). The offender has one prior conviction of indecent solicitation of a child (K.S.A. 21-3510). The

offender's prior conviction will be used to determine the offender's status as a "persistent sex offender" and will not be used in calculating the offender's criminal history category. Therefore, the offender will have a criminal history score of 5-I (sentence doubled) if the offender has no other criminal convictions.

- An offender's current conviction is indecent liberties with a child (K.S.A. 21-3503). The offender has two prior convictions of indecent solicitation of a child (K.S.A. 21-3510). One prior conviction of indecent solicitation of a child will be used to determine the offender's status as a "persistent sex offender" and the other conviction will be used in calculating the offender's criminal history score. Therefore, the offender will have a criminal history score of 5-D (sentence doubled) if the offender has no other person/nonperson felony convictions.

12. Second or Subsequent Conviction for Manufacture of a Controlled Substance

The sentence for a second or subsequent conviction for the manufacture of a controlled substance under K.S.A. 2007 Supp. 65-4159, is a severity level 1 drug felony and the sentencing court is required to double the presumptive sentence length. However, the sentencing court may reduce the sentence in an amount not to exceed 50 percent of the special sentence length increase if mitigating circumstances exist. Any decision made by the sentencing court regarding the reduction is not considered a departure and is not subject to appeal. K.S.A. 21-4705(e).

26. Third or Subsequent Conviction for Drug Possession

The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, **if**:

- the defendant has previously completed a certified drug abuse program;
- the defendant has previously been discharged from a certified drug abuse program; or
- the defendant has previously refused to participate in a certified drug abuse program, as provided in K.S.A. 2007 Supp. 75-52,144.

Such sentence shall not be considered a departure and shall not be subject to appeal. K.S.A. 21-4705(f). If the felony occurs on or after July 1, 2008, the sentence shall be presumed imprisonment.

13. Burglary of a Residence Committed When the Offender has a Prior Conviction for Burglary of a Residence or Non-Residence, or a Prior Conviction for Aggravated Burglary

The sentence for the violation of subsection (a) of K.S.A. 21-3715, burglary of a residence, when the offender has a prior conviction for the burglary of a residence or non-residence, or an aggravated burglary (K.S.A. 21-3716), shall be presumed imprisonment. K.S.A. 21-4704(l).

27. Burglary with Two or More Prior Convictions for a Felony Violation of Theft, Burglary or Aggravated Burglary

The sentence for a violation of K.S.A. 21-3715, burglary, when the offender has two or more prior burglary convictions or a combination of a prior conviction of burglary and an aggravated burglary (K.S.A. 21-3716) shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section. Such sentence shall not be considered a departure and shall not be subject to appeal. K.S.A. 2008 Supp. 21-4704(p) [Effective July 1, 2008].

29. Felony Theft with Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary

The sentence for a violation of K.S.A. 21-3701, theft, when the offender has three or more prior convictions for a felony violation of theft, burglary (K.S.A. 21-3715), or aggravated burglary (K.S.A. 21-3716) shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section. K.S.A. 2008 Supp 21-4704 (p) [Effective July 1, 2008].

30. Substance Abuse Underlying Factor

The court may make findings that substance abuse is the underlying factor in the commission of crimes under #27 and #29 above and place the offender in an intensive treatment program for at least 4 months if the state substance abuse facility is likely to be more effective than prison in reducing the risk of offender recidivism, serve community safety interests and promote offender reformation; return to court upon successful completion. K.S.A. 2008 Supp. 21-4704(p) [Effective July 1, 2008].

31. Third or Subsequent Criminal Deprivation of a Motor Vehicle

The sentence for a third or subsequent violation of criminal deprivation of property that is a motor vehicle pursuant to K.S.A. 21-3705(b) shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal. K.S.A. 2008 Supp. 21-4704(n) [Effective July 1, 2008].

16. Forgery

The crime of forgery is a severity level 8, nonperson felony on the nondrug grid. The sentence for a felony violation of K.S.A. 21-3710(b)(3) shall be as provided by the specific mandatory sentencing requirements of that statute unless the new conviction places the offender in the criminal history category A or B. In such case, the sentence shall be as for a severity level 8, nonperson felony. K.S.A. 21-4704(i).

The specific mandatory sentencing provisions of K.S.A. 21-3710 provide that upon a first conviction for forgery, the offender is to be fined the lesser of the amount of the forged instrument or $500. For a second conviction of forgery the offender is required to serve at least 30 days imprisonment as a condition of probation and is to be fined the lesser of the amount of the forged instrument or $1,000. The offender is not eligible for release on probation, suspension or reduction of sentence or parole until after serving the mandatory 30 or 45 day sentences as provided herein. K.S.A. 21-3710(b).

17. Third or Subsequent Conviction for Forgery

Upon a third or subsequent conviction of forgery the offender is required to serve at least 45 days imprisonment as a condition of probation and is to be fined the lesser of the amount of the forged instrument or $2,500. The offender is not eligible for release on probation, suspension or reduction of sentence or parole until after serving the mandatory 30 or 45 day sentences as provided herein. K.S.A. 21-3710(b).

9. New Felony Committed While the Offender is Incarcerated and Serving a Sentence for a Felony, or While the Offender is on Probation, Assignment to a Community Correctional Services Program, Parole, Conditional Release, or Postrelease Supervision for a Felony

Under any of these conditions, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and the sentencing court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. Imposition of a prison sentence for the new crime does not constitute a departure. See ***K.S.A. 21-4603d(f)(1)*** and also *State v. Allen*, 28 Kan. App. 2d 784, 20 P.3d 747 (2001).

28. New Felony Committed While the Offender is Incarcerated in a Juvenile Correctional Facility for an Offense Which if Committed by an Adult Would be a Felony

K.S.A. 21-4603d subsection (f) was amended by 2006 Senate Bill 166 to create a special rule pertaining to juveniles who commit a new felony while incarcerated in a juvenile correctional facility for a crime which if committed by an adult would be a felony. In such instances, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. Imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility. K.S.A. 21-4603d(f)(2).

10. New Felony Committed While the Offender is on Release for a Felony (Felony Bond)

In this situation, if an offender is on release pursuant to article 28 of chapter 22 of the Kansas Statutes Annotate, ***or similar provisions of the laws of another jurisdiction***, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and the sentencing court may sentence an offender to imprisonment for the new conviction, even if the new crime of conviction otherwise presumes a nonprison sentence. Imposition of a prison sentence for the new crime committed while on release for a felony does not constitute a departure. K.S.A. 21-4603d(f)(3).

Nongrid Offenses:

6. Felony DUI

Felony driving under the influence as defined in K.S.A. 2007 Supp. 8-1567 is a nongrid crime with no guidelines severity level or other connection to the KSGA. Instead, the specific sentencing provisions of the DUI statute determine the sentence. Additionally, the offender cannot be sent to a state correctional facility to serve the sentence imposed. K.S.A. 21-4704(i). However, for a fourth or subsequent DUI, an offender is required to serve a mandatory period of one year postrelease supervision under the custody of the secretary of corrections. Therefore, it is possible that an offender may serve time in a state correctional facility if the offender violates conditions of this postrelease supervision. K.S.A. 2007 Supp. 8-1567(g).

K.S.A. 8-1567 (DUI) was amended in the 2007 Legislative Session to provide that the court may order that the term of imprisonment imposed for a third, fourth or subsequent DUI violation be served in a state facility in the custody of the secretary of corrections in a facility designated for the provision of

substance abuse treatment pursuant to K.S.A. 21-4704. The person shall remain imprisoned in the state facility only while participating in the substance abuse treatment program and shall be released to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or discharge from the substance abuse treatment program. K.S.A. 2007 Supp. 8-1567.

8. Felony Domestic Battery

Felony domestic battery, as defined in K.S.A. 21-3412a, is a nongrid person felony with no guidelines severity level or other connection to the KSGA. The specific sentencing provision of the domestic battery statute determines the sentence. Additionally, the offender cannot be sent to a state correctional facility to serve the sentence imposed. K.S.A. 21-4704(i).

21. Animal Cruelty

Felony animal cruelty, as defined in K.S.A. 21-4310(a)(1) and (d)(2)(second or subsequent conviction of a violation of (a)(2), (a)(3), (a)(4), or (a)(5)), is a nongrid nonperson felony with no guidelines severity level or other connection to the KSGA. The sentence for felony animal cruelty shall be as provided by the specific mandatory sentencing requirements of K.S.A. 21-4310(d)(1) or (d)(2). Additionally, the offender cannot be sent to a state correctional facility to serve the sentence. K.S.A. 21-4704(i) and 21-4310.

Felony animal cruelty involving a working or assistance dog, as defined in K.S.A. 21-4318(a), is a nongrid nonperson felony with no guidelines severity level or other connection to the KSGA. The sentence for felony animal cruelty of a working or assistance dog shall be as provided by the specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-4310(c). Additionally, the offender cannot be sent to a state correctional facility to serve the sentence. K.S.A. 2006 Supp. 21-4704(i) and 21-4318.

Finance Offenses Apply:

25. Fraudulent Insurance Act

A fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is $25,000 or more; a severity level 7, nonperson felony if the amount involved is at least $5,000 but less than $25,000; a severity level 8, nonperson felony if the amount involved is at least $1,000 but less than $5,000; and a class C nonperson misdemeanor if the amount is less than $1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves $25,000 or more shall have a presumptive prison sentence of imprisonment regardless of its location on the sentencing grid block. K.S.A. 2007 Supp. 40-2,118(e).

15. Kansas Securities Act

Any violation of the Kansas Securities Act, K.S.A. 17-12a101 *et seq*., resulting in a loss of $25,000 or more, shall have a presumptive sentence of imprisonment regardless of the offender's presumptive sentence as located on the nondrug grid. K.S.A 17-12a508(a)(4).

19. Mortgage Business Act

Any person who willfully or knowingly violates any of the provisions of this act, any rule and regulation adopted or order issued under this act commits a severity level 7 nonperson felony. A second or subsequent conviction of this act, regardless of its location on the sentencing grid block, shall have a presumptive sentence of imprisonment. K.S.A. 2007 Supp. 9-2203(c).

20. Loan Brokers Act

Any person who willfully violates any provision of this act or knowingly violates any cease and desist order issued under this act commits a severity level 7, nonperson felony. Any violation of this act committed on or after July 1, 1993 and resulting in a loss of $25,000 or more, regardless of its location on the sentencing grid block, shall have a presumptive sentence of imprisonment. K.S.A. 50-1013(a).

Special Sentencing Considerations

Correctional Conservation Camps

The sentencing court shall consider placement of an offender in the Labette Correctional Conservation Camp, conservation camps established by the Secretary of Corrections pursuant to K.S.A. 75-52,127, or a community intermediate sanction center in the following instances:

- Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guidelines grid;

- Prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, or in grid blocks 3-E, 3-F, 3-G, 3-H, or 3-I of the sentencing guidelines grid for drug crimes;

- Prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729;

- Prior to revocation of a nonprison sanction of a defendant whose offense is classified grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729; or

- Prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, or 3-I, of the sentencing guidelines grid for drug crimes.

A defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all the conservation camp's or a community intermediate sanction center's placement criteria, unless the sentencing court states on the record the reasons for not placing the offender in a conservation camp or a community intermediate sanction center. K.S.A. 21-4603d(g).

Revocation of Nonprison Sanction of Certified Drug Abuse Treatment (K.S.A. 21-4729)

If the offender fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding or is convicted of a new felony, the offender shall be subject to revocation of probation and shall serve the underlying prison sentence as established in K.S.A. 21-4705. K.S.A. 21-4603d(n) and 21-4729(f). In addition, K.S.A. 21-4610 grants the district court broad discretion concerning the conditions and revocation of probation. Therefore, condition violations may also result in discharge from the mandatory drug abuse treatment. See *State v. Gumfory*, 281 Kan. 1168, (June 9, 2006) (holding that K.S.A. 21-4729(f)(1)(A) and (B) do not set forth exclusive grounds for revocation of an SB 123 sentence.) If the offender is revoked, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision and the amount of time spent participating in such program shall not be credited as time against the underlying prison sentence. K.S.A. 21-4603d(n) and 21-4705.

Multiple Convictions; Sentences on Same Date

When separate sentences of imprisonment for different crimes are imposed on a defendant on the same date, including sentences for crimes for which suspended sentences, probation or assignment to a community correctional services program have been revoked, such sentences shall run concurrently or consecutively at the discretion of the sentencing court. If the sentencing court is silent as to whether multiple sentences are to run consecutively or concurrently, the sentences shall run concurrently except as provided by K.S.A. 21-4608(c), (d) and (e). *The sentencing court must state on the record whether the sentence is to be served concurrently or consecutively.* K.S.A. 21-4608 and K.S.A 21-4720(b).

Limitations on Concurrent and Consecutive Sentences for Multiple Convictions

Consecutive sentencing is mandatory in certain circumstances if it will not result in a manifest injustice. K.S.A. 21-4720(a). Pursuant to K.S.A. 21-4608, consecutive sentencing is generally required when imposing:

- A sentence for a felony committed while the offender was on probation, assigned to a community corrections services program, on parole, conditional release, postrelease supervision, or serving time for a felony;

- A sentence for a felony committed while the offender was on felony bond;

- A sentence for a felony committed while the offender was incarcerated and serving a sentence for a felony in any place of incarceration. K.S.A. 21-4608(c), (d) and (e).
    - If an offender is sentenced to prison for a crime committed on or after July 1, 1993, while the offender was imprisoned for an offense committed prior to July 1, 1993, and the offender is not eligible for the retroactive application of the KSGA, the new sentence

begins when the offender is paroled or reaches the conditional release date on the old sentence, whichever is earlier.

- If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence begins when the offender is ordered released by the Kansas Parole Board or reaches the maximum sentence date on the old sentence, whichever is earlier.

- The new sentence is then served as otherwise provided by law. The period of postrelease supervision will be based on the new sentence. K.S.A. 21-4608(e)(2).

When consecutive sentences are imposed for multiple convictions in one case, stemming from multiple counts brought in one charging instrument, the total prison sentence imposed cannot exceed twice the base sentence. It is not necessary to reduce the duration of any of the non-base sentences in order to satisfy this rule because the limit applies only to the total controlling sentence. K.S.A. 21-4720(b)(4). This means that the sentencing court is not required to shorten the length of any of the individual non-base sentences given to an offender, as long as the court orders that the total sentence given to the offender is adjusted so that it does not exceed twice the base sentence.

If sentences for off-grid and on-grid (sentencing guidelines) convictions are ordered to run consecutively, the offender shall not begin to serve the on-grid sentence until paroled from the off-grid sentence, and the postrelease period will be based on the off-grid crime. K.S.A. 21-4720(b)(2).

When an offender is sentenced for multiple convictions of crimes carrying both presumptive prison and nonprison sentences, if the sentence for the primary crime is prison, the entire imprisonment term of consecutive sentences, will be served in prison. K.S.A. 21-4720(b)(6).

The postrelease supervision period will be the longest supervision period imposed for any of the multiple convictions, including the lifetime supervision period carried by a life sentence imposed for an off-grid crime. Even in the case of consecutive prison sentences, postrelease supervision periods will not be aggregated. In addition, in cases of multiple nonprison sentences, even if the underlying prison sentences are ordered to run consecutively, the nonprison terms shall not be aggregated or served consecutively. However, if the nonprison term is revoked the offender will serve the prison terms consecutively. K.S.A. 21-4720(b)(4), (b)(7) and (b)(8).

Determining the Base Sentence and Primary Crime

In all sentencing cases involving multiple convictions, the sentencing court must establish the base sentence for the primary crime. The primary crime is determined pursuant to K.S.A. 21-4720(b)(2) as follows:

- The primary crime is generally the crime with the highest severity ranking. However, an off-grid crime shall not be used as the primary crime in determining the base sentence when imposing multiple sentences.
- In situations where more than one crime is classified in the same category, the sentencing judge must designate which crime will serve as the primary crime.
    - A presumptive imprisonment crime is primary over a presumptive nonimprisonment crime, therefore, in the instance of sentencing with the drug grid and nondrug grid, one crime having a presumption of imprisonment and one having a presumption of probation, the crime which presumes imprisonment shall be the primary crime.

- When the offender is convicted of crimes sentenced on both the nondrug and drug grids, the primary crime is the one that carries the longest prison term, therefore, in sentencing with the drug grid and nondrug, both crimes having the same presumption of probation or imprisonment, the primary crime shall be the crime with the longest sentence term.

The base sentence is where the severity level of the primary crime and the criminal history score intersect on the appropriate guidelines grid and shall be the presumed sentence in months. The base sentence will have the full criminal history score assigned. However, non-base sentences will not have criminal history scores applied and shall be calculated in the criminal history I column of the grid according to the severity level of the crime. K.S.A. 21-4720(b)(3) and (b)(5).

Departure Factors

Either party may file a motion seeking a departure, or the sentencing court may depart on its own motion. Any party filing a motion to depart must state in its motion the type of departure sought and the reasons relied upon. Both the prosecution and defense shall have a reasonable time to prepare for a departure hearing, and the sentencing court shall transmit to both parties, copies of the presentence investigation report prior to the hearing. The State must provide notice of a departure hearing to any victim or the victim's family, and the sentencing court shall review the victim impact statement. Parties may brief the sentencing court in writing and make oral arguments to the court at the hearing. See K.S.A. 21-4718(a)(1) and (a)(3).

Upward durational departure sentencing was affected by *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), where K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face." In the 2002 Legislative Session both K.S.A. 2001 Supp. 21-4716 and K.S.A. 21-4718 were amended to provide for a procedure that allows the jury to determine all of the aggravating factors that might enhance the maximum sentence, based upon the reasonable doubt standard. These amendments became effective upon publication on June 6, 2002.

Facts that would increase the penalty beyond the statutory maximum must now be submitted to a jury. K.S.A. 21-4716(b). A county or district attorney seeking an upward durational departure sentence must file such motion not less than 30 days prior to the date of trial unless the trial is to take place in less than 30 days then such motion shall be filed within 5 days from the date of the arraignment. K.S.A. 21-4718(b)(1). The court shall determine if the presentation of the evidence regarding the aggravating factors shall be presented to the jury during the trial of the matter or in a jury proceeding following the trial. K.S.A. 21-4718(b)(2). The determination of the aggravating factors shall be by a unanimous jury vote, on a special jury verdict form and based on the reasonable doubt standard. K.S.A. 21-4718(b)(4) and (b)(7).

At the conclusion of the departure hearing or within 20 days thereafter, the sentencing court shall issue findings of fact and conclusions of law regarding the issues submitted by the parties, and shall enter an appropriate order. K.S.A. 21-4718(a)(2). Whenever the sentencing court departs from the presumptive guidelines sentence, the court must make findings of fact as to the reasons for departure regardless of whether a hearing is requested. K.S.A. 21-4718(a)(4). If a factual aspect of the current crime of conviction is an element of the crime or is used to subclassify the crime on the crime severity scale, that factual aspect may be used as an aggravating or mitigating factor to justify a departure from the presumptive sentence <u>only if</u> the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime. K.S.A. 21-4716(c)(3).

In determining aggravating or mitigating circumstances, the sentencing court shall consider:

- any evidence received during the proceeding, including the victim impact statement;
- the presentence investigation report;
- written briefs and oral arguments of either the State or counsel for the defendant; and
- any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable. K.S.A. 21-4716(d)(1)-(4).

Mitigating Factors - K.S.A. 21-4716 (c)(1)(A) - (E) and (e)

The following nonexclusive list of statutorily enumerated mitigating factors may be considered in determining whether substantial and compelling reasons for a downward dispositional departure exist:

A. The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction;

B. The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense;

C. The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor;

D. The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse; or

E. The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense. K.S.A. 21-4716(c)(1)(A) - (E).

Subsection (e) provides additional mitigating factors to be considered. It provides that, "Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

- the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;
- the truthfulness, completeness and reliability of any information or testimony provided by the defendant;
- the nature and extend of the defendant's assistance;
- any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and
- the timeliness of the defendant's assistance."

Aggravating Factors - K.S.A. 21-4716(c)(2)(A) - (H)

The following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

A. The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity that was known or should have been known to the offender;

B. The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense;

C. The offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim, whether or not the defendant's belief or perception was correct;

D. The offense involved a fiduciary relationship which existed between the defendant and the victim;

E. The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed, or coerced any individual under 16 years of age to commit or assist in avoiding detection or apprehension for commission of any person felony or any attempt, conspiracy or solicitation to commit any person felony regardless of whether the defendant knew the age of the individual was under 16 years of age;

F. The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender as defined by this section;

G. The defendant was incarcerated at the time the crime was committed; or

H. The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.

Additional Aggravating Factors for Drug Grid - K.S.A. 21-4717(a)(1) – (4)

In addition to the factors listed above, the following aggravating factors which apply to drug felonies committed on or after July 1, 1993, may be considered in determining whether substantial and compelling reasons for departure exist:

1. The crime was committed as part of a major organized drug manufacture, production, cultivation or delivery activity. Two or more of the following nonexclusive factors constitute evidence of major organized drug manufacture, production, cultivation or delivery activity:
    a. The offender derived a substantial amount of money or asset ownership from the illegal drug sale activity;
    b. The presence of a substantial quantity or variety of weapons or explosives at the scene of arrest or associated with the illegal drug activity;
    c. The presence of drug transaction records or customer lists that indicate a drug sale activity of major size;
    d. The presence of manufacturing or distribution materials such as, but not limited to, drug recipes, precursor chemicals, laboratory equipment, lighting, irrigation systems, ventilation, power-generation, scales or packaging material;
    e. Building acquisitions or building modifications including but not limited to painting, wiring, plumbing or lighting which advanced or facilitated the commission of the offense;
    f. Possession of large amounts of illegal drugs, or substantial quantities of controlled substances;

g. A showing that the offender has engaged in repeated criminal acts associated with the manufacture, production, cultivation or delivery of controlled substances.

2. The offender possessed illegal drugs:
    a. With the intent to sell, which were sold or were offered for sale to a person under 18 years of age; or
    b. With the intent to sell, deliver or distribute, or which were sold, or offered for sale in the immediate presence of a person under 18 years of age;
3. The offender, 18 or more years of age, employs, hires, uses, persuades, induces, entices, coerces any individual under 16 years of age to violate or assist in avoiding detection or apprehension for violation of any provision of the uniform controlled substances act, or any attempt, conspiracy or solicitation to commit a violation of any provision of the uniform controlled substances act, regardless of whether the offender knew the individual was under 16 years of age;
4. The offender was incarcerated at the time the crime was committed. K.S.A. 21-4717(a)(1) - (4). In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement. K.S.A. 21-4717(b).

Sex Offenders Postrelease Supervision Departure

The sentencing court may depart from the normal postrelease supervision period to a period of up to 60 months if it is found that the primary crime of conviction is sexually violent or sexually motivated and the court states on the record substantial and compelling reasons to impose a departure. K.S.A. 22-3717(d)(1)(D)(i) and (ii). The sentencing court may order a psychological evaluation be prepared and the recommended program be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out. K.S.A. 22-3717(d)(1)(D)(iv).

Durational and Dispositional Departures

When imposing a departure sentence, the sentencing court should begin with the grid block corresponding to the severity level of the crime of conviction and the offender's criminal history. A sentence that is an upward durational departure cannot exceed twice the maximum presumptive sentence. There is no limit on a downward durational departure. K.S.A. 21-4719(b).

The sentencing court may also depart from the presumptive disposition in the case by sentencing an offender for whom the presumptive sentence is probation to prison (upward dispositional departure), or by sentencing an offender for whom the presumptive sentence is prison to a nonprison sanction (downward dispositional departure). See K.S.A. 21-4719(c) and (d). When the sentencing judge imposes a prison sentence as a dispositional departure, the term of imprisonment shall not exceed the maximum duration of the presumptive imprisonment term. If an upward dispositional departure is combined with an upward durational departure, the sentencing court must define separate substantial and compelling reasons for both departures. See K.S.A. 21-4719(c)(2). However, this requirement does not apply in the case of a downward dispositional and durational departure combination.

K.S.A. 21-4719(a) was amended during the 2008 Legislative Session to provide that no downward dispositional departure shall be imposed for any crime of extreme sexual violence; and further provides that the sentencing judge shall not impose a downward durational departure for a crime of extreme sexual violence to less that 50% of the center of the range of the sentence for such crime.

Departure and Consecutive Sentencing Combination

The following shall apply for a departure from the presumptive sentence based on aggravating factors within the context of consecutive sentences:

1. The court may depart from the presumptive limits for consecutive sentences only if the judge finds substantial and compelling reasons to impose a departure sentence for any of the individual crimes being sentenced consecutively. K.S.A. 21-4720(c)(1).
2. When a departure sentence is imposed for any of the individual crimes sentenced consecutively, the imprisonment term of that departure sentence shall not exceed twice the maximum presumptive imprisonment term that may be imposed for that crime. K.S.A. 21-4720(c)(2).
3. The total imprisonment term of the consecutive sentences, including the imprisonment term for the departure crime, shall not exceed twice the maximum presumptive imprisonment term of the departure sentence following aggravation. This means that the total prison term of the consecutive sentences must also remain within the limit of double the base sentence including the departure sentence. K.S.A. 21-4720(c)(3).

Example

An offender is convicted of kidnapping (severity level 3), aggravated burglary (severity level 5) and theft with a loss of at least $1,000 but less than $25,000 (severity level 9). The offender has one prior person felony conviction placing him in criminal history Category D. If the jury determines, based on the reasonable doubt standard, that substantial and compelling reasons exist to impose an upward durational departure sentence for the kidnapping, that departure may be imposed in conjunction with the imposition of consecutive sentences for the remaining convictions of aggravated burglary and theft. Both the limits on the total consecutive term and the limits applicable to upward durational departure sentences apply.

The sentencing court begins by establishing a base sentence for the primary sentence. In this fact pattern, the most serious crime of conviction is the kidnapping, with a presumed imprisonment sentence of 94 months, which becomes the base sentence. The two remaining convictions at criminal history Category I have presumptive sentences of 32 and 6 months respectively. (If the sentencing court wished only to sentence these offenses consecutively, the total sentence could not aggregate to a sum greater than two times the base without a durational departure sentence. In this hypothetical case, the greatest aggregate consecutive sentence would be 2 x 94, or 188 months. Here, the total sum of 94 + 32 + 6 would be 132 months, a consecutive sentence clearly within the limit of twice the base sentence.)

Assume that the jury establishes a finding for an upward durational departure sentence for the kidnapping conviction based on the presence of an aggravating factor and the court imposes three consecutive sentences for the three offenses in this case.

Base sentence: Kidnapping @ Maximum Presumptive Sentence = 100 months
(Kidnapping at severity level 3, criminal history "D" on the nondrug grid)
Other sentences: Aggravated Burglary and Theft = 32 and 6 months.
(Aggravated Burglary at severity level 5, criminal history "I" and
Theft at severity level 9, criminal history "I" on the nondrug grid)

The base sentence may be enhanced to a maximum departure length of up to 200 months, or two times the maximum presumptive sentence. This is the standard rule for any departure sentence. In

addition, the total imprisonment term of the consecutive sentences, including the departure term, shall not exceed twice the departure of the enhanced sentence. Therefore, the aggregate consecutive sentence in this example cannot exceed 2 x 200, or 400 months. The sum of 200 + 32 + 6, or 238 months is well within the limit of 400 months.

The sentencing court may choose to depart and impose a longer sentence for the aggravated burglary and theft if independent substantial and compelling reasons exist to justify those departures. The aggregate consecutive sentence becomes 200 + 64 + 12, or 276 months, which is still within the limit of 400 months. This sentence would represent a durational departure sentence within a consecutive sentence context, and the limits on the total duration of such a sentence are sometimes referred to as the "double-double rule." The application of the so-called "double-double" rule allows a sentencing court considerable discretion in fashioning a sentence for exceptional cases that warrant both an upward durational departure and consecutive sentencing.

Reporting Dispositions to the Kansas Bureau of Investigation and the Kansas Sentencing Commission

The sentencing guidelines Journal Entry of Judgment form approved by the Kansas Sentencing Commission must be completed for each felony conviction for a crime committed on or after July 1, 1993. K.S.A. 22-3426(f). The court shall forward a signed copy of the Journal Entry of Judgment, attached together with the presentence investigation report as provided by K.S.A. 21-4714 to the Kansas Sentencing Commission within 30 days after sentencing. K.S.A. 22-3439(a).

For crimes committed on or after July 1, 1993, when a convicted person is revoked for a probation violation, a Journal Entry of Revocation form as approved by the Kansas Sentencing Commission shall be completed by the court. K.S.A. 22-3426a. For probation revocations that result in the defendant's imprisonment in the custody of the department of corrections, the court shall forward a signed copy of the Journal Entry of Revocation to the Kansas Sentencing Commission within 30 days of final disposition. K.S.A. 22-3439(b). Even if the probation revocation hearing does not result in the offender being imprisoned, a Journal Entry of Probation Revocation Hearing, on the approved form, must still be submitted to the Kansas Sentencing Commission. See K.S.A. 74-9101(b)(5).

The court shall insure that information concerning dispositions for all other felony probation revocations based upon crimes committed on or after July 1, 1993, and for all class A and B misdemeanor crimes and assault as defined in K.S.A. 21-3408, committed on or after July 1, 1993, is forwarded to the Kansas Bureau of Investigation central repository on a form or in a format approved by the Kansas Attorney General within 30 days of that final disposition. K.S.A. 22-3439(c).

Likewise in the municipal courts, the municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to class A and B misdemeanors under Kansas criminal statutes is forwarded to the Kansas Bureau of Investigation central repository on a form or in a format approved by the Kansas Attorney General within 30 days of final disposition. K.S.A. 12-4106(e).

The Kansas Sentencing Commission staff will review felony Journal Entries for possible illegal sentences. The staff promptly will notify the sentencing court in writing when a possible illegal sentence has been identified. The information gathered from the sentencing guidelines forms provides a database to assess the impact of the sentencing guidelines on state correctional resources, the impact of proposed

revisions to the sentencing guidelines, and improves the availability and reliability of criminal history record information.

CHAPTER VII: APPEALS

Appellate Review Principles – K.S.A. 21-4721

A departure sentence is subject to appeal by the defendant or the state, to the appellate courts in accordance with rules adopted by the Supreme Court. K.S.A. 21-4721(a). Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond. K.S.A. 21-4721(b). On appeal from a judgment or conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

- Any sentence within the presumptive range in the appropriate grid block of the sentencing grid; or
- Any sentence resulting from a plea agreement between the state and the defendant as accepted by the sentencing court on the record. K.S.A. 21-4721(c).

Appellate review for a departure sentence is limited to whether the court's findings of fact and reasons justifying departure are supported by evidence on the record and constitutes substantial and compelling reasons for departure. K.S.A. 21-4721(d). In any appeal, the appellate court may review a claim that:

- A departure sentence resulted from partiality, prejudice, oppression or corrupt motive;
- The sentencing court erred in including or excluding a prior conviction or juvenile adjudication for criminal history scoring purposes; or
- The sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes. K.S.A. 21-4721(e).

The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing. K.S.A. 21-4721(f). In the event a conviction designated as the primary crime in a multiple conviction case is reversed on appeal, the appellate court shall remand the multiple conviction case for resentencing. Upon resentencing, if the case remains a multiple conviction case, the court shall follow all of the provisions of K.S.A. 21-4720 concerning the sentencing of multiple conviction cases. K.S.A. 21-4720(b)(5).

The sentencing court shall retain authority irrespective of any notice of appeal for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors. K.S.A. 21-4721(i).

CHAPTER VIII: COMMUNITY SANCTIONS AND POSTRELEASE SUPERVISION

Postrelease Supervision

Upon completion of the prison portion of the imposed sentence, most inmates will be released to serve a term of postrelease supervision, plus the amount of good time earned and retained while imprisoned. K.S.A. 22-3717(a). Under the terms of 2000 House Substitute for Senate Bill 323, effective May 25, 2000, for crimes committed on or after July 1, 1993, and sentenced under the KSGA, postrelease supervision is:

- 36 months for felonies classified in severity levels 1 through 4 on the nondrug grid and felonies classified in severity levels 1 and 2 on the drug grid;
- 24 months for felonies classified in severity levels 5 and 6 on the nondrug grid and felonies classified in severity level 3 on the drug grid;
- 12 months for felonies classified in severity levels 7 through 10 on the nondrug grid and felonies classified in severity level 4 of the drug grid except for some K.S.A. 65-4160 or 65-4162 offenses committed on or after November 1, 2003.

Severity Levels	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
Nondrug	36	36	36	36	24	24	12	12	12	12
Drug	36	36	24	12	N/A	N/A	N/A	N/A	N/A	N/A

Offenders convicted of severity levels 1 through 6 on the nondrug grid and severity levels 1 through 3 of the drug grid may have their period of postrelease supervision reduced up to 12 months based on the offender's performance under supervision. Offenders convicted of severity levels 7 through 10 of the nondrug grid and severity level 4 of the drug grid may have their period of postrelease supervision reduced up to six (6) months based on the offender's performance under supervision. See K.S.A. 22-3717.

However, under the language found in K.S.A. 1993 Supp. 22-3717, for crimes committed prior to April 20, 1995, postrelease supervision lengths, for severity levels 1 through 4 of the nondrug grid and severity levels 1 and 2 of the drug grid, were for a period of 24 months. Despite the retroactive application of the changes made to postrelease supervision periods under K.S.A. 22-3717 in the 2000 Kansas Legislative Session, it appears that offenders sentenced for severity levels 1 through 4 of the nondrug grid and severity levels 1 and 2 of the drug grid, for crimes committed prior to April 20, 1995, will continue to receive the postrelease supervision periods applicable for those crimes at the time the crimes were committed.

In cases involving multiple convictions, the crime carrying the longest postrelease supervision term will determine the period of supervision for offenders ordered to serve more than one sentence, whether concurrent or consecutive. K.S.A. 22-3717(d)(1)(F).

If an offender is convicted of a sexually motivated crime or sexually violent crime, as defined in K.S.A. 22-3717(d)(1)(F)(2)(A) through (L), the sentencing court, based upon substantial and compelling reasons stated on the record, may depart from the prescribed postrelease supervision period and place the offender on postrelease supervision for a maximum period of 60 months. This is considered a departure

and is subject to appeal. K.S.A. 22-3717(d)(1)(D)(i) and (ii). The Kansas Parole Board may, in its discretion, grant early discharge from this extended postrelease supervision period upon completion of any treatment programs and completion of the longest presumptive postrelease supervision period associated with any of the crimes for which the prison sentence was being served. K.S.A. 22-3717(d)(1)(D)(vi). Offenders convicted of crimes deemed "sexually violent or sexually motivated" must register with local law enforcement agencies according to the habitual sex offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto. K.S.A. 22-3717(d)(1)(D)(vii).

The Parole Board will continue to review release plans. However, the Board will be unable to make any changes regarding release dates for offenders sentenced under the KSGA. K.S.A. 22-3717(i).

For convictions of certain child sex offenses wherein the offender was 18 years of age or older and the victim was less than 14 years of age, upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring. K.S.A. 22-3717(d)(1)(G) and (u).

If an offender is revoked from a nonprison sanction and a prison sentence is imposed, in most cases the offender will not be required to complete a postrelease period. K.S.A. 22-3716(e).

Violations of Conditions of Release; Probation or Postrelease Supervision

Probation

Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. However, this does not apply to:

- Offenders sentenced to a nonprison sanction pursuant to a dispositional departure;
- Offenders whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes;
- Offenders sentenced for a "sexually violent crime" as defined by K.S.A. 22-3717, and amendments thereto;
- Offenders whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense; or
- Offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection.

See K.S.A. 22-3716(e).

When an offender is sentenced for a felony committed while the offender was on felony probation (or other felony nonprison status), a consecutive sentence generally is mandated, and the sentencing court may sentence the offender to prison for the new offense even if that offense otherwise presumes a nonprison sentence. This is not considered a departure and does not require additional substantial and compelling circumstances on the record. K.S.A. 21-4603d(f) and 22-3716(b).

Postrelease Supervision

For crimes committed before April 20, 1995, a finding of a technical violation of the conditions of postrelease supervision will result in imprisonment for a period not to exceed 90 days from the date of the final revocation hearing; for crimes committed on or after April 20, 1995, a technical violation will result in imprisonment for six months and such time may be reduced by not more than 3 months based upon the inmate's conduct, work and program participation during the imprisonment period. K.S.A. 75-5217(b). If the violation results from a conviction of a new felony, upon revocation of postrelease supervision, the offender will serve the entire remaining balance of the postrelease supervision period in prison even if the new conviction does not result in a new prison term, including the amount of good time which had been earned before release. K.S.A. 75-5217(c). If an offender is returned to prison with a new misdemeanor conviction, upon revocation, the offender shall serve a period of confinement to be determined by the Kansas parole board, which shall not exceed the remaining balance of the period of postrelease supervision. K.S.A. 75-5217(d).

Conversion of Sentence for a Crime Committed After July 1, 1993, but Before March 24, 1994

Prior to March 24, 1994, if an offender was sentenced to prison for a crime committed after July 1, 1993, and while the offender was on parole or conditional release for a crime committed prior to July 1, 1993, the old sentence was to be converted into a determinate sentence to run consecutive to the new sentence as follows:

1. Twelve months for class C, D or E felonies or the conditional release date whichever is shorter; and
2. Thirty-six months for class A or B felonies or the conditional release date whichever is shorter.

The converted sentence for crimes committed prior to July 1, 1993, was to be aggregated with the new consecutive guidelines sentence. See K.S.A. 1993 Supp. 22-3717(f)(1) and (2).

Conversion of Sentence for a Crime Committed After March 24, 1994

On or after March 24, 1994, if an offender is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the offender is not eligible for retroactive application of the KSGA under K.S.A. 21-4724, the new sentence will not be aggregated with the old sentence. Instead, the offender will not begin to serve the new sentence until he or she is paroled, or reaches the conditional release date on the old sentence. K.S.A. 22-3717(f).

If the offender was past the conditional release date at the time the new offense was committed, the new sentence shall begin when the offender is ordered released by the Kansas Parole Board or reaches the maximum expiration date of the old sentence, whichever is earlier. Then the offender will begin to serve the new sentence, which will also govern the postrelease supervision term. However, if the old sentence was life or an indeterminate term with life as the maximum, the offender will remain under supervision for life, or until discharged by the Parole Board. K.S.A. 22-3717(f).

CHAPTER IX: RETROACTIVITY

Retroactive Application of Sentencing Guidelines

The retroactive provision of the KSGA applies to offenders incarcerated who would have been considered presumptive probation candidates had they been sentenced as if their crimes occurred on or after July 1, 1993, or who would have been placed in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, had they been sentenced as if their crimes occurred on or after July 1, 1993. K.S.A. 21-4724(b)(1). For offenders sentenced before July 1, 1993, the Kansas Department of Corrections (KDOC) was required to assess each offender's possible eligibility for retroactive application of the KSGA by determining the severity level of the crime(s) of conviction as if the crime(s) had occurred on or after July 1, 1993, and the offender's criminal history. K.S.A. 21-4724(c)(1).

Once an offender was determined to be eligible for the retroactive application of the sentencing guidelines, the KDOC was to issue a report indicating such to the offender, prosecutor, and the sentencing court. K.S.A. 21-4724(c). The criminal history classification determined by KDOC was to be deemed correct unless an objection was filed by either the offender or the prosecution within the 30 days provided to request a hearing. K.S.A. 21-4724(c)(4). If a hearing was requested within the 30 days, the parties could challenge the KDOC's determination of the crime severity or the criminal history, or seek a departure sentence if the offender was eligible for conversion of the sentence to a guidelines sentence. K.S.A. 21-4724(d).

If no hearing was requested, the sentence was converted and the offender was released after serving the midpoint sentence of the range in the applicable sentencing guidelines grid block. K.S.A. 21-4724(d)(1). If a hearing was requested, the sentencing court determined whether the offender was eligible for conversion to a guidelines sentence and the appropriate duration of that sentence, within the limits imposed by the sentencing guidelines. K.S.A. 21-4724(d)(2). The presence of the offender in person at the hearing was not required but counsel had to be appointed. K.S.A. 21-4724(d)(4), (5). No sentence could be increased through retroactive application of the guidelines. K.S.A. 21-4724(e).

For those offenders who committed crimes prior to July 1, 1993, but who were sentenced after that date, the sentencing court was to impose a sentence pursuant to the law in effect before July 1, 1993. However, the sentencing court was also required to compute the appropriate sentence had the offender been sentenced pursuant to the KSGA. K.S.A. 21-4724(f).

K.S.A. 21-4724(b)(1) also contains a provision concerning the modification of sentences for individuals convicted of pre-July 1, 1993, crimes that, had the crime been committed after July 1, 1993, would have been classified in grid blocks 3-H, or 3-I of the drug grid. K.S.A. 21-4724(b)(1) provides that such drug grid 3-H or 3-I crimes may be converted to KSGA determinate sentences "*pursuant to the provisions of subsection (c) of K.S.A. 21-4705, and amendments thereto.*" This provision created the commonly referred to "small sale" exception for marijuana which allowed for the conversion of sentences equivalent to 3-H or 3-I drug grid sentences for only those individuals who fit within the "small sale" of marijuana definition that was found at K.S.A. 21-4705(c). See *State v. Hackler*, 21 Kan. App. 2d 325, 900 P.2d 241 (1995). However, the changes made in K.S.A. 1996 Supp. 21-4705 eliminated the definition of a "small sale" of marijuana exception from subsection (c) of the statute, and thus effectively eliminated the possibility of having a pre-guidelines conviction that would equate to a 3-H or 3-I drug grid conviction converted to a determinate sentence.

2000 Retroactivity Provisions

Legislation passed during the 2000 Kansas Legislative Session, found at K.S.A. 2000 Supp. 21-4611(d), also contained provisions with retroactive application for sentences under the Kansas Sentencing Guidelines Act. For a full description of those provisions, please see the **"TIMELINE OF CERTAIN IMPORTANT EVENTS RELATED TO THE KSGA"** located on the KSC website at www.kansas.gov/ksc.

SOME POINTS OF INTEREST ABOUT THE GUIDELINES FOR THE SENTENCING COURT

Crime severity and criminal history are the main factors which control sentencing decisions

The KSGA provides invaluable guidance to the sentencing court in the form of a rational sentencing structure based on two controlling factors: the crime severity level and the criminal history of the offender. The drug and nondrug sentencing grids reflect the sentences that are presumed to be appropriate in the vast majority of cases when these two factors are taken into consideration to determine whether the offender should be sent to prison and for what length of time.

Sentences imposed are served

The terms of imprisonment, nonprison sentences, and postrelease supervision imposed by the sentencing court pursuant to the KSGA are of a pre-established, binding duration. In other words, the offender will actually serve the sentence imposed by the sentencing court. The offender may earn good time in an amount no greater than:

- 20% for crimes committed on or after July 1, 1993 and prior to April 20, 1995;
- 15% for crimes committed on or after April 20, 1995; or,
- 20% for crimes of drug severity level 3 or 4 or, nondrug severity level 7-10, committed on or after January 1, 2008. K.S.A. 2007 Supp. 21-4706(a) and 21-4722(a)(2).

Although good time serves to reduce the portion of the sentence that must be served in prison, the amount of good time earned is added to the period of postrelease supervision, so that the entirety of the term will not be affected or reduced. K.S.A. 2007 21-4722(b).

In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision. K.S.A. 21-4704(e)(2).

Guidelines provide objectivity but leave room for properly justified exercise of discretion

The KSGA offers an objective approach to sentencing without placing undue limitations on the discretion of the sentencing court. The guidelines establish presumptive rather than mandatory sentences. Upon motion of either party or upon its own motion, the sentencing court may depart from the presumed disposition established by the guidelines. The sentencing court may similarly depart upward or downward from the presumptively appropriate duration of any prison term established by the sentencing guidelines. Such departures must be supported on the record by substantial and compelling reasons, which may include aggravating or mitigating circumstances specifically enumerated in non-exclusive lists of departure factors found within the sentencing guidelines provisions.

In *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face" for the imposition of upward durational departure sentences. Both K.S.A. 2001 Supp. 21-4716 and K.S.A. 21-4718 were subsequently amended to correct the upward durational departure problem arising from *Gould*. Effective June 6, 2002, the jury determines all aggravating

factors that might enhance the maximum sentence, based upon the reasonable doubt standard. Evidence of aggravating circumstances is either presented during the trial of the matter or in a bifurcated jury proceeding following the trial. See K.S.A. 21-4716 and 21-4618.

Certain offenses (i.e., those that fall into border boxes on the guidelines grids) allow the sentencing court the option to impose a nonprison sentence without making a departure. However, the sentencing court also has the discretion to decide whether sentences should run concurrently or consecutively and this authority allows imposition of a sentence up to twice the maximum presumptive term of imprisonment if substantial and compelling reasons for the departure are adequately stated on the record. See K.S.A. 21-4720.

Forms help make a record

In order to assist the sentencing court in making a complete record of all aspects of the sentencing proceedings, the Journal Entry of Judgment form approved by the Kansas Sentencing Commission facilitates inclusion of all requisite information and findings for the record in a concise and efficient manner. Under statute, each KSGA Journal Entry of Judgment must be on a form approved by the Kansas Sentencing Commission and this form must be used for all felony cases sentenced on or after July 1, 1993. K.S.A. 22-3426. In addition, the sentencing court must forward a copy of the Journal Entry of Judgment, attached together with the Presentence Investigation Report to the Kansas Sentencing Commission within thirty (30) days of the sentencing. K.S.A. 22-3439(a).

Each Journal Entry of Probation Revocation Hearing must also be on a form approved by the Kansas Sentencing Commission and be sent to the Kansas Sentencing Commission within 30 days of final disposition. K.S.A. 22-3426a(c) and 22-3439(b). Even if the probation revocation hearing does not result in the offender being imprisoned, a Journal Entry of Probation Revocation Hearing, on the approved form, must still be submitted to the Kansas Sentencing Commission. K.S.A. 74-9101(b)(5). Information for felony probation revocations based upon crimes committed on or after July 1, 1993 (and all class A and class B misdemeanor crimes and assault as defined in K.S.A. 21-3408, committed on or after July 1, 1993), must also be forwarded to the Kansas Bureau of Investigation central repository within 30 days of final disposition. See K.S.A. 22-3439(c).

Court not bound by plea agreements

The sentencing court remains free to accept or reject any plea agreement reached by the parties that is otherwise authorized by the KSGA. While plea bargaining may not be used to exact a promise from the prosecutor not to allege prior convictions that will enhance the crime severity level of the offense, or will affect the determination of the offender's criminal history category, plea bargaining is otherwise permissible. K.S.A. 21-4713 and 21-4707(b)(4).

The offender may enter a plea to the charged offense, or to a lesser or related charge in return for the dismissal of other charges or counts, a recommendation for a particular sentence within the appropriate sentencing range on the grid, a recommendation for a departure sentence where departure factors exist and are stated on the record, an agreement that a particular charge or count will or will not be filed, or any other promise not prohibited by law. K.S.A. 22-3210, K.S.A. 21-4713 and 21-4707(b)(4).

Informing the offender of the possible penalties when accepting a guilty or *nolo contendere* plea

Whether the sentencing court accepts or rejects any proposed plea agreement, the court will often be making a decision whether to accept a plea of guilty or no contest from the offender before coming into possession of all criminal history information that is required for imposition of sentence. Nevertheless, the sentencing court is still able to advise the offender of the sentencing consequences of the plea by simply informing the offender of the entire range of sentences provided by the grid for the severity level of the crime to which the plea is being entered. See K.S.A. 21-4707 and K.S.A. 22-3210(a)(2).

While subsequently discovered prior convictions cannot then be used to enhance the severity level of the crime to which a plea has been accepted, they can be counted in the offender's criminal history. See K.S.A. 21-4707(c)(4).

Presentence Investigation Report is mandatory

Another benefit of the KSGA for the sentencing court is the fact that a Presentence Investigation Report is mandatory, which ensures that the court will be in possession of the most complete criminal history information involving the offender as is available. See K.S.A. 21-4714(a).

Challenges to criminal history; other hearings

If the offender does not agree in open court to the criminal history as reflected in the Criminal History Worksheet/Presentence Investigation Report and gives written notice of any errors contained there, the prosecutor will have to prove the disputed elements by a preponderance of the evidence at the hearing, and the sentencing court is authorized to give the prosecution reasonable time to produce such evidence. The offender must specify the exact nature of any alleged error if he/she objects to his/her criminal history worksheet. See K.S.A. 21-4715(c).

If any party seeks imposition of a departure sentence, a hearing on the matter must be held, and the parties must be given adequate time to prepare and present their arguments regarding the proposed departure. Written arguments may be submitted and oral arguments presented, and the sentencing court must review any victim impact statement. Copies of the Presentence Investigation Report must be provided to the parties prior to the hearing. The sentencing court will have up to twenty (20) days to rule. K.S.A. 21-4718(a)(1), (2). Any departure from the presumptive sentence must be supported by substantial and compelling reasons stated on the record. See K.S.A. 21-4716(a), 21-4717(a), 21-4720(c)(1) and K.S.A. 21-4719(c)(2).

Appeals

Any sentence imposed by the sentencing court which is within the presumptive sentencing range provided for the crime on the proper grid, or which results from a plea agreement between the parties and is approved by the sentencing court on the record, is generally not appealable unless the determination of the severity level of the crime, or the criminal history of the offender are brought into question. A

departure sentence is appealable to the extent that the reasons justifying the departure must be found to be supported by the evidence in the record and are substantial and compelling. Otherwise, review of departure sentences on appeal is limited to claims that the sentence resulted from partiality, prejudice, oppression, or corrupt motive. K.S.A. 21-4721.

Extended jurisdiction juvenile cases

Under K.S.A. 38-2364(a), if an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall: (1) impose one or more juvenile sentences under K.S.A. 38-2361 and (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender does not violate the provisions of the juvenile sentence and does not commit a new offense. *An adult felony Journal Entry of Judgment form must be completed for these cases*. A box is located in the "Special Rule Applicable" section of the adult Journal Entry of Judgment form labeled "Extended Jurisdiction Juvenile Imposed," to indicate that the Journal Entry of Judgment is for a case where an extended jurisdiction juvenile sentence was imposed and should be checked in these cases.

SUGGESTED SENTENCING PROTOCOL UNDER THE KSGA

1. ANNOUNCE THE CASE.

2. HAVE COUNSEL STATE THEIR APPEARANCES FOR THE RECORD.

3. GIVE AN OVERVIEW OF HOW THE DEFENDANT WAS FOUND GUILTY.

A. Specify whether a plea agreement was involved, if any of the charges were dismissed and whether the case involved a bench trial or a trial by jury.

4. HAVE BOTH PARTIES ACKNOWLEDGE RECEIPT OF THE PRESENTENCE INVESTIGATION REPORT (PSI).

5. ASK BOTH PARTIES IF THEY HAVE CHALLENGES TO THE CRIMINAL HISTORY.

A. Require the parties to answer on the record.

B. Address the defendant personally and ask whether he or she admits the criminal history set out in the Criminal History Worksheet. See K.S.A. 2007 21-4715.

C. If challenges to the criminal history exist, take up each challenge and rule on each challenge. The offender must specify the exact nature of any alleged error if he or she objects to his or her criminal history worksheet.

1. Criminal history shall be established by a preponderance of the evidence. The burden of proof is on the State.

2. A certified or authenticated copy of a Journal Entry is sufficient proof of a prior offense unless the defendant denies he or she is the person named. See *State v. Staven*, 19 Kan. App. 2d 916, 881 P.2d 573 (1994).

3. If time to challenge the criminal history was not available prior to the sentencing hearing, additional time must be provided. See *State v. Hankins*, 19 Kan. App. 2d 1036, 880 P.2d 271 (1994).

D. If changes are made to the defendant's criminal history, the court should also make the actual changes on the Criminal History Worksheet.

E. If the defendant's criminal history score changes due to a revision, the court should offer counsel a continuance to file a departure request or other presentence preparation required by the change(s).

6. ANNOUNCE THE CRIMINAL HISTORY SCORE.

7. ASK THE PARTIES IF THERE IS ANY LEGAL REASON WHY SENTENCE SHOULD NOT BE PRONOUNCED AT THIS TIME.

8. IF REQUESTS FOR DEPARTURE HAVE BEEN FILED, EXPLAIN TO COUNSEL HOW YOU WILL HANDLE THE DEPARTURE HEARING.

A. There is no prescribed proceeding for a departure hearing under K.S.A. 2007 21-4718.

B. A departure hearing may be conducted as a separate hearing, or the motion may be heard preceding other oral arguments and evidence on sentencing.

C. If a separate departure hearing is held, the court may rule on the departure at the end of the hearing, "or within 20 days thereafter." See K.S.A. 2007 21-4718(a)(2).

9. IF NO REQUESTS FOR DEPARTURE ARE ON FILE, ASK THE PARTIES WHETHER EITHER IS SEEKING A DEPARTURE.

A. This is not required by statute but it is the safest practice. In the event the PSI is not available in a timely manner, or other reasons arise which do not allow adequate time to prepare and present arguments regarding the issues of "departure sentencing," a continuance must be granted. See K.S.A. 2007 21-4718(a)(1).

10. IF A DEPARTURE IS SOUGHT, CONDUCT A HEARING ON THE DEPARTURE MOTION(S). ALLOW COUNSEL TO ADDRESS THE COURT AND ALSO ALLOW WITNESSES FOR EITHER PARTY TO TESTIFY.

A. Sentencing for an upward durational departure was affected by *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), where K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face." Facts that would increase the penalty beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt. K.S.A. 2007 21-4716(b).

B. A County or District Attorney seeking an upward durational departure must provide notice 30 days prior to the date of trial or, within 5 days from the date of the arraignment if the trial is to take place in less than 30 days from the date of the arraignment. K.S.A. 2007 21-4718(b)(1).

C. The court shall determine if the presentation of the evidence regarding the aggravating factors shall be presented during the trial of the matter or in the jury proceeding following the trial. K.S.A. 2007 21-4718(b)(2).

D. The jury shall determine, based on the reasonable doubt standard, whether aggravating factors exist that may serve to enhance the maximum sentence. If one or more aggravating factors are found to exist, by a unanimous jury vote, such factors shall be reported to the court on a special jury verdict form. K.S.A. 2007 21-4718(b)(4) and (b)(7).

11. ASK IF ANY VICTIMS OR OTHERS WISH TO SPEAK.

A. Following the rule in *State v. Parks*, 265 Kan. 644, 962 P.2d 486 (1998), non-victims and non-family members may also be permitted to submit written statements and/or speak.

12. ADDRESS THE DEFENDANT DIRECTLY (NOT HIS OR HER COUNSEL) AND CONDUCT ALLOCUTION.

A. Ask the defendant personally if he or she wishes to make a statement or to present evidence in support of mitigation of sentence. Allow any statements or evidence.

13. ANNOUNCE THE BASE SENTENCE FROM THE APPROPRIATE GRID.

A. "I hereby establish Count __ as the base sentence. For the offense of _____, a severity level __ (person or nonperson) __ (drug or nondrug) felony, on which the defendant has a criminal history score of __, thus placing him/her in grid block ____. I hereby sentence the defendant to a term of __ months in the custody of the Secretary of Corrections. On this sentence the defendant may earn up to __ months of good time credit and would be subject to __ months of post-release supervision." If a fine is to be imposed, also announce the fine and the reasons for the fine. See K.S.A. 21-4607.

14. ANNOUNCE ANY DEPARTURES FROM THE BASE SENTENCE AND THE REASONS FOR THE DEPARTURE(S).

A. Statutory mitigation and aggravation factors may be found at K.S.A. 2007 21-4716 (nondrug) and K.S.A. 2007 21-4717 (drug).

B. Sentencing courts must provide separate reasons based upon facts in the record, for any/every durational and dispositional departure. See *State v. Favela*, 259 Kan. 215, 911 P.2d 792 (1996).

C. Reasons for departure must be "substantial and compelling." See K.S.A. 2007 21-4716(a), 21-4717(a) and K.S.A. 21-4719(c)(2). If the court is imposing a durational postrelease supervision departure under K.S.A. 2007 22-3717(d), specifically state on the record the substantial and compelling reasons relied upon to impose a departure. See *State v. Anthony*, 273 Kan. 726 45 P.3d 852 (2002).

D. Findings of fact as to the reasons for departure shall be made regardless of whether a hearing was requested. K.S.A. 2007 21-4718(a)(4).

E. For sex offenders, a post-release supervision period of up to 60 months may be ordered. K.S.A. 2007 22-3717(d)(1)(D)(i). When imposing a durational postrelease supervision departure under K.S.A. 2007 22-3717(d), state specifically on the record the substantial and compelling reasons to impose a departure. See *State v. Anthony*, 273 Kan. 726, 45 P.3d 852 (2002).

15. IF A SPECIAL RULE APPLIES WHICH DOES NOT REQUIRE A DEPARTURE, STATE THE APPLICABLE RULE AND ITS EFFECT UPON THE SENTENCE IMPOSED.

Special Sentencing Rules

K.S.A. 2007 21-4704(h)	Person felony committed with a firearm – presumed prison.
K.S.A. 2007 21-4704(g)	Aggravated battery on a LEO, ***committed prior to July 1, 2006,*** if criminal history is 6H or 6I – presumed prison.
K.S.A. 2007 21-4704(g)	Aggravated assault on a LEO, if criminal history is 6H or 6I – presumed prison.
K.S.A. 2007 21-4704(k)	Felony committed for the benefit of a criminal street gang – presumed prison.
K.S.A. 2007 21-4704(j)	Persistent sex offender if current conviction is presumed prison double the maximum duration.
K.S.A. 2007 21-4704(i)	Felony DUI, third, fourth or subsequent conviction – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 8-1567, term of imprisonment not to be served in KDOC.
K.S.A. 2007 21-4704(i)	Felony domestic battery, third or subsequent conviction within five years – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 21-3412a(b)(3), term of imprisonment not to be served in KDOC.
K.S.A. 2007 21-4603d(f)	New crime committed while incarcerated and serving a sentence for a felony or while on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony – new sentence **shall** be consecutive to old pursuant to K.S.A. 21-4608 and the court **may** impose a prison sentence even if presumption is nonprison.
K.S.A. 2007 21-4603d(f)	***New crime committed while incarcerated in a juvenile correctional facility for an offense that would have been a felony if committed by an adult – presumed prison.***
K.S.A. 2007 21-4603d(f)	New felony committed while on felony bond, ***KS or other jurisdiction*** – new sentence **may** be consecutive to old pursuant to K.S.A. 21-4608(d) and the court **may** impose a prison sentence even if presumption is nonprison.
K.S.A. 2007 38-2347	Extended jurisdiction juvenile imposed– both juvenile and adult K.S.A. 2007 38-2364 sentences imposed, adult sentence stayed

	conditioned on successful completion of juvenile sentence.
K.S.A. 2007 21-4705(e)	Second or subsequent conviction for manufacture, or the attempted manufacture of a controlled substance – presumed prison, twice the maximum duration.
K.S.A. 2007 21-4705(f)	Third or subsequent possession of a controlled substance in violation of K.S.A. 2006 Supp. 65-4160 or K.S.A. 65-4162 presumed prison.
K.S.A. 2007 21-4704(l)	Residential burglary after a prior residential or a non-residential burglary or an aggravated burglary conviction – presumed prison.
K.S.A. 2007 21-4704(l)	***Burglary with two prior burglary convictions or a combination of a prior burglary and an aggravated burglary – presumed prison.***
K.S.A. 2007 Supp.17-12a508(a)(5)	Any violation of the Kansas Securities Act, K.S.A. 17-12a101 *et seq.*, resulting in a loss of $25,000 or more – presumed prison.
K.S.A. 2007 21-4704(i)	Second forgery conviction, if criminal history is I to C – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 21-3710(b)(3), term of imprisonment not to be served in KDOC.
K.S.A. 2007 21-4704(i)	Third or subsequent forgery conviction, if criminal history is I to C – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 21-3710(b)(4), term of imprisonment not to be served in KDOC.
K.S.A. 2007 Supp. 9-2203(c)	Second or subsequent conviction of a violation of the Mortgage Business Act, K.S.A. 9-2201 *et. seq.* – presumed prison.
K.S.A. 2007 Supp. 50-1013(a)	Any violation of the Loan Brokers Act, K.S.A. 50-1001 *et. seq.*, resulting in a loss of $25,000 or more – presumed prison.
K.S.A. 2007 21-4704(i)	Felony animal cruelty, intentional and malicious violation of K.S.A. 21-4310(a)(1) – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 21-4310(d)(1), term of imprisonment not to be served in KDOC.
K.S.A. 2007 21-4704(i)	Felony animal cruelty, intentional, second or subsequent violation of K.S.A. 21-4310(a)(2) – (a)(5) – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A.

	21-4310(d)(2), term of imprisonment not to be served in KDOC.
K.S.A. 2007 21-4704(i)	Felony animal cruelty, working/assistance dogs, violation of K.S.A. 21-4318(a) – sentenced pursuant to the specific mandatory sentencing requirements of K.S.A. 21-4318(c), term of imprisonment not to be served in KDOC.
K.S.A. 2007 Supp. 40-2,118	***Any combination of fraudulent insurance acts occurring within 6 consecutive months and involving $25,000 or more – presumed prison.***

16. IF A DURATIONAL DEPARTURE IS GRANTED, THE TOTAL LENGTH OF THE DEPARTURE SENTENCE CANNOT EXCEED TWICE THE BASE SENTENCE.

See K.S.A. 2007 21-4720(b)(4).

17. ANNOUNCE ALL OTHER SENTENCES AND WHETHER EACH SENTENCE IS CONCURRENT OR CONSECUTIVE TO THE BASE SENTENCE.

See K.S.A. 2007 4720(b).

A. The Court *must state on the record* if the sentence is concurrent or consecutive, otherwise it becomes a concurrent sentence by default except as provided by K.S.A. 21-4608(c), (d) and (e). K.S.A. 21-4608(a).

B. The total length of all consecutive sentences imposed cannot exceed twice the base sentence. The "Double-Double" Rule is found at K.S.A. 2007 21-4720(b)(4) and was discussed and applied in *State v. Peterson*, 22 Kan. App. 2d 576, 920 P.2d 463 (1996).

C. Only the primary crime will have the full criminal history applied. Non-base crimes will have a criminal history score of "I" applied, regardless of whether they are to run concurrently or consecutively. K.S.A. 2007 21-4720(b)(5), see also *State v. Bowen*, 20 Kan. App. 2d 576, 890 P.2d 374 (1995).

18. ANNOUNCE WHETHER PROBATION OR COMMUNITY CORRECTIONS PLACEMENT IS GRANTED. IF DEPARTING FROM A PRESUMPTIVE DISPOSITION, STATE THE REASONS ON THE RECORD. ANNOUNCE THE CONDITIONS AND THE DURATION OF PROBATION.

In the event the offender is sentenced for a first or second violation of K.S.A. 65-4160 or K.S.A. 65-4162, and the offender is eligible for certified drug abuse treatment under K.S.A. 21-4729 (2003 Senate Bill 123), the offender should be informed on the record that under the provisions K.S.A. 21-4729: certified drug abuse treatment may last for a period of up to 18 months; the offender may be responsible for repayment of the costs of treatment which will be determined by the sentencing court after an assessment by community corrections; if the offender is unsuccessfully discharged or voluntarily quits the mandatory treatment, the offender would be subject to the entire underlying prison sentence with no jail time credit for time spent in treatment; every condition violation shall be subject to some form of nonprison sanctions (i.e., county jail time, fines, community service,

intensified treatment, house arrest, electronic monitoring, etc.); absent a judicial finding, condition violations alone will not result in discharge from treatment; and upon the successful completion of a certified drug abuse treatment program the offender will be discharged and not subject to postrelease supervision.

19. ESTABLISH RESTITUTION AMOUNTS, IF ANY. SCHEDULE A RESTITUTION HEARING IF THIS IS IN DISPUTE.

20. ESTABLISH THE NUMBER OF DAYS OF JAIL CREDIT TO WHICH THE DEFENDANT IS ENTITLED AND THE DEFENDANT'S "SENTENCE BEGINS DATE."

See K.S.A. 2007 21-4614 and K.S.A. 21-4614a.

21. ADVISE THE DEFENDANT THAT HE OR SHE MAY HAVE RIGHTS OF EXPUNGEMENT UNDER K.S.A. 2007 21-4619.

22. IF THE CASE WAS TRIED, OR IF YOU HAVE RULED ADVERSELY TO THE DEFENDANT AT THE HEARING, ADVISE THE DEFENDANT OF HIS OR HER RIGHT TO APPEAL UNDER K.S.A. 21-4721.

23. ADVISE THE DEFENDANT OF THE OBLIGATION TO REGISTER AS A SEX OFFENDER, IF APPLICABLE.

See K.S.A. 2007 22-4905(b)(1) and (b)(2)(A).

24. ADVISE THE DEFENDANT OF THE PROHIBITIONS AGAINST A CONVICTED FELON POSSESSING A FIREARM, IF APPLICABLE.

See K.S.A. 2007 21-4204(a)(2) through (a)(4).

25. ADVISE THE OFFENDER OF THE LOSS OF CERTAIN CIVIL RIGHTS SUCH AS THE RIGHT TO VOTE UNTIL THE OFFENDER'S SENTENCE IS FULLY DISCHARGED.

See K.S.A. 2007 21-4615. Anyone convicted of a felony on or after 07/01/02 may not vote until his or her "sentence" is completed. This specifically includes a sentence of probation.

26. IF IMPRISONMENT IS ORDERED, REMAND THE DEFENDANT TO THE CUSTODY OF THE SHERIFF, OR ESTABLISH A DATE TO REPORT IF A STAY OF EXECUTION IS GRANTED AND IF THE DEFENDANT IS NOT IN CUSTODY. ESTABLISH AN APPEAL BOND AMOUNT, IF REQUESTED. IF PROBATION AND/OR COMMUNITY CORRECTIONS IS GRANTED, DIRECT THE DEFENDANT AS TO WHEN AND HOW TO REPORT TO THOSE AGENCIES.

SOME POINTS OF INTEREST ABOUT THE GUIDELINES FOR THE PROSECUTION

Emphasis of guidelines is on criminal history and crime severity

The KSGA places the emphasis of the sentencing phase of a criminal prosecution on the two factors that are generally of greatest concern to the prosecutor, the criminal history of the offender and the crime severity. The prosecution can focus its efforts on establishing by a preponderance of the evidence any challenged aspect(s) of the criminal history information provided in the presentence investigation report and presenting to the sentencing court any aggravating or mitigating circumstances which may provide substantial and compelling reasons for the court to consider imposing a departure sentence. Properly authenticated copies of Journal Entries of convictions or the mandatory presentence investigation reports prepared in conjunction with the prosecution of cases for crimes occurring on or after July 1, 1993, generally will be sufficient. Other properly authenticated documents that may be of use in proving criminal history include plea transcripts and charging documents such as an information, complaint, or indictment. The prosecution is entitled to reasonable time to obtain the necessary proof of prior convictions. See K.S.A. 2007 21-4715.

Plea agreements

The prosecution may enter into plea negotiations and agreements with the offender, although there are some limitations on the type of agreement that can be reached. An agreement by the prosecutor not to allege prior convictions that will enhance the crime severity level or will affect the criminal history of the offender is **impermissible**. However, the prosecutor may agree to a dismissal of some charges or counts in return for a plea by the offender to the charged offense or to a lesser or related charge. The prosecution may also agree to file or not to file a particular charge or count, to make a recommendation for a particular sentence within the appropriate sentencing range on the grid, or to make a recommendation for a departure sentence where substantial and compelling departure factors exist and are stated on the record. See K.S.A. 2007 22-3210, K.S.A. 21-4713 and 21-4707.

Departure hearings

The prosecution may file a motion alleging that substantial and compelling aggravating circumstances exist which call for a more severe sanction than the presumptively appropriate sentence provided by the guidelines. If the grid establishes a presumptive nonprison sentence for the crime of conviction, the prosecution may seek a dispositional departure in the form of a prison sentence. If the grid establishes a presumptive prison sentence within the range of time provided within the appropriate grid block, the prosecution may seek an upward durational departure in the form of a longer prison sentence. The prosecution is also free to seek a downward dispositional or durational departure based on the existence of substantial and compelling mitigating circumstances. The KSGA contains non-exclusive lists of aggravating and mitigating circumstances on which motions for departures can be based. See K.S.A. 2007 21-4716 and 21-4717.

In *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), K.S.A. 2000 Supp. 21-4716 was found to be "unconstitutional on its face" for the imposition of upward durational departures. However, both K.S.A. 2001 Supp. 21-4716 and K.S.A. 21-4718 subsequently were amended to correct the upward durational departure problem arising from *Gould*. Effective June 6, 2002, the jury determines all aggravating

factors that might enhance the maximum sentence, based upon the reasonable doubt standard. See K.S.A. 2007 21-4716 and 21-4618.

Written and/or oral arguments may be presented to the sentencing court in support of any motion by the prosecution for a departure from the presumptive guidelines sentence or in response to any such motion by the offender when the matter of the proposed departure is set for hearing. The prosecution will have the duty to notify the victim(s) or their families of any departure hearings. See K.S.A. 2007 21-4718, 21-4720 and K.S.A. 21-4719.

Definite terms of sentence imposed

Because the terms of imprisonment, nonprison sentences, and postrelease supervision imposed by the sentencing court pursuant to the KSGA will be of specific duration, the prosecutor will be able to inform the victim(s) and their families about the amount of time the offender will serve in definite terms.

Using the Journal Entry of Judgment form to assist the court in making a proper record

The prosecution can also help the sentencing court to make a complete record of all phases of the sentencing proceedings, which are required by the guidelines through use of the Journal Entry of Judgment form approved by the Kansas Sentencing Commission. The use of the Journal Entry form is mandated by the KSGA and it provides guidance in conducting the sentencing process by including all essential information and findings on the record. See K.S.A. 2007 22-3426. This form must be used for all felony cases sentenced on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Judgment, attached together with the presentence investigation report as provided by K.S.A. 2007 21-4714, to the Kansas Sentencing Commission within 30 days of sentencing. See K.S.A. 2007 22-3439.

All revocation of probation Journal Entries must be on a form approved by the Kansas Sentencing Commission (i.e., the Journal Entry of Probation Revocation Hearing) and must be sent to the Kansas Sentencing Commission within 30 days of final disposition. See K.S.A. 2007 22-3426a(c) and 22-3439(b). Even if the probation revocation hearing does not result in the offender being imprisoned, a Journal Entry of Probation Revocation Hearing, on the approved form, must still be submitted to the Kansas Sentencing Commission. See K.S.A. 2007 74-9101(b)(5). Information for felony probation revocations, which do not result in imprisonment in the KDOC, must be forwarded to the Kansas Bureau of Investigation central repository within 30 days of final disposition. K.S.A. 2007 22-3439(c).

Appeals

The prosecution may appeal when the sentencing court imposes a sentence that constitutes an unfavorable departure. If the sentencing court imposes a nonprison sentence that constitutes a departure because the guidelines establish a presumption for a prison sentence for the crime of conviction, this dispositional departure may be appealed by the prosecution. If the sentencing court imposes a prison sentence of shorter duration than the presumptive term provided by the guidelines for the crime of conviction, this durational departure may also be appealed by the prosecution. See K.S.A. 21-4721.

Extended jurisdiction juvenile cases

Under K.S.A. 2007 38-2364(a), if an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall: (1) impose one or more juvenile sentences under K.S.A. 2007 38-2361 and (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender does not violate the provisions of the juvenile sentence and does not commit a new offense. *An adult felony Journal Entry of Judgment form must be completed for these cases*. A box is located in the "Special Rule Applicable" section of the adult Journal Entry of Judgment form labeled "Extended Jurisdiction Juvenile Imposed," to indicate that the Journal Entry of Judgment is for a case where an extended jurisdiction juvenile sentence was imposed and should be checked in these cases.

SOME POINTS OF INTEREST ABOUT THE GUIDELINES FOR THE DEFENSE

Importance of accurate, verified criminal history

Because the KSGA focuses so heavily on the criminal history of the offender as a determining factor of the sentence that will be imposed, the defense will be provided with a copy of the mandatory presentence investigation report, including the criminal history worksheet and an opportunity to challenge any errors contained in the report. Immediately upon receipt of the report, the defense may file written notice to the prosecution and the sentencing court alleging errors in the proposed criminal history worksheet. The burden will then fall to the State to verify and establish by a preponderance of the evidence the accuracy of any disputed portions of the alleged criminal history, and the sentencing court is authorized to correct any errors. Consequently, the defense has an important role in ensuring that the sentence is based on an accurate criminal history that has been properly verified. See K.S.A. 2007 21-4715.

In addition, because a sentencing court may take judicial notice of a prior criminal history worksheet as an accurate reflection of criminal history for use in a subsequent case, the offender may waive the right to challenge any errors contained in the worksheet by failing to do so when the worksheet is initially prepared and served on the parties. Failure to challenge any errors in the criminal history worksheet at a hearing on the proposed conversion of a sentence for a crime committed prior to July 1, 1993, to a KSGA sentence pursuant to the retroactivity provisions of the guidelines may also operate as a waiver of that opportunity in future cases. See K.S.A. 2007 21-4714. See also *State v. Turner*, 22 Kan. App. 2d 564, 919 P.2d 370 (1996) and *State v. Lakey*, 22 Kan. App. 2d 585, 920 P.2d 470 (1996).

Plea agreements

Plea bargaining remains an available tool for use by defense counsel, subject to certain limitations. The KSGA **prohibits** the use of plea bargaining which involves a promise from the prosecutor not to allege prior convictions that may operate to enhance the crime severity level or are included in the offender's criminal history. However, the offender may enter a plea to the charged offense or to a lesser or related charge in return for the dismissal of other charges or counts. The offender may also obtain from the prosecution a promise to recommend a particular sentence within the appropriate sentencing range on the grid. In addition, the offender is free to secure a promise from the State to recommend a departure sentence favorable to the offender where mitigating departure factors exist. An agreement that a particular charge or count will or will not be filed, or any other promise not explicitly precluded by the KSGA, is permissible. However, the sentencing court will not be bound by any plea agreement proposed by the parties. See K.S.A. 2007 22-3210, K.S.A. 21-4713 and 21-4707.

Can seek dispositional or durational departure on behalf of offender

The offender may file a written motion alleging the existence of substantial and compelling mitigating circumstances that support the imposition of a less severe sanction than that provided by the KSGA for the crime of conviction. When the guidelines call for a prison sentence, the offender may move the sentencing court to impose a nonprison sentence as a dispositional departure. When the guidelines call for a prison sentence within the range of time provided by the appropriate grid block, the

offender may move the sentencing court to impose a shorter prison sentence as a downward durational departure. See K.S.A. 2007 21-4716, 21-4717, 21-4718, 21-4720 and K.S.A. 21-4719.

The offender may also be given the opportunity to offer written and/or oral arguments at the hearing on a motion for a departure favorable to the offender or in opposition to any unfavorable departures that may be proposed by the prosecution or the sentencing court on its own motion. See K.S.A. 2007 21-4718.

In *State v. Gould*, 271 Kan. 394, 23 P.3d 801 (2001), K.S.A. 2007 21-4716 was found to be "unconstitutional on its face" for the imposition of upward durational departures. However, both K.S.A. 2002 Supp. 21-4716 and K.S.A. 2002 Supp. 21-4718 were amended to correct the upward durational departure problem arising from *Gould*. Effective June 6, 2002, the jury determines all aggravating factors that might enhance the maximum sentence, based upon the reasonable doubt standard. See K.S.A. 2007 21-4716 and 21-4618.

Can advise the offender about time to be served in definite terms

Because the terms of imprisonment, nonprison sentences and postrelease supervision imposed by the sentencing court pursuant to the KSGA will be of definite duration, defense counsel will be able to advise the offender of the exact amount of time which the sentence will require the offender to serve once the criminal history is known.

Appeals

The offender may appeal a sentence that constitutes a departure unfavorable to the offender. The imposition of a prison sentence where the guidelines provide a presumptive nonprison sentence is an appealable dispositional departure. The imposition of a prison sentence of greater duration than the guidelines presume is an appealable durational departure. A departure sentence is appealable on the grounds that substantial and compelling reasons justifying the departure are not supported by the record.

Appellate review of departure sentences imposed pursuant to the guidelines is otherwise limited to claims of partiality, prejudice, oppression, or corrupt motive, or claims challenging the crime severity ranking or the criminal history. See K.S.A. 21-4721.

Extended jurisdiction juvenile cases

Under K.S.A. 2007 38-2364(a), if an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall: (1) impose one or more juvenile sentences under K.S.A. 2007 38-2361 and (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender does not violate the provisions of the juvenile sentence and does not commit a new offense. *An adult felony Journal Entry of Judgment form must be completed for these cases*. A box is located in the "Special Rule Applicable" section of the adult Journal Entry of Judgment form labeled "Extended Jurisdiction Juvenile Imposed," to indicate that the Journal Entry of Judgment is for a case where an extended jurisdiction juvenile sentence was imposed and should be checked in these cases.

SOME POINTS OF INTEREST ABOUT THE GUIDELINES FOR FIELD SERVICES OFFICERS

Preparation of the Presentence Investigation Report

Field services officers, including court services officers and community corrections officers, are responsible for preparing the Presentence Investigation Report (PSI). The PSI report is mandatory in all felony cases under the KSGA. The primary purpose of the PSI report is to provide complete and accurate information about the criminal history of the offender, because criminal history is one of the two primary determining factors of the appropriate sentence established by the guidelines for the crime(s) of conviction. Consequently, the Criminal History Worksheet is an essential component of the PSI report. The PSI report will contain a computation of the presumptive sentence provided by the guidelines for the crime(s) of conviction, based on the crime severity level provided by the guidelines and the criminal history of the offender. The PSI report will not contain socio-economic information about the offender and should not contain sentencing recommendations to the sentencing court.

The criminal history worksheet should indicate the officer's source of information for each prior conviction listed, and copies of any verifying documents available to the officer should be attached, including criminal history worksheets prepared in prior cases in which sentencing occurred after July 1, 1993, and in which the worksheet was prepared in accordance with the requirements of the KSGA.

The criminal history worksheet can be challenged for accuracy by the defense or the prosecution, and a hearing will then be held in which the prosecution has the burden of proving prior convictions through certified copies of journal entries or any other properly authenticated documents and proving by a preponderance of the evidence that any challenged component of the history is correct. See K.S.A. 2007 21-4715. The sentencing court has the duty and authority to correct any errors. A PSI report that has been prepared in accordance with the requirements of the KSGA after its effective date of July 1, 1993, can be the subject of judicial notice by a sentencing court in any subsequent felony proceeding. See K.S.A. 2007 21-4714(f).

NOTE: The following information is **not** relevant to establishing an offender's criminal history classification under the KSGA therefore; the following types of prior criminal activity **should not** be recorded on the Criminal History Worksheet.

- **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement, or arrests not resulting in an adjudication.

- **Adults:** Do not include traffic infractions, diversions contacts with law enforcement, or arrests not resulting in conviction.

Prior convictions should be recorded in descending order by the date of conviction, starting with the most recent conviction.

The 2008 Presentence Investigation Report form contains a section on page 4 of the form to be used by field services officers to indicate which criteria of K.S.A. 2007 75-5291(a)(2) is met by an offender who is being recommended for placement in a Community Corrections program. Field services officers completing PSI forms need to make certain to indicate for the sentencing court the specific box or boxes under which the offender may qualify for placement in Community Corrections.

SOME POINTS OF INTEREST ABOUT THE GUIDELINES FOR CLERKS OF THE COURTS

Providing documentation of prior convictions

Because of the heavy focus on criminal history under the KSGA and the need to verify prior convictions that are counted in criminal history scoring, Clerks of the Courts may receive requests for certified copies of Journal Entries and other documents, including requests from other jurisdictions.

Presentence Investigation Report

The Presentence Investigation Report (PSI), *with the exception of the sections containing the official version, the defendant's version, victim comments, and psychological (including drug and alcohol) evaluations of the defendant*, will be public record and can be kept in the court file. See K.S.A. 2007 21-4714.

Copies of required documents

A copy of the Journal Entry of Judgment, the Presentence Investigation Report and the Criminal History Worksheet of the Presentence Investigation Report, all on the mandated KSGA forms, must be attached together and forwarded to the Kansas Sentencing Commission within 30 days of sentencing. See K.S.A. 2007 21-4714(g) and 22-3439(a).

A copy of the Journal Entry of Probation Revocation must be sent to the Kansas Sentencing Commission, along with a copy of the original Journal Entry of Judgment, the Presentence Investigation Report and the Criminal History Worksheet with in 30 days of the final disposition. See K.S.A. 2007 22-3439(b).

Extended jurisdiction juvenile cases

Under K.S.A. 2007 Supp. 38-2364(a), if an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall: (1) impose one or more juvenile sentences under K.S.A. 2007 Supp. 38-2361 and (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender does not violate the provisions of the juvenile sentence and does not commit a new offense. *An adult felony Journal Entry of Judgment form must be completed for these cases*. A box is located in the "Special Rule Applicable" section of the adult Journal Entry of Judgment form labeled "Extended Jurisdiction Juvenile Imposed," to indicate that the Journal Entry of Judgment is for a case where an extended jurisdiction juvenile sentence was imposed and should be checked in these cases.

Appendix A

Selected Kansas Case Law Decisions on Topics Related to the Kansas Sentencing Guidelines Act and Sentencing Issues Since 1993

Appendix B

Selected Attorney General Opinions on Topics related to the Kansas Sentencing Guidelines Act and Sentencing Issues Since 1993

Appendix C

Approved and Disapproved Non-Statutory Departure Reasons Cited by Sentencing Courts Chart

The Appendix A, B, and C sections of the Manual are available on the Kansas Sentencing Commission website, located at: www.kansas.gov/ksc.

Appendix D

KSGA Instructions and Forms

- **Presentence Investigation Report**
- **Criminal History Worksheet**
- **Journal Entry of Judgment Form**
- **Journal Entry of Probation Revocation Hearing Form**

The KSGA sentencing forms contained within this Manual, including the Presentence Investigation form, the Criminal History Worksheet form, the Journal Entry of Judgment form and the Journal Entry of Probation Revocation Hearing form are available on the Kansas Sentencing Commission website: www.kansas.gov/ksc. These 2008 forms include changes resulting from legislation effective July 1, 2008 and must be used in all applicable proceedings.

Appendix E

Felony Crimes

Sorted Alphabetically by Description

Statutory and Severity Level sorts are now available for downloading from the Kansas Sentencing Commission webpage: www.kansas.gov/ksc.

Appendix F

Misdemeanor Crimes

Sorted Alphabetically by Description

Statutory and Class sorts are now available for downloading from the Kansas Sentencing Commission webpage: www.kansas.gov/ksc.

Appendix G

Sentencing Grids

Sentencing Range – Drug Offenses

Sentencing Range – Nondrug Offenses

INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT PRESENTENCE INVESTIGATION REPORT (PSI)

In all cases involving felony crimes committed on or after July 1, 1993 the Presentence Investigation Report (PSI) must be on a form approved by the Kansas Sentencing Commission. K.S.A. 21-4714(g).

The complete Presentence Investigation Report should be stapled to the Journal Entry of Judgment form when these forms are sent to the Kansas Sentencing Commission. K.S.A. 22-3439(a). The PSI form found in this Manual must be used for all felony Presentence Investigation Reports prepared for crimes committed on or after July 1, 2007.

A separate form must be used for each separate Case Number, even if the separate cases are scheduled to be sentenced on the same day.

PRESENTENCE INVESTIGATION FACE SHEET

1. OFFENDER AND CASE IDENTIFICATION INFORMATION

Judicial District

Enter the number of the judicial district in which the Case was filed.

County

Enter the name of the County and the ORI Number (i.e., the Originating Agency Identification number) in which the district court sits.

Case No.

Enter the official district court Case Number in the present case.

Name

Enter the offender's full legal name. Please be aware of nicknames, or designations (i.e., Jr., Sr., III, etc.).

A/K/A's

Enter any known aliases that have been or are now being used by the offender. Also please note maiden names and previous married names.

Age

Enter the offender's age at the time of the commission of the offense.

K.B.I. Number

The K.B.I. Number is the State Identification Number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository, upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning such individual will be assigned this same number (i.e., it is the identification number listed on an Abstract of Record received from the

Central Repository).

Sex

Check the appropriate box for the offender's gender, male or female.

Race

Check the appropriate box. Designations are as follows: W (White) - a person having origins in any of the original peoples of Europe, North America, or the Middle East; B (Black) - a person having origins in any of the original peoples of Africa; A.I. (American Indian or Alaskan Native) - a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition; A (Asian or Pacific Islander) - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

Ethnicity

Check the appropriate box. "Hispanic" refers to a person of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish culture or national origin.

Address

Enter the last known address of the offender. Do not use the address of the facility in which an offender is being held.

Citizenship

Check the appropriate box. If citizenship is other than the United States, please specify such if known.

Detainer or Other Charges Pending

Check the appropriate box. If yes, a brief description of the detainer or other charges and the jurisdiction in which they are pending, may be set forth in the "Official Version" section of the report.

Subject in Custody and Awaiting Sentencing

Check the appropriate box and indicate jail credit if applicable. Enter the beginning and ending dates for the time period the offender was in custody awaiting sentencing.

DNA Sample Taken

Indicate whether a DNA sample has been taken pursuant to K.S.A. 21-2511.

2. JUVENILE OFFENDER TRIED AS ADULT

If Offender Was Under 18 Years of Age When Crime(s) Was Committed and Was Tried as an Adult

Check the appropriate box indicating whether the offender was found to be an adult under K.S.A. 2007 38-2364, or if the offender was automatically considered an adult because of a prior juvenile adjudication which would constitute a felony if committed by an adult.

3. CO-DEFENDANT INFORMATION

Names of Co-Defendants, If Any

Identify any co-defendants by entering the name and the district court Case Number, if any. Do not list juveniles by name; however, enter the number of juvenile co-defendants, if any.

4. ATTORNEY AND TRIAL INFORMATION

Name of Defense Attorney

Enter the full name of the defense attorney representing the offender in the present case.

Type of Counsel Prior to Sentencing

Check the applicable box.

Name of Prosecuting Attorney

Enter the full name of the prosecuting attorney in the present case.

Name of Sentencing Judge

Enter the name of the district court judge who is scheduled to preside over the sentencing proceedings in the present case.

Date of Guilty Plea or Judgment

Enter the Month/Day/Year that the offender was convicted in the present case.

Date of Sentencing

Enter the Month/Day/Year the sentencing of the offender in the present case is scheduled.

5. PRESENTENCE INVESTIGATION INFORMATION

Name of Presentence Investigator

Print the full name of the presentence investigator in the present case, to be followed by his/her handwritten signature.

Date Assigned

Enter the Month/Day/Year the Presentence Investigation Report in the present case was ordered by the district court.

Date Submitted

Enter the Month/Day/Year the Presentence Investigation Report in the present case is filed in the district court.

6. PRIMARY OFFENSE INFORMATION

Name of Primary Offense

Enter the descriptive name of the offense (i.e., Attempted First Degree Murder, Possession of Cocaine, etc.). The Primary Offense is the most serious offense of conviction.

K.S.A. No.

Enter the offense of conviction by the proper K.S.A. number, and also include all of the applicable subsections [i.e., a severity level 4 Aggravated Battery would be K.S.A. 21-3414(a)(1)(A)].

Crime Classification

Check the appropriate boxes indicating: Felony or Misdemeanor and enter the appropriate severity level or class; Off-grid or Nongrid; Person or Nonperson; Drug grid or Nondrug grid; and Attempt, Conspiracy, or a Solicitation if applicable.

Criminal History Score

Enter the letter that corresponds to the offender's criminal history classification as determined from the Criminal History Worksheet. All convictions relevant to calculating the criminal history classification under the sentencing guidelines should be recorded on the Criminal History Worksheet as part of the Presentence Investigation Report in the present case. Prior convictions should be recorded in descending order by the date of conviction, starting with the most recent conviction. In cases with multiple convictions, the criminal history category "I" must be used for all nonbase crimes. (See the **Sentencing Range** paragraph below, for further explanation.)

Maximum Good Time

Please mark whether the offense is eligible for 15% or 20% maximum good time.

- 15%: nondrug severity level 1,2,3,4,5 or 6;

  Drug severity level 1 or 2.
- 20%: nondrug severity level 7,8,9,or 10;

  Drug severity level 3 or 4.

Information Not Relevant to Criminal History

The following information is **not** relevant to establishing an offender's criminal history classification under the KSGA therefore; the following types of prior criminal activity **should not** be recorded on the Criminal History Worksheet.

- **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement, or arrests not resulting in an adjudication.
- **Adults:** Do not include traffic infractions, diversions (except DUI diversions for subsequent DUI convictions or Involuntary Manslaughter while driving under the influence of alcohol or drugs), contacts with law enforcement, or arrests not resulting in conviction.

Sentencing Range

The Presumptive Sentencing Range for the offense is represented by the three numbers in the KSGA drug/nondrug sentencing grid box corresponding to the severity level and the criminal history classification of the offense. Enter the grid box numbers representing the "Aggravated," "Standard" and "Mitigated" sentencing range within the grid box. **Please note these numbers are entered in the same order as they are read, from left to right, in the grid box.** The "Aggravated" number is

the highest number in the grid box. The Standard" number is the middle number in the grid box. The "Mitigated" number is the lowest number in the grid box.

Check the appropriate box indicating whether the grid box for the offense is designated as presumptive prison, presumptive probation, or if it is a presumptive imprisonment border box (PIB). If a special rule applies to the offense, check the "special rule applicable" box, complete the **Special Rule Supplement** on page 5, and attach it to the PSI.

NOTE in multiple conviction cases: In all sentencing cases involving multiple convictions, the base sentence for the primary crime must be established pursuant to K.S.A. 21-4720. The primary crime is the offense with the highest severity level under the sentencing guidelines. The offender's full criminal history classification is to be applied to the severity level of the primary crime to determine the presumptive sentence range for this so-called "base crime." However, the criminal history category "I" must be used to determine the presumptive range of sentencing for each "nonbase" crime, regardless of whether sentencing is concurrent or consecutive. K.S.A. 21-4720(a)(2).

For nondrug and drug offenses with simultaneous presumptive imprisonment and presumptive probation sentences, the base crime is the presumptive imprisonment crime. For nondrug and drug offenses that have the same presumption, the base crime is the crime with the longest term within the grid box range.

K.S.A. 21-4729 (2003 Senate Bill 123)(Nonprison sanction; certified drug abuse treatment program) established mandatory drug treatment:

- for adult offenders;
- convicted of a felony violation of K.S.A. 65-4160 or 65-4162;
- whose offenses are classified in grid blocks 4-E, 4-F, 4-G, 4-H, or 4-I of the sentencing guidelines grid for drug crimes; OR
- whose offenses are classified in grid blocks 4-A, 4-B, 4-C or 4-D of the sentencing guidelines grid for drug crimes, but only if such person felonies committed by the offender were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes under circumstances where the present sentencing court is willing to find and set forth reasons with particularity for finding that the offender's placement in a nonprison drug abuse treatment program will not jeopardize safety of the public;
- who are not ineligible due to any previous convictions for K.S.A 65-4159 or 65-4161 or 65-4142 or 65-4163 or 65-6146
- who are not ineligible due to the Special Rule concerning presumptive sentence of imprisonment for the 3rd and subsequent convictions of felony drug possession if the Offender has previously completed a certified drug abuse treatment program or has been discharged or refused to participate in a certified drug abuse treatment program pursuant to K.S.A. 21-4705(f)
- who are not ineligible due to prior convictions of off-grid felonies and severity level 1 through 7 person felonies
- who are not ineligible because they are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or not lawfully present in the United States and being detained for deportation. K.S.A. 21-4729(h).

- **NOTE:** When the district court orders offenders to attend mandatory drug treatment for up to 18 months pursuant to Senate Bill 123 (K.S.A. 21-4729), the district court simultaneously must impose a longer period of probation pursuant to K.S.A. 21-4611(c)(5) together with specific findings that public safety will be jeopardized or that the welfare of the offender will not be served by imposing the 12 month statutory maximum probation term provided by K.S.A. 21-4611(c)(3) on the offender. K.S.A. 21-4720 only addresses the duration of the term of drug treatment and not the duration of the offender's term of probation.

Postrelease Supervision Duration

Check the appropriate box indicating the term of postrelease supervision applicable to the offense. **Please be careful when completing this information.**

Some retroactive changes were made to the lengths of postrelease supervision during the 2000 Kansas Legislative Session. Also be aware that for some crimes committed between July 1, 1993, and April 20, 1995, the applicable postrelease supervision term may be only 24 months at certain severity levels.

The term of postrelease supervision is 12 months for a fourth or subsequent conviction for DUI. K.S.A. 2007 Supp. 8-1567 (g). Please check the appropriate box. For a fourth or subsequent conviction for a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the sectary and safety conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717k, and amendments thereto. K.S.A. 2007 Supp. 8-1567 (g).

For convictions of certain child sex offenses wherein the offender was 18 years of age or older and the victim was less than 14 years of age, upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring. K.S.A. 22-3717(d)(1)(G) and (u).

Probation Duration

Check the appropriate box indicating the term of probation applicable to the offense. K.S.A. 21-4611(c). If "Other" is checked, please specify.

7. ADDITIONAL OFFENSE INFORMATION

Additional Offense(s)

Enter appropriate information for any additional offenses following the rules for the primary offense above. Use supplemental face sheet if necessary to record all additional offenses.

FACE SHEET SUPPLEMENTAL PAGE

Additional Offenses (Boxes 1-4): Make as many copies of this page as needed in order to include

all of the offender's additional offenses. Instructions for the primary offense as described above will also apply to additional offenses on the Supplemental Page(s).

CURRENT OFFENSE INFORMATION

1. OFFICIAL VERSION

This section should be utilized by the individual preparing the PSI to briefly relate the facts of the offense that have been clearly established during the prosecution of the case.

2. DEFENDANT'S VERSION/DATE OF BIRTH/SOCIAL SECURITY NUMBER
List the Defendant's Date of Birth and Social Security Number.

If the defendant chooses to provide a description of the facts and/or circumstances surrounding the offense, that information should be included here. If the defendant chooses not to provide any information, the defendant's date of birth and social security number should be the only information listed in this area.

3. VICTIM'S INJURY

Include the appropriate information pertaining to victim's injury due to the crime committed.

4. TOTAL RESTITUTION OWED

Include name, address, and amount owed to each victim, then enter the total restitution owed in the space provided.

5. STATEMENTS

Include any victim statements pertaining to the crime committed.

6. RECOMMENDED PLACEMENT

In this section, the individual preparing the PSI should indicate that individual's professional recommendation to the sentencing court on a nonprison placement. **In all cases,** the individual preparing the PSI should mark all applicable boxes for criteria that qualify the offender for placement in a Community Corrections program, even if the individual completing the PSI does not recommend a Community Corrections placement.

7. OFFICER'S ASSESSMENT OF CONDITIONS OF PROBATION

Check the appropriate box(es) and insert additional information as required. Insert any addition assessments not provided for in the PSI form in the "Other" space as provided.

8. SPECIAL RULES SUPPLEMENTAL PAGE (Attach this page only if one or more special rules apply.)

Indicate the applicable special sentencing rules, if any, that the sentencing court should be aware of for the individual offender. This information is vital to the sentencing court. Many of the special sentencing rules include specific directions for the sentencing court to consider on sentencing requirements and procedures. (Note: The numbers for the special rules are intentionally non-sequential for data coding purposes. Please do not renumber them. The numbers 7, 14, and 18 were assigned to

rules that are no longer in use and they will not be reassigned.)

CRIMINAL HISTORY WORKSHEET INSTRUCTIONS

1. K.B.I. #

Enter the K.B.I. Number, which is the State Identification Number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository, upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning the individual will be assigned this same number (i.e., it is the identification number listed on the Abstract of Record received from the Central Repository).

2. CASE #

Enter the official District Court Case Number.

3. DISTRICT #

Enter the number of the Judicial District in which the offender was convicted of the present offense(s).

4. COURT/ORI #

Enter the District Court ORI number. This nine digit number is assigned by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation (FBI) and serves to identify all agencies having access to the national communications system. In the form XX XXX XX X X, each criminal justice agency in Kansas has an assigned ORI number. The first two digits represent the state (KS), the next three digits the county (001 through 105, plus additional assignments), the next two digits represent a sequential assignment within the county, the next digit is for the level of government (1 = local, 3 = state, 5 = federal, etc.) and the last digit is for the type of agency (A = county/district attorneys, C = jails, J = courts, etc.). For example, KS001013A would represent the Allen County Attorney and KS046051J represents the Overland Park Municipal Court. Questions concerning assigned ORI numbers should be addressed to the KBI.

5. PSI INVESTIGATOR NAME

Enter the last name, the first name and the middle initial of the investigating court services or community corrections officer.

6. PRIOR RECORD

Check whether the offender has a prior conviction record.

7. OFFENDER NAME

Enter the offender's last name, the first name and the middle name, or initial. The name should be copied as it is listed on the Presentence Investigation Report face sheet.

8. DATE OF OFFENSE

In Month, Day and four-digit Year format, enter the date the primary offense was committed.

9. DATE OF CONVICTION

In Month, Day and four-digit Year format, enter the date of a guilty plea or a district court finding.

10. DATE OF WORKSHEET

In Month, Day and four-digit Year format, enter the date the Worksheet was prepared.

11. DATE OF SENTENCING

In Month, Day and four-digit Year format, enter the date the district court has set the case for final disposition.

12. CUSTODY SUPERVISION

Check Yes, if the offender was under custody supervision when the current offense(s) was committed. Then check the type of supervision and enter the jurisdiction (i.e., federal, state, municipal, etc.), the district court Case Number and the sentencing date for that case.

13. CURRENT CRIME(S) OF CONVICTION

Enter the crime(s) of conviction in the current case for which the Criminal History Worksheet is being prepared. Enter the Kansas statute violated, including subsections and a description of the offense. Also indicate whether the crime of conviction is a felony or a misdemeanor, a person or a nonperson offense and the felony severity level or the misdemeanor classification.

14. CRIMINAL HISTORY CONVICTIONS AND/OR ADJUDICATIONS PRIOR TO SENTENCING

Enter the total of the individual scoreable entries from the second page and any supplemental pages. Count the convictions for each prior conviction type and enter the total number of convictions in the corresponding boxes. Add the number of adult convictions to the number of juvenile adjudications for each criminal history type, in order to obtain totals for each criminal history type. Any "Person Misdemeanors" that are converted to "Person Felonies" should not be counted in the Person Misdemeanors total. However, Nonperson "select" Misdemeanors should be added to the Nonperson Misdemeanors total.

15. AMENDED CRIMINAL HISTORY CONVICTIONS AND/OR ADJUDICATIONS

Enter in the gray area any amendments approved by the district court prior to the sentencing. It is not necessary to complete a new Worksheet when criminal history is amended.

16. CRIMINAL HISTORY CATEGORY

After all prior criminal convictions and adjudications have been totaled, indicate the final criminal history category by circling a letter from A to I.

17. NUMBER OF PERSON MISDEMEANORS CONVERTED

Enter the number of person misdemeanors converted to felonies.

18. PRIOR CONVICTION USED TO ENHANCE, ELEVATE OR IS AN ELEMENT OF THE CURRENT CRIME OF CONVICTION

Check the applicable box indicating whether a prior conviction is being used to enhance/elevate or is an element of the current crime of conviction.

19. NUMBER OF DECAYED JUVENILE ADJUDICATIONS

Enter the number of felony and misdemeanor decayed juvenile adjudications. Juvenile felony and misdemeanor adjudications that have decayed should not be considered in the totals or in determining the final criminal history category. However, the total should be listed at the bottom right of the first page and also individually in the prior conviction listing on page 2 (and also on the supplemental pages, if any), so that future PSI writers will have knowledge of the offender's entire record.

SUPPLEMENTAL CRIMINAL HISTORY WORKSHEET

PRIOR CONVICTIONS AND/OR ADJUDICATIONS

Each page of the Criminal History Worksheet should contain the offender's name, the judicial district, the county and the district court Case Number. For each prior conviction include the following information.

STATUTE/ORDINANCE NUMBER & DESCRIPTION

Enter the actual statute or ordinance violated. If the conviction is in another state or jurisdiction, enter the statute number from that jurisdiction. Please enter in the Description section, the Kansas statute used for comparison to the ordinance or out-of-state conviction. Descriptions for prior convictions should be brief but descriptive.

JURISDICTION CODE

Enter the Jurisdiction Code using the listing of Jurisdiction Codes at the bottom of the page (i.e., a Federal, State, Military or Municipal Court).

STATE/COUNTY

Enter the state in which the conviction occurred by using the assigned TWO-LETTER ABBREVIATION. Also use the assigned TWO-LETTER ABBREVIATION for the county in which the conviction occurred.

CITY

If a conviction is listed which occurred in a municipal or a county court, enter the name of the city in which the court is located.

CONVICTION DATE

In Month, Day and four-digit Year format, enter the date of conviction.

CASE NUMBER

Enter the official court Case Number.

CONVICTION CODE

Indicate the type of conviction using the Conviction and Amended Codes located at the bottom of the

page. Consult the Crime Lists in this Manual to determine whether the prior conviction should be classified as a felony or a misdemeanor, a person or a nonperson crime, or a "select" misdemeanor for criminal history purposes.

AMENDED CODE

Indicate any amendments to the crime classification using the Conviction and Amended Codes at the bottom of the page.

SOURCE OF INFORMATION

This indicates where the PSI writer found the information on a specific conviction. Source of Information Codes are listed at the bottom of the page. The source for specific information can be referred to later when requesting documentation.

SUPPLEMENTAL PAGE(S) OF THE PSI

Please enter the page number. Make as many copies of this page as are needed in order to include all of the offender's prior convictions. All instructions and codes used on page 2 will also apply to the Supplemental Page(s).

Information Not Relevant to Criminal History

The following information is **not** relevant to establishing an offender's criminal history classification under the KSGA therefore; the following types of prior criminal activity **should not** be recorded on the Criminal History Worksheet.

- **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement, or arrests not resulting in an adjudication.

- **Adults:** Do not include traffic infractions, diversions (except DUI diversions for subsequent DUI convictions or Involuntary Manslaughter while driving under the influence of alcohol or drugs), contacts with law enforcement, or arrests not resulting in conviction.

In some cases the status of a prior conviction will be unclear and the attorneys may stipulate to some convictions and not to others for the purposes of classifying an offender in a criminal history category. In other cases, particular convictions appearing on the Worksheet may be successfully challenged at the sentencing hearing and will thus not be relied upon to establish the offender's criminal history classification. Any amendments should be noted in the gray areas of the Criminal History Worksheet.

(SPECIAL CONVERSION RULES)

The following special rules apply to "person" crimes when categorizing criminal history.

The 3 to 1 Rule.

Prior adult convictions and/or juvenile adjudications for class A person misdemeanors and class B person misdemeanors, convert to person felonies at a rate of 3 to 1. The number entered in this box can be calculated by dividing the number of adult person misdemeanors convictions and/or juvenile person adjudications by three (i.e., the total number ÷ 3). If the resulting number is a fraction, disregard the fractional portion because these figures must be in whole numbers. K.S.A. 21-4711(a).

For example, eight person misdemeanor convictions and/or juvenile person adjudications would be converted to two person felony convictions (i.e., 8 ÷ 3 = 2). Do not count the remaining "unconverted" or fractional person misdemeanor convictions and/or juvenile person adjudications in the felony score. However, the two remaining convictions and/or adjudications in the example should still be listed in the Person Misdemeanor section. See K.S.A. 21-4711(a).

Those misdemeanors converted to a felony under this Rule or "The Assault Rule" below should be identified in the conviction code column of the Worksheet as JMC or AMC.

The Assault Rule.

If the offender has three prior convictions for "assault" pursuant to K.S.A. 21-3408 within the three-year period immediately preceding the current crime(s) of conviction, then the three "assault" misdemeanors are converted into **one** person felony. Any remaining prior convictions for assault should be added to the Person Misdemeanor total. K.S.A. 21-4711(a). The Assault Rule was amended during the 1999 Kansas Legislative Session.

(OTHER RULES TO CONSIDER)

Anticipatory Crimes

A prior felony conviction of attempt, conspiracy or a solicitation to commit a crime should be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime. K.S.A. 21-4711(g).

Prior DUI Convictions

The Worksheet does not provide a special box for converting prior adult convictions or juvenile adjudications of violations of K.S.A. 2007 Supp. 8-1567 (Driving Under the Influence) to person felonies at a rate of 1 to 1. This conversion rule applies **only** when one of the current crimes of conviction involves Involuntary Manslaughter in the commission of K.S.A. 2007 Supp. 8-1567, namely, K.S.A. 21-3404(b). In such cases, if the current crime of conviction was committed on or after July 1, 2004, each DUI adult conviction and/or juvenile adjudication will count as one person felony. See K.S.A. 21-4711(c)(1).

K.S.A. 2000 Supp. 8-1567 was amended in the 2001 Legislative Session and three additional provisions now apply to prior DUI convictions. First, the amendment to K.S.A. 2000 Supp. 21-4711(c)(2) adds convictions for acts described in K.S.A. 2000 Supp. 8-1567 to the criminal history scoring of that specific subsection if such conviction was in another state, or for the violation of any city ordinance, or any county resolution. Second, an amendment to K.S.A. 2000 Supp. 8-1567 at the new subsection (l)(3) [which was formerly subsection (k)(3)], removes the "five year decay" rule for only counting the DUI convictions which occurred during the previous five years preceding the current conviction. A DUI prosecution for an offense committed on or after July 1, 2001, will count all previous D.U.I. convictions that have occurred during the

offender's lifetime. There are no retroactivity provisions provided for, so all previous convictions are now included for all offenders. Third, only one diversion agreement in lieu of criminal prosecution for a DUI offense will be allowed for each offender's lifetime.

A third or subsequent DUI is a nongrid felony with no KSGA severity level or penalty. The specific penalty provisions of the statute apply. K.S.A. 21-4704(i). In addition, an offender cannot be sent to the KDOC to serve any sentence except as provided for by subsections (f) and (g) of K.S.A. 2007 Supp. 8-1567. Pursuant to those sections the court may order mandatory substance abuse treatment in a state facility in the custody of the secretary of corrections in accordance with the rules and regulations of the secretary.

On a fourth or subsequent conviction for a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period (12 months) of postrelease supervision, which such period of postrelease supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717, and amendments thereto. K.S.A. 2007 Supp. 8-1567(g).

Prior Conviction for Criminal Deprivation of Property; Motor Vehicle

The crime of criminal deprivation of property; motor vehicle, found at K.S.A. 21-3705(b), shall be a Class A, nonperson misdemeanor for a first or second conviction. A third or subsequent conviction is a severity level 9 nonperson felony, effective on and after July 1, 2008. The sentence for the felony is presumptive imprisonment.

The crime shall be a Class A, nonperson misdemeanor if the offense was committed on or after July 1, 1999, but prior to July 1, 2008. However, if the offense was committed prior to July 1, 1999, it was a nonperson felony and should be scored for criminal history purposes as a severity level 10, nonperson felony. See K.S.A. 21-4704, 21-4707(c)(3) and 21-4710(d)(8).

2008 KANSAS SENTENCING GUIDELINES
PRESENTENCE INVESTIGATION REPORT - FACE SHEET

Court File Stamp

1.

Judicial District: _____

County: _____

Case Number: _____

Name: _____

A/K/A's: _____

Age: _____ K.B.I. No: _____

Sex: ☐ Male ☐ Female

Race: ☐ W ☐ B ☐ A.I. ☐ A

Ethnicity: ☐ Hispanic ☐ Non-Hispanic

Address: _____

Citizenship: ☐ U.S. ☐ Citizen of:

Detainer or Other Charges Pending? ☐ Yes ☐ No

Subject in Custody Awaiting Sentencing? ☐ Yes ☐ No

Begin _____ End _____ = _____ Days
Begin _____ End _____ = _____ Days
Begin _____ End _____ = _____ Days

DNA Sample Taken (K.S.A. 2006 Supp. 21-2511): ☐ Yes ☐ No

6. Primary Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
☐ Solicitation (K.S.A. 21-3303)

Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard _____ Mitigated ____

☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box
☐ Special Rule Applies (PLEASE COMPLETE p. 5)
☐ Mandatory Drug Treatment (K.S.A. 2006 Supp. 21-4729)
☐ Drug Treatment with Court Finding
☐ Not Eligible For Drug Treatment Due To Criminal History
☐ Not Eligible For Drug Treatment Due To Residency

Postrelease Supervision Duration: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ Other _____

2. IF OFFENDER WAS UNDER 18 YEARS OF AGE WHEN CRIME(S) WAS COMMITTED AND WAS TRIED AS AN ADULT, OFFENDER WAS:

☐ Adjudicated as an Adult Under K.S.A. 2006 Supp. 38-2364.
☐ Automatically Considered Adult Because of a Prior Felony

3. Names of Co-Defendants, if any: _____

4. Defense Attorney: _____

Type of Counsel Prior to Sentencing:

☐ Retained ☐ Appointed ☐ Self
☐ Waived Orally ☐ Waived in Writing

Prosecuting Attorney: _____

Sentencing Judge: _____

Date of Guilty Plea or Judgment: _____

Date of Sentencing: _____

5. Presentence Investigator: _____

Date Assigned: Date Submitted:

7. Additional Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
☐ Solicitation (K.S.A. 21-3303)

Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard _____ Mitigated ____

☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box
☐ Special Rule Applies (PLEASE COMPLETE p. 5)
☐ Mandatory Drug Treatment (K.S.A. 2006 Supp. 21-4729)
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Postrelease Supervision Duration: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ Other _____

6. Additional Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
☐ Solicitation (K.S.A. 21-3303)

Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard_____ Mitigated ____

☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box
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Postrelease Supervision Duration: ☐ 12 months ☐ 24 months
☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months
☐ 36 months ☐ Other_____

6. Additional Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
☐ Solicitation (K.S.A. 21-3303)

Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard_____ Mitigated ____

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☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months
☐ 36 months ☐ Other_____

6. Additional Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
☐ Solicitation (K.S.A. 21-3303)

Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard_____ Mitigated ____

☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box
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Postrelease Supervision Duration: ☐ 12 months ☐ 24 months
☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months
☐ 36 months ☐ Other_____

6. Additional Offense: _____

K.S.A. No.: _____

(Check all that apply)

☐ Felony ☐ Misdemeanor ☐ Off-grid ☐ Nongrid
☐ Person ☐ Nonperson ☐ Drug ☐ Nondrug
☐ Attempt (K.S.A. 21-3301) ☐ Conspiracy (K.S.A. 21-3302)
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Severity Level or Class: ____ Criminal History Score: ____

Maximum Good Time: ☐ 15% ☐ 20%

Sentencing Range:

Aggravated ____ Standard_____ Mitigated ____

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Postrelease Supervision Duration: ☐ 12 months ☐ 24 months
☐ 36 months ☐ 60 months ☐ No postrelease ☐ Lifetime

Probation Duration: ☐ 12 months ☐ 18 months ☐ 24 months
☐ 36 months ☐ Other_____

2008 KANSAS SENTENCING GUIDELINES - PRESENTENCE INVESTIGATION REPORT

CURRENT OFFENSE INFORMATION

(This page only - NOT PUBLIC RECORD)

1. OFFICIAL VERSION:

2. DEFENDANT'S VERSION: Defendant's Date of Birth: Defendant's Social Security Number:

3. VICTIM'S INJURY / DAMAGE / STATEMENT(S):

4. RESTITUTION OWED TO: Total Restitution Owed: $ _____

Amount	Name and Address
$	
$	
$	
$	
$	
$	

5. STATEMENT(S):

6. RECOMMENDED PLACEMENT: [The following is NOT a recommendation regarding the appropriate disposition to be imposed in this case. It is only being provided as the court services or community corrections officer's professional assessment of possible placement and conditions should the court place the offender on probation or order some form of community sanction.]

☐ COMMUNITY CORRECTIONS [Indicate the criteria from K.S.A. 75-5291(a)(2) that qualifies the defendant for placement in Community Corrections.]

- ☐ (a)(2)(A) Border box on either grid and levels 6H or 6I or 7C through 7I on nondrug grid
- ☐ (a)(2)(B) Downward dispositional departure from presumptive prison sentence
- ☐ (a)(2)(C) Convicted of offense severity level 7 or higher which requires registration
- ☐ (a)(2)(D) Condition violator
- ☐ (a)(2)(E) Scored "high risk or needs, or both"
- ☐ (a)(2)(F) Follows successful completion of a conservation camp program
- ☐ (a)(2)(G) Mandatory Drug Treatment (K.S.A. 2006 Supp. 21-4729 "SB 123")

☐ COURT SERVICES

☐ DEPARTMENT OF CORRECTIONS

7. OFFICER'S ASSESSMENT OF CONDITIONS OF PROBATION: K.S.A. 21-4610 and: [Check All That Apply.]

- ☐ Alcohol evaluation ☐ Drug evaluation ☐ Mental Health evaluation (Follow recommendations)
- ☐ In Patient ☐ Out Patient
  - ☐ Alcohol treatment ☐ Drug treatment ☐ Mental Health treatment (Follow recommendations of counselor)
- ☐ AA attendance ☐ NA attendance
- ☐ No possession or consumption of alcohol or illegal drugs
- ☐ At C.S.O. request and at defendant's own expense, submit to random: □ Breath test □ Blood test □ Urinalysis test
- ☐ Community Service Work: _____ Hours
- ☐ Gain employment ☐ Maintain employment
- ☐ Notify the C.S.O. of changes in employment, residence and phone number
- ☐ No contact with: ☐ Victim ☐ Co-defendant
- ☐ Educational program: ☐ G.E.D. ☐ Vocational ☐ Higher Education
- ☐ Register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 *et. seq.*
- ☐ Curfew Restriction: _____
- ☐ Travel Restriction: _____
- ☐ Other:

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 APPLY:

1. ☐ Person Felony Committed With a Firearm – presumed prison. K.S.A. 2006 Supp. 21-4704(h).
2. ☐ Aggravated Battery of a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2007 Supp. 21-4704(g).
3. ☐ Aggravated Assault of a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2006 Supp. 21-4704(g).
4. ☐ Crime Committed for Benefit of a Criminal Street Gang – presumed prison. K.S.A. 2006 Supp. 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. 2006 Supp. 38-2347 and 38-2364.

HABITUAL OR REPEAT OFFENSES APPLY:

5. ☐ Persistent Sex Offender, if current conviction is presumed prison – double the maximum duration. K.S.A. 2006 Supp. 21-4704(j).
12. ☐ Second or Subsequent Manufacture of a Controlled Substance Conviction – presumed prison, twice the maximum duration. K.S.A. 2006 Supp. 21-4705(e).
26. ☐ Third or Subsequent Drug Possession, *occurring prior to July 1, 2008*, if defendant has completed, been discharged from, or refused to participate in 2003 SB 123 treatment - presumed prison. *If third or subsequent felony drug possession occurs on or after July 1, 2008* - presumed prison. K.S.A. 2008 Supp. 21-4705(f) [Effective July 1, 2008.]
13. ☐ Residential Burglary with a Prior Residential, Nonresidential or Aggravated Burglary Conviction – presumed prison. K.S.A. 21- 4704(l).
27. ☐ *Burglary With Two or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
29. ☐ *Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
30. ☐ *For #27 or #29, Substance Abuse Underlying Factor, Tx More Effective to Reduce Reoffense Risk and Community Safety Served – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
31. ☐ *Third or Sub. Criminal Deprivation of a Motor Vehicle – presumptive prison. K.S.A. 2008 Supp. 21-4704(n). [Effective July 1, 2008.]*
16. ☐ Second Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 21-4704(i).
17. ☐ Third or Sub. Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 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 K.S.A. 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 2006 Supp. 21-4603d(f).
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. K.S.A. 21-4603d(f)(2).
10. ☐ Crime Committed While on Felony Bond – new sentence may be imposed pursuant to consecutive sentencing provisions in KSA 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 21-4603d(f).

NONGRID OFFENSES APPLY:

6. ☐ Felony D.U.I. (third, fourth or subsequent) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 8-1567, term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i).
8. ☐ Felony Domestic Battery - nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i)
21. ☐ Animal Cruelty K.S.A. 2006 Supp. 21-4310(a)(1), K.S.A. 2006 Supp. 21-4310(a)(2-5); Second or subsequent conviction; or Working/ Assistance dog – K. S. A. 2006 Supp. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-4310(d), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 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. K.S.A. 2007 Supp. 40-2,118. [Effective July 1, 2007.*]
15. ☐ Kansas Securities Act, violation resulting in loss of $25,000 or more – presumed prison. K.S.A. 2005 Supp. 17-12a508(a)(5).
19. ☐ Mortgage Business Act, Second or Subsequent Conviction – presumed prison. K.S.A. 2006 Supp. 9-2203(c).
20. ☐ Loan Brokers Act, violation resulting in loss of $25,000 or more – presumed prison. K.S.A. 50-1013(a).

1. KBI #	2. CASE #	6. KANSAS CRIMINAL HISTORY WORKSHEET	7. OFFENDER NAME (Last, First, Middle)	
3. DISTRICT #	4. COURT/ORI #	NEW _____	8. DATE OF OFFENSE	9. DATE OF CONVICTION
5. PSI INVESTIGATOR NAME (Last, First, Middle)		PRIOR RECORD _____	10. DATE OF WORKSHEET	11. DATE OF SENTENCING

12. WAS THE OFFENDER UNDER SUPERVISION AT THE TIME HE/SHE COMMITTED THE CURRENT OFFENSE? ☐ NO ☐ YES
IF YES, INDICATE WHAT TYPE OF SUPERVISION (Check all that apply.)

☐ Probation/Community	Jurisdiction:	Case No.:	Date Sentenced:
☐ Parole	Jurisdiction:	Case No.:	Date Sentenced:
☐ Postrelease Supervision	Jurisdiction:	Case No.:	Date Sentenced:
☐ Conditional Release	Jurisdiction:	Case No.:	Date Sentenced:
☐ Other	Jurisdiction:	Case No.:	Date Sentenced:

Comments:

13. CURRENT CRIME(S) OF CONVICTION

K.S.A. Number	Description	M/F	P/N	Level

14. CRIMINAL HISTORY CONVICTIONS AND/OR ADJUDICATIONS PRIOR TO SENTENCING

Juvenile	Adult	Total	Type
			Person or Off-grid Felonies
			Nonperson Felonies
			Person Misdemeanors
			Nonperson Misdemeanors

15. Amended Criminal History Convictions and/or Adjudications

Juvenile	Adult	Total	Type
			Person or Off-grid Felonies
			Nonperson Felonies
			Person Misdemeanors
			Nonperson Misdemeanors

16. CRIMINAL HISTORY CATEGORY ☐A ☐B ☐C ☐D ☐E ☐F ☐G ☐H ☐I

Amended? ☐ Yes ☐ No ☐A ☐B ☐C ☐D ☐E ☐F ☐G ☐H ☐I

17. Number of Person Misdemeanors converted:
☐ 3 ☐ 6 ☐ 9 ☐ 12 ☐ (Check One)

Amended? ☐ Yes ☐ No ☐ 3 ☐ 6 ☐ 9 ☐ 12 ☐ (Check One)

18. PRIOR CONVICTION USED TO ENHANCE / ELEVATE OR IS AN ELEMENT OF THE CURRENT CRIME OF CONVICTION? ☐ Yes ☐ No

19. Number of Decayed Juvenile Adjudications:
Felony ____ Misdemeanors ____

Amended? ☐ Yes ☐ No Felony ____ Misdemeanors ____

Supplemental Criminal History Worksheet - Prior Convictions

Page # _____ of _____

Offender's Name (L, F, M)_____ Judicial District_____ County _____ Case #_____

Statute/Ordinance #	Description	Juris. Code	State	County	City	Conviction Date	Case #	Conviction Code	Amended Code	Source of Information
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

CODES:

JURISDICTION: F Federal S State
L Military M Municipal

STATE: Use 2-letter abbreviation

SOURCE OF INFORMATION: KBI III
NCIC CR - Court Records
Other jurisdiction - identify
Other - explain

CONVICTION AND AMENDED CODES:

ADULT:

AOG Adult Off-Grid Felony
AFN Adult Felony Nonperson
AFP Adult Felony Person
AFE Adult Felony Enhancement/Element/Elevation
AMC Adult Misdemeanor Conversion
AMP Adult Misdemeanor Person
AMN Adult Misdemeanor Nonperson
AMS Adult Class B Select Misdemeanor
AMU Adult Misdemeanor Unscored
AME Adult Misdemeanor Enhancement/Element/Elevation

JUVENILE:

JOG Juvenile Off-Grid Felony
JFN Juvenile Felony Nonperson
JFP Juvenile Felony Person
JMC Juvenile Misdemeanor Conversion
JMP Juvenile Misdemeanor Person
JMN Juvenile Misdemeanor Nonperson
JMD Juvenile Misdemeanor Decayed
JMU Juvenile Misdemeanor Unscored
JMS Juvenile Misdemeanor Select

NIH Not Included in Criminal History, by order of the Court, reasons state in Journal Entry.

Note: Unscored convictions/adjudications and decayed adjudications are not counted on page 1 of the worksheet.

Supplemental Criminal History Worksheet - Prior Convictions

Offender's Name (L, F, M) _____ Judicial District _____ County _____ Case # _____

Statute/Ordinance #	Description	Juris. Code	State	County	City	Conviction Date	Case #	Conviction Code	Amended Code	Source of Information
11.										
12.										
13.										
14.										
15.										
16.										
17.										
18.										
19.										
20.										
21.										
22.										
23.										
24.										
25.										
26.										
27.										
28.										
29.										
30.										

INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT

JOURNAL ENTRY OF JUDGMENT

The KSGA Journal Entry of Judgment must be on a form approved by the Kansas Sentencing Commission. K.S.A. 22-3426(f). This form must be used for all felony convictions for crimes committed on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Judgment, attached together with the Presentence Investigation Report to the Kansas Sentencing Commission within 30 days of sentencing. K.S.A. 22-3439(a).

COURT SEAL
Place the seal of the court in the 2" x 3" box in the upper left corner of the page.

SECTION I. CASE IDENTIFYING INFORMATION

1. TRANSACTION NUMBER

The Transaction Number is the number located at the top of the Kansas Adult Disposition Report form (KDR), (KBI form CCH-4)

2. STATE v.

Enter the offender's full name as it appears in the case caption and check the appropriate box indicating Male or Female.

3. COURT O.R.I NUMBER

Enter the District Court O.R.I. (i.e., the Originating Agency Identification) number. This nine-digit number, in the form XX XXX XX X X, is assigned by the National Crime Information Center (NCICO of the Federal Bureau of Investigation, and serves to identify all agencies having access to the national communications system. Questions concerning an assigned O.R.I. number should be addressed to the Central Repository located at the Kansas Bureau of Investigation, (785) 296-8200.

4. K.B.I NUMBER

The K.B.I. Number is the State Identification Number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning such individual will be assigned this same number (i.e., it is the identification number listed on an Abstract of Record received from the Central Repository).

5. COUNTY

Enter the name of the county in which the present case was filed.

6. COURT CASE NUMBER

Enter the official district court Case Number in the present case. If multiple cases were officially consolidated by the district court, only the Case Number that the other cases were consolidated into should appear on the Journal Entry of Judgment for. A separate Journal Entry of Judgment form

must be used for each separate Case Number, even if the separate cases were sentenced on the same day in the same sentencing court.

7. SENTENCING JUDGE

Enter the name of the district judge who presided over the sentencing proceeding in the present case.

8. SENTENCING DATE

Enter the date that the sentencing court pronounced sentence in the present case.

9. TYPE OF DEFENSE COUNSEL

Check the applicable box. Please print the name of Counsel retained or assigned by the Court if applicable.

10. TYPE OF PROCEEDING (TRIAL)

Check the applicable box.

11. DATE OF CONVICTION

Enter the date that the offender was found guilty at trial, or following a plea of guilty or nolo contendere, or any other plea that results in a finding of guilt.

12. PRE-TRIAL STATUS OF OFFENDER

Check the applicable box.

SECTION II. CRIMINAL HISTORY CLASSIFICATION

1. OFFENDER'S OVERALL CRIMINAL HISTORY CLASSIFICATION AS FOUND BY THE COURT

Check the applicable box indicating the criminal history classification as it was determined by the district court at sentencing.

2. OBJECTION TO CRIMINAL HISTORY

Check "Yes" or "No" depending on whether either party objected to the criminal history classification as stated in the Presentence Investigation Report (PSI). If yes, then check whether the objection was made by the defendant or the State. If both parties objected, check both boxes.

Court's Ruling on Objection

Indicate the Court's ruling on the objection by checking whether the criminal history classification was, or was not, amended by the sentencing court.

SECTION III. CURRENT CONVICTION INFORMATION

1. NAME OF PRIMARY OFFENSE OF CONVICTION

Enter the descriptive name of the PRIMARY Offense (i.e., Attempted First Degree Murder, Possession of Cocaine, etc.). The PRIMARY Offense is the most serious offense of conviction. In this same box, enter the Count Number of he PRIMARY Offense and the date the offense was committed.

2. K.S.A., TITLE, SECTION, SUBSECTION(S)

Enter the offense of conviction by the proper K.S.A. number including all applicable subsections [i.e., a severity level 4, aggravated battery would be K.S.A. 21-3414(a)(1)(A)]. Also, if applicable, check the appropriate box indicating whether the offense involved an attempt, a conspiracy, or a solicitation.

3. GRADE OF OFFENSE

Check the appropriate box indicating whether the offense is a felony or a misdemeanor and insert the appropriate severity level of the felony or class rank of the misdemeanor. Check the appropriate box indicating whether the offense is a person or a nonperson offense.

4. OFFENSE CATEGORY

Check the appropriate box indicating whether the offense is on the nondrug or the drug grid, or if it is an off-grid or a nongrid offense.

5. PRESUMPTIVE SENTENCING RANGE

The Presumptive Sentencing Range for the offense is represented by the three numbers in the KSGA drug/nondrug sentencing grid box corresponding to the severity level and the criminal history classification of the offense. Enter the grid numbers representing the "Aggravated," "Standard" and "Mitigated" sentencing range within the grid box.. The "Aggravated" number is the highest number in the grid box. The "Standard" number is the middle number in the grid box. The "Mitigated" number is the lowest number in the grid box. **These numbers are entered as they are read, from left to right in the grid box.**

Check the appropriate box indicating whether the grid box for the offense is designated as a Presumptive Prison, Presumptive Probation, Border Box classification, or Mandatory Drug Treatment (K.S.A. 21-4729, "SB-123 nonprison sanction"). If a special rule applies, check the special rule box, complete the Special Rules Supplemental page and attach it to the Journal Entry.

In multiple conviction cases, for the "base" crime (i.e., the offense with the highest severity level under the sentencing guidelines), the offender's full criminal history is to be applied to determine the presumptive range for that crime. <u>However, the criminal history category "I" must be used to determine the presumptive range of sentencing for each nonbase crime, regardless of whether sentencing is concurrent or consecutive. K.S.A. 21-4720 (a)(2).</u>

For nondrug and drug offenses with simultaneous presumptive imprisonment and presumptive probation sentences, the base crime is the presumptive imprisonment crime. For nondrug and drug offenses that have the same presumption, the base crime is the crime with the longest term within the grid box range.

K.S.A. 21-4729 (Senate Bill 123), passed during the 2003 Legislative Session, established Mandatory Drug Treatment for a designated target population of offenders convicted of violating K.S.A. 65-4160 or 65-4162.

6. SPECIAL RULE APPLICABLE TO SENTENCE, IF ANY

Check the appropriate box indicating whether a special rule is applicable to the offense. If so, enter the number of the special rule and a brief description of the applicable rule, both of which can be found on the Special Rules Supplemental Page, then complete the Special rules Supplemental Page and attach it to the Journal Entry. (Note: The numbers for the special rules are intentionally non-sequential for data coding purposes. Please do not renumber them. The numbers 7, 14 and 18 were assigned to rules that are no longer in use and the will not be reassigned.)

In cases where an "Extended Jurisdiction Juvenile" sentence has been imposed by the court pursuant to K.S.A. 2007 Supp. 38-2347 and 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for the "Extended Jurisdiction Juvenile Imposed" should be checked.

7. SEXUALLY MOTIVATED OFFENSE

Check whether the sentencing court determined that the crime was "Sexually Motivated" as defined by the KS Offender Registration Act. <u>If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.</u> (Any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification. K.S.A. 22-4902(c)(14).

8. AGGRAVATED HABITUAL SEX OFFENDER?

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 21-4642. <u>If yes, complete the Sex Crime Supplement and attach it to the Journal Entry.</u> (K.S.A. 21-4642 provides in pertinent part that "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, and (B) prior to the conviction of the felony under subparagraph (A), has been convicted on at least two prior conviction events of any sexually violent crime. "Prior conviction event" means one or more felony convictions of a sexually violent crime occurring on the same day and within a single count. These convictions may result from multiple counts within an information or from more than one information. If a person crosses a county line and commits a felony as part of the same criminal act or acts, such felony, if such person is convicted, shall be considered part of the prior conviction event.)

9. CHILD SEX OFFENSES?

Check whether the offender is being sentenced pursuant to K.S.A. 21-4643 wherein the current crime is a sex offense where the offender is 18 years of age or older and the victim is less than 14 years of age. <u>If yes, complete the Sex Offender Supplement and attach it to the Journal entry.</u>

10. DOWNWARD DEPARTURE FOR A CRIME OF EXTREME SEXUAL VIOLENCE?

Check whether the sentencing court has imposed a downward departure from the sentencing guidelines as provided in K.S.A. 21-4719(a) for a crime of extreme sexual violence defined in K.S.A. 21-4716. <u>If yes, complete the Sex Crime Supplement and attach it to the Journal Entry.</u>

11. CRIME COMMITTED WITH A DEADLY WEAPON?

Check whether the sentencing court made a finding on the record that the current crime was committed with a deadly weapon. If yes, complete the Offender Registration Supplement and attach it to the Journal Entry. K.S.A. 22-4902(a)(7).

12. DRUG CONVICTIONS (K.S.A. 65-4159 or K.S.A. 65-7006)?

Check whether the offender was convicted for a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture). If yes, check whether the sentencing court made a finding on the record that the manufacturing or attempted manufacture of the controlled substance was for the offender's personal use or, that the possession of he precursor was intended to be used to manufacture a controlled substance for the offender's personal use. If no such finding is made, complete the Offender Registration Supplement and attach it to the Journal Entry. K.S.A. 22-4902(a)(10) and (11).

13. DRUG CONVICTIONS (K.S.A. 65-4161)?

Check whether the offender was convicted for a violation of K.S.A. 65-4161 (sale, possession with intent to sell). If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.

SENTENCE IMPOSED

1. GUIDELINE RANGE IMPOSED

Check the appropriate box indicating whether the sentence pronounced by the sentencing court for the offense is the "Aggravated," "Standard," or the "Mitigated" number within the grid box, or whether the sentence is a departure from the presumptive range. If the sentence imposed constitutes a departure sentence check the appropriate box and complete Section IV Departure Information of the Journal Entry.

2. PRISON TERM

Enter the number of months of imprisonment pronounced and check the appropriate box indicating whether the prison sentence is imposed or whether it is a term underlying a probation sentence. If the sentence is Life Imprisonment for an off-grid crime, check the appropriate box. If the Life Imprisonment sentence includes a mandatory minimum term before parole eligibility, check the appropriate box including Life 15, Life 20, Hard 10 (for intentional second degree murder committed after July 1, 1996, but before July 1, 1999) Hard 25, Hard 40, or Life without parole. If a sentence of death has been imposed, check the Death Penalty box.

For crimes committed on or after July 1, 2006, the mandatory minimum of a Hard 50 will not apply if the court finds that the defendant is subject to a guidelines sentence of greater than 600 months due to the defendant's criminal history classification. Therefore, for crimes committed on or after July 1, 2006, which have a Hard 50 sentence, check the box that indicates a sentence of "mandatory minimum=50 years or _____months pursuant to guidelines, given offender's criminal history." Then, calculate the potential guidelines sentence and enter the standard months in the blank provided. The offender's mandatory minimum will either be 600 months or the guidelines sentence, whichever is greater. K.S.A 21-4638.

3. POSTRELEASE SUPERVISION TERM

Check the appropriate box indicating the term of postrelease supervision imposed for the offense. K.S.A. 22-3717(d)(1)(A), (B), (C). If a 60-month term of postrelease supervision has been imposed, this constitutes a departure, and **Section IV** of the Journal Entry must be completed.

For a fourth or subsequent conviction of DUI, check the appropriate box indicating the term of postrelease supervision is 12 months. (For a fourth or subsequent conviction of a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. K.S.A. 2007 Supp. 8-1567(g).)

For convictions of certain child sex offenses wherein the offender was 18 years of age or older and the victim was less than 14 years of age, upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring. K.S.A. 22-3717(d)(1)(G) and (u). Please also check the appropriate box in Section VI. Recap of Sentence.

4. COUNTY JAIL TIME IMPOSED

For misdemeanors or nongrid felonies such as DUI, Domestic Violence, or Animal Cruelty, where a county jail sentence is involved, enter the term and check whether it is in months or days. Then check whether the county jail term is imposed or whether it is a term underlying a probation sentence. Check whether the county jail time is for 3rd or 4th DUI, 3rd or Subsequent Domestic Battery, or Animal Cruelty. If probation is to be granted after a specific jail term, check the appropriate box and enter the term in months.

For a fourth or subsequent conviction of DUI, check the appropriate box, in box 3 (Postrelease Supervision Term) above, indicating that the term of postrelease supervision is 12 months. (For a fourth or subsequent conviction of a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. K.S.A. 2007 Supp. 8-1567(g).)

5. PROBATION TERM AND SUPERVISION

If the sentencing court grants probation, check the appropriate box indicating the length of probation. If the sentence is to Mandatory Drug Treatment under K.S.A. 21-4729 (SB-123), check this box. In addition to checking the SB 123 box, also enter the number of months of probation actually imposed by the court pursuant to K.S.A. 21-4611(c) or (c)(5). (Note: period of drug treatment pursuant to K.S.A. 21-4729 is separate from statutory term of probation provided under K.S.A 21-4611 for severity level 4 offenders). In all probation cases enter the underlying sentence of imprisonment that the sentencing court pronounced for the individual offense in box 2 (Prison Term).

Check the appropriate box indicating whether the probation supervision is with Court Services, Community Corrections or Unsupervised. If the sentencing court imposes county jail time as a condition of probation, enter the number of days. Indicate whether the offender has been assigned to a Correctional Conservation Camp such as Labette.

SECTION IV. DEPARTURE INFORMATION

1. TYPE OF DEPARTURE

Check each of the appropriate boxes indicating whether the departure was a Downward Durational, Upward Durational, Downward Dispositional, Upward Dispositional, or a postrelease Supervision (sex offense). Check as many boxes as apply.

2. REASONS CITED AS A BASIS FOR DEPARTURE

Enter the reasons upon which the sentencing court relied upon in departing from the presumptive sentence and/or in departing on the postrelease supervision for a sex offense.

SECTION V. OTHER CONDITIONS

1. GENERAL/SPECIAL CONDITIONS OF PROBATION

Attach the sentencing court's Order of Probation to the Journal Entry of Judgment form in any cases where the offender has been granted probation.

2. COSTS ORDERED

Enter the total amount of Restitution, probation fees, Court Costs, Fines, BIDS (Board of Indigent Defense Services), KBI Fees and other fees ordered by the sentencing court. If any additional fees are ordered and not listed here, enter these fees in the "Other" spaces provided.

3. RESTITUTION

Enter the amount, name and address of any party to whom restitution is owed.

SECTION VI. RECAP OF SENTENCE

1. SENTENCE IMPOSED

If the sentence is to prison (KDOC), enter the total prison term imposed. If a county jail term is imposed, enter the total jail term in the space provided. If probation is granted, enter either the term of imprisonment or jail term underlying the probation, whichever is applicable. In multiple count cases, if a prison term is imposed and a jail term is imposed but is to run consecutive to the prison term, check the box indicating such. The recap is the sum total of all sentences imposed in the case. For example, an offender has a case with 5 counts. The sentences for each count are as follows:

Count 1 = 12 mo. KDOC
Count 2 = 10 mo. KDOC consecutive to Ct. 1.
Count 3 = 10 mo. KDOC. concurrent to Cts. 1 & 2.
Count 4 = 12 mo. County jail consecutive to Cts. 1, 2 & 3
Count 5 = 12 mo. County jail concurrent to Cts. 1, 2, 3 & 4.
In the Recap you would enter:

Total Prison Term (if sentenced imposed is to prison): 22 mo.
Total County Jail Term:12 mo X Consecutive to prison term

Total Underlying Jail term (if sentence is imposed is probation):
Total Underlying Prison Term (if sentence imposed is probation):

Please include additional comments or explanations when necessary.

2. POSTRELEASE SUPERVISION TERM

Enter the longest postrelease supervision period imposed for any of the offenses of conviction. If one of the offenses of conviction is an off-grid crime, the postrelease supervision term is based on the off-grid crime.

For a fourth or subsequent conviction of DUI, check the appropriate box indicating the term of postrelease supervision is 12 months. K.S.A. 2007 Supp. 8-1567(g).

If the offender is convicted of a child sex offense wherein the offender was 18 years of age or older and the victim was less than 14 years of age, check the appropriate box indicating lifetime postrelease supervision. K.S.A. 22-3717(d)(1)(G) and (u).

3. PROBATION PERIOD

In probation cases, restate the probation term imposed by the sentencing court by checking the appropriate box. If the offender is assigned to a correctional conservation camp, check the appropriate box. Enter the term of months imposed for probation pursuant to K.S.A. 21-4611(c) or (c)(5).

4. JAIL TIME CREDIT

The "sentence begins date" is the date of sentencing less the number of days of jail credit actually granted by the sentencing court. <u>This section must be completed to prevent complications for the court, the Kansas Department of Corrections and others.</u> **Failure to complete this may result in the need for an Amended Journal Entry of Judgment to be prepared.**

Enter the location code to indicate the type of location where the offender may have earned jail credit and then enter the date range and corresponding number of days for which jail credit may potentially be awarded. Do this for each separate period of time for which the offender may be awarded jail credit. For each date range check whether jail credit was "A," actually awarded by the court, or "N," not awarded by the court.

Enter the sentencing date and subtract the "Total Number of Days of Jail Credit Actually Awarded" as determined by the sentencing court, to determine the sentence begins date.

5. PRIOR CASES TO WHICH THE CURRENT SENTENCE IS TO RUN CONCURRENT OR CONSECUTIVE

Enter the Case Number, the County of Conviction and the Sentence Length of each prior case to which the sentencing court has ordered the sentence in the current case to run either concurrent or consecutive, and then also enter whether the prior case is concurrent or consecutive to the sentence in the current case.

6. MISCELLANEOUS PROVISIONS

Use this space as necessary to record any additional orders/findings of the sentencing court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be stated in the Journal Entry.

7. BORDER BOX FINDINGS

If the current crime falls in a border box on either grid and the court grants a nonprison sentence, check the boxes indicating the sentencing court's findings, if appropriate.

8. MOTION FOR A NEW TRIAL

Is such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for a new trial, either prior to or at sentencing. If no such motion is made, leave this section blank.

9. MOTION FOR JUDGMENT OF ACQUITTAL

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for judgment of acquittal, either prior to or at sentencing. If no such motion is made, leave this section blank.

10. MOTION FOR ARREST OF JUDMENT

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for arrest of judgment, either prior to or at sentencing. If no such motion, leave this section blank.

11. ADDITIONAL COMMENTS

Enter any additional orders/findings of the court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be sated in the Journal Entry or any other necessary comments.

SECTION VII. SIGNATURES

1. JUDGE'S SIGNATURE

Provide **signature** or stamp of the Sentencing Judge as well as printed name.

The **date** is the date the journal entry was signed or stamped by the judge.

2. PROSECUTING ATTORNEY

Enter the signed and printed name of the prosecuting attorney, Supreme Court number of the prosecuting attorney, date the journal entry was signed by the prosecuting attorney and the prosecuting attorney's address and phone number.

3. DEFENSE ATTORNEY

Enter the signed and printed name of the defense attorney, Supreme Court number of the defense attorney, date the journal entry was signed by the defense attorney and the defense attorney's address and phone number.

SUPPLEMENTAL PAGES

(To be completed only when applicable)

JOURNAL ENTRY OF JUDGMENT FOR ADDITIONAL OFFENSES

The instructions for completion of the supplemental pages for additional offenses of conviction are identical to that of the Journal Entry of Judgment with the exception that the supplemental pages require indication of whether the sentence for each additional crime is to be served concurrent or consecutive to the others. The instructions for that particular question are as follows:

2. SENTENCES CONCURRENT OR CONSECUTIVE

Check the appropriate box indicating whether the sentencing court ordered the offenses to run either concurrent or consecutive to any other offense, and enter the Count number of the other offense that the sentence was ordered to either run concurrent or consecutive to.

SPECIAL RULES SUPPLEMENT

If a special rule applies to the current case, check the box corresponding to the applicable special rule and attach this page to the Journal Entry of Judgment. (Note: The numbers for the special rules are intentionally non-sequential for data coding purposes. Please do not renumber them. The numbers 7, 14, and 18 were assigned to rules that are no longer in use and they will not be reassigned.)

In cases where an "Extended Jurisdiction Juvenile" sentence has been imposed by the court pursuant to K.S.A. 2007 Supp. 38-2347 and 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for the "Extended Jurisdiction Juvenile Imposed" should be checked.

SEX CRIME SUPPLEMENT

A. Aggravated Habitual Sex Offender

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 21-4642. If yes, check the box in Section A of the Sex Crime Supplement and attach it to the Journal Entry.

B. Child Sex Offenses

Check whether the offender is being sentenced pursuant to K.S.A. 21-4643 for a sex offense wherein the offender is 18 years of age or older and the victim is less than 14 years of age. <u>If yes, complete Section B of the Sex Offender Supplement and attach it to the Journal Entry.</u>

First Offense -- For the first sex offense by an offender 18 or older involving a victim less than 14, the court may choose to depart downward to a guidelines sentence rather than sentence to a mandatory minimum. If the court chose to depart downward, check the appropriate box indicating such and complete Section IV of the Journal Entry (Departure Information). If the sentencing court does not choose to depart downward, check the remaining box indicating that the sentence is a "mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to the sentencing guidelines, given the offender's criminal history." [Determine the potential guidelines sentence for

the offender's criminal history, without regard to the offender's age when the current crime was committed and enter the standard number of months from the appropriate guidelines grid box in the space provided. The offender's sentence will be for either the Hard 25 years (300 months) or the guidelines sentence, whichever is greater.]

Second Offense – Check this box if the current crime is the offender's second sex offense involving a victim less than 14 and the offender was 18 or older at the time the crime was committed. Calculate the potential guidelines sentence and insert the standard months into the blank provided. The sentence will be fore the mandatory minimum of a Hard 40 years (480 months) or _____months pursuant to the sentencing guidelines, whichever is greater.

In all cases, K.S.A. 22-3717(d)(1)(G) and (u), require that upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring.

C. Downward Departure for a Crime of Extreme Sexual Violence.

Please check whether this duration departure is limited to 50% of the middle of the sentencing range.

OFFENDER REGISTRATION SUPPLEMENT

Check the appropriate boxes on these two pages indicating the reason the offender is required to register and the length of time pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq. and attach the supplement to the Journal Entry of Judgment.

For Court Use Only (Seal)

2008 KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

SECTION I. CASE IDENTIFYING INFORMATION

1. Transaction No.

2. STATE v. ☐ Male ☐ Female

3. Court O.R.I. Number

4. K.B.I. Number

5. County

6. Court Case Number

7. Sentencing Judge

8. Sentencing Date

9. Defense Counsel: ☐ Appointed ☐ Retained ☐ Self ☐ Waived Orally ☐ Waived in Writing

Counsel Name (please print)_____

10. Type of Proceeding (Trial) ☐ Bench Trial (includes a plea on stipulated facts) ☐ Jury Trial ☐ Guilty Plea ☐ *Nolo contendere* Plea

11. Date of Conviction:

12. Pre-Trial Status of Offender ☐ In Custody ☐ Released on Bond ☐ Other Release

SECTION II. CRIMINAL HISTORY CLASSIFICATION

1. Offender's Overall Criminal History Classification as Found by the Court: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I

2. Objection to Criminal History? ☐ Yes ☐ No If Yes, By: ☐ Defendant or ☐ State

Court's Ruling on Objection: ☐ Criminal history was amended ☐ Criminal history was not amended

SECTION III. CURRENT CONVICTION INFORMATION

1. Name of PRIMARY Offense of Conviction:_____

Count No.: _____ Date of Offense: _____

2. K.S.A. Title, Section, Subsection(s): _____

☐ Attempt (K.S.A. 2006 Supp. 21-3301.) ☐ Conspiracy (K.S.A. 2006 Supp. 21-3302.) ☐ Solicitation (K.S.A. 2006 Supp. 21-3303.)

3. Grade of Offense: (Check one in each row.) ☐ Felony, Severity Level _____ ☐ Misdemeanor, Class _____
☐ Person ☐ Nonperson

4. Offense Category: ☐ Nondrug ☐ Drug ☐ Off-grid ☐ Nongrid

5. Presumptive Sentencing Range: (Enter terms from appropriate grid.) Aggravated _____ Standard ____ Mitigated ____

Check applicable box(es) ☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box

☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729.

☐ Special Rule Applies (Complete Special Rules Supplemental Page and Attach.)

THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE PRESENTENCE INVESTIGATION FORM PURSUANT TO K.S.A. 22-3439 AND A DOCUMENT CONTAINING INFORMATION REQUIRED BY K.S.A. 22-3426(c) and (d).
PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.

6. SPECIAL RULE APPLICABLE: ☐ Yes ☐ No If Yes, enter the number(s) and brief description(s) corresponding to the applicable special rule (Complete Special Rules Supplemental Page and Attach): Number(s) _____
Description(s) _____

7. Did the Court make a *SPECIAL FINDING* that the crime was SEXUALLY MOTIVATED pursuant to the KS Offender Registration Act, K.S.A. 2006 Supp. 22-4902 (c)(14)? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

8. Was offender determined by the Court to be an *AGGRAVATED HABITUAL SEX OFFENDER?* (K.S.A. 2006 Supp. 21-4642.) ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

9. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 where offender is 18 years of age or older and the victim is less than 14 years of age? ☐ Yes ☐ No IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

10. Downward departure [K.S.A. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

11. Did offender, as determined by the court, commit the current crime with a deadly weapon? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

12. Was offender convicted of a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture)? ☐ Yes ☐ No
IF YES, was there a finding by the Court that such manufacture or possession was for personal use? ☐ Yes ☐ No
IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 65-4161 (sale, possession w/ intent to sell)? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

SENTENCE IMPOSED:

1. Guideline Range Imposed: ☐ Aggravated ☐ Standard ☐ Mitigated ☐ Departure – COMPLETE SECTION IV

2. Prison Term: KDOC ____ months
(Enter months above then check one of the following) ☐ Prison sentence imposed or ☐ Underlying with probation granted
or ☐ Underlying with KDOC Trtmnt Prog. (min. 120 days)
☐ Off-grid Crime:
☐ Life - Minimum 15 yrs. ☐ Life - Minimum 20 yrs. ☐ Hard 10 ☐ Hard 25 ☐ Hard 40
☐ Mandatory minimum years = 50 years (600 months) or ____ months pursuant to guidelines, given offender's criminal history, whichever is greater
☐ Life Imprisonment without Parole ☐ Death Penalty

3. Postrelease Supervision Term: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months (sex offense) - COMPLETE SECTION IV
☐ No Postrelease ☐ Lifetime

4. County Jail: (For misdemeanor or nongrid felony.) _____ ☐ months ☐ days
(Enter county jail term above then check one of the following) ☐ Jail sentence imposed or, ☐ Underlying with probation granted.
☐ 3rd D.U.I. ☐ 4th or Subsequent D.U.I. (w/12 month postrelease) ☐ 3rd or Subs. Domestic Battery (w/in 5 yrs.) ☐ Animal Cruelty
☐ Probation granted after serving term of _____ ☐ months ☐ days

5. Probation Term (If Granted): ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ 60 months
☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. ☐ Other:
☐ Extended Period under K. S. A. 21-4611 (c)(5) for: _____months

Probation Supervision to: ☐ Court Services ☐ Community Corrections ☐ Unsupervised
County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days
Assignment to Correctional Conservation Camp: ☐ Yes ☐ No
Comments: _____

SECTION IV. DEPARTURE INFORMATION (PAGE 3)

1. Type of Departure: (Check all that apply.)

☐ Downward Durational ☐ Upward Durational ☐ Downward Dispositional ☐ Upward Dispositional

☐ Postrelease Supervision (up to 60 months for sexually motivated sex offense) – K.S.A. 2006 Supp. 22-3717(d)(1)(D)(i)

["Sexually motivated" defined in K.S.A. 2006 Supp. 22-3717(d)(2).]

2. Reasons Cited as Basis for Departure: _____

_____

_____

_____

_____

_____

_____

SECTION V. OTHER CONDITIONS

1. General/Special Conditions of Probation (COMPLETE AND ATTACH ORDER OF PROBATION TO THIS JOURNAL ENTRY)

2. Costs Ordered:

Total Restitution (Please complete #3 below.)	$	Probation Fee	$
Total Court Costs	$	BIDS Attorney Fee	$
Total Fines	$	BIDS Administrative Fee	$
DNA Database Fee (K.S.A. 2006 Supp. 21-2511 & 75-724.)	$	Community Corrections Fee (offenses after 1/4/07)	$
Extradition Costs	$	Booking/Fingerprint Fee	$
Domestic Violence Special Program Fee	$	Reward Reimbursement	$
Apprehension Fee (Escape/Agg. Escape)	$	Children's Advocacy Center Assessment Fee	$
Alcohol and/or Drug Evaluation Fee	$	Medical Costs/Expenses Reimbursement	$
Witness Fee	$	Court-Appointed Attorney Fee	$
KBI Lab Fee	$	Other: _____	$
Other Lab Fee	$	Other: _____	$
		TOTAL COSTS	$

3. Restitution to be paid as follows:

Amount	Name and Address
$	
$	
$	
$	
$	
$	

SECTION VI: RECAP OF SENTENCE

1. Sentence Imposed:

Total Prison Term (if sentence imposed is to prison): _____

Total County Jail Term: _____ ☐ Consecutive to Prison Term

Total Underlying Jail Term (if sentence imposed is probation): _____

Total Underlying Prison Term (if sentence imposed is probation or KDOC intensive treatment program – min. 120 days): _____

☐ For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage. K.S.A. 21-4704(e)(2) and 21-4705(c)(2).

2. Postrelease Supervision Term: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months ☐ No Postrelease ☐ Lifetime

3. Probation Term Imposed (select one): ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ 60 months

☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. ☐ Correctional Conservation Camp

☐ Extended Period under K. S. A. 21-4611 (c)(5) for: _____months

☐ Other:_____

4. Jail Credit Enter dates (m/d/yy only) and days of potential jail credit for this case and check "A" if the days are actually awarded, or "N" if the days are not awarded by the court. (attach additional pages if necessary)

*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N

*Enter appropriate letters to indicate the type of location where credit may have been earned:

J=Jail TL=Treatment (Locked) TU=Treatment (Unlocked) RL=Residential (Locked) RU=Residential (Unlocked)

Sentencing Date:_____ - Total Number of Days of Jail Credit Actually Awarded _____ = Sentence Begins Date: _____

5. Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive:

Case No. _____ County _____ Sentence _____ Concurrent ☐ or Consecutive ☐

Case No. _____ County _____ Sentence _____ Concurrent ☐ or Consecutive ☐

Case No. _____ County _____ Sentence _____ Concurrent ☐ or Consecutive ☐

Case No. _____ County _____ Sentence _____ Concurrent ☐ or Consecutive ☐

Others: _____

6. Miscellaneous Provisions:

☐ Defendant informed of right to appeal within 10 days of this date. K.S.A. 22-3608. (Required by case law.)

☐ Defendant informed of potential rights of expungement under K.S.A. 2006 Supp. 21-4619. K.S.A. 2006 Supp. 21-4619(g).

☐ Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq. (Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.) K.S.A. 2006 Supp. 22-4905(b)(2).

☐ Defendant must submit specimens of blood or an oral or other biological sample pursuant to K.S.A. 2006 Supp. 21-2511, if not previously submitted. K.S.A. 2006 Supp. 21-2511(c).

☐ Defendant must obtain psychological evaluation and shall complete the recommended treatment pursuant to K.S.A. 2006 Supp. 22-3717(d)(1)(D)(iv).

☐ Defendant has been processed, fingerprinted and palmprinted. K.S.A. 2007 Supp. 21-2501(b).

☐ Court remands Defendant to custody of Sheriff to begin serving sentence.

☐ Court remands Defendant to custody of Sheriff to await transportation to the custody of the Secretary of Corrections.

☐ Defendant to report to County Jail on the ____ day of _____, 20__ at _____ O'clock ☐ a.m. ☐ p.m. to start serving sentence.

☐ House arrest is authorized for remaining _____days after Defendant completes mandatory _____hours in the County Jail.

☐ Work release recommended (if accepted, defendant is to abide by recommendations of the program).

☐ Defendant's financial resources and burden imposed by BIDS application and attorney fees considered by the court pursuant to K. S. A. 22-4513 and State v. Robinson, 281 Kan. 538, 132 P.3d 934 (2006).

☐ Other Comments:

SECTION VI. RECAP OF SENTENCE CONTINUED (PAGE 5)

7. **Border Box Findings** K.S.A. 2006 Supp. 21-4704(f): **(Check if appropriate)**

- ☐ An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- ☐ the recommended treatment program is available and the offender can be admitted to the program within a reasonable period of time; or,
- ☐ the non-prison sanction will serve community safety interests by promoting offender reformation

8. **If made, Motion for New Trial:** ☐ Granted ☐ Denied

9. **If made, Motion for Judgment of Acquittal:** ☐ Granted ☐ Denied

10. **If made, Motion for Arrest of Judgment:** ☐ Granted ☐ Denied

11. **Additional Comments:** _____

SECTION VII. SIGNATURES

1. **Judge's Signature:** Date: _____

Signed: _____

Printed: _____

2. **Prosecuting Attorney:**

Signed: _____

Printed: _____

Supreme Court Number: _____

Date: _____

Address: _____

Phone No: _____

3. **Defense Attorney:**

Signed: _____

Printed: _____

Supreme Court Number: _____

Date: _____

Address: _____

Phone No: _____

1. Name of Additional Offense of Conviction: _____

Count No.: _____ Date of Offense: _____

2. Sentences Concurrent or Consecutive: ☐ Concurrent ☐ Consecutive To Count(s): _____

3. K.S.A. Title, Section, Subsection(s): _____
☐ Attempt (K.S.A. 2006 Supp. 21-3301) ☐ Conspiracy (K.S.A. 2006 Supp. 21-3302) ☐ Solicitation (K.S.A. 2006 Supp. 21-3303)

4. Grade of Offense: (Check one in each row.) ☐ Felony, Severity Level _____ ☐ Misdemeanor, Class: _____
☐ Person ☐ Nonperson

5. Offense Category: ☐ Nondrug Grid ☐ Drug Grid ☐ Off-grid ☐ Nongrid

6. Presumptive Sentencing Range (Use Criminal History Classification "I" for non-primary convictions.):
(Enter the terms from the appropriate grid.) Aggravated _____ Standard _____ Mitigated _____
(Check the appropriate box(es).) ☐ Presumptive Prison ☐ Presumptive Probation ☐ Border Box
☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729.
☐ Special Rule Applies (Complete Special Rule Supplemental Page and Attach)

7. SPECIAL RULES Enter the number(s) and brief description(s) corresponding to the applicable special rule, if any (Complete Special Rule Supplemental Page and Attach): Number(s): _____
Description(s): _____

8. Did the Court make a special finding that the crime was *SEXUALLY MOTIVATED* pursuant to KS Offender Registration Act K.S.A. 2006 Supp. 22-4902 (c)(14)? ☐ Yes ☐ No IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT/ATTACH TO JOURNAL ENTRY.

9. Was offender determined by the Court to be an *AGGRAVATED HABITUAL SEX OFFENDER?* (K.S.A. 2006 Supp. 21-4642.) ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

10. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 where offender is 18 years of age or older and the victim is less than 14 years of age? ☐ Yes ☐ No IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

11. Downward departure [K.S.A. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

12. Did offender, as determined by the court, commit the current crime with a deadly weapon? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture)? ☐ Yes ☐ No
IF YES, was there a finding by the Court that such manufacture or possession was for personal use? ☐ Yes ☐ No
IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

14. Was offender convicted of a violation of K.S.A. 65-4161 (sale, possession w/ intent to sell)? ☐ Yes ☐ No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

SENTENCE IMPOSED:

1. Guideline Range Imposed: ☐ Aggravated ☐ Standard ☐ Mitigated ☐ Departure – COMPLETE SECTION IV

2. Prison Term: KDOC ____ months
(Enter months above then check one of the following) ☐ Prison sentence imposed or ☐ Underlying with probation granted
or ☐ Underlying with KDOC Trtmnt Prog. (min. 120 days)

☐ Off-grid Crime:
☐ Life - Minimum 15 yrs. ☐ Life - Minimum 20 yrs. ☐ Hard 10 ☐ Hard 25 ☐ Hard 40
☐ Mandatory minimum years = 50 years (600 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater
☐ Life Imprisonment without Parole ☐ Death Penalty

3. Postrelease Supervision Term: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months (sex offense) - COMPLETE SECTION IV
☐ No Postrelease ☐ Lifetime

4. County Jail: (For misdemeanor or nongrid felony.) _____ ☐ months ☐ days
(Enter county jail term above then check one of the following) ☐ Jail sentence imposed or, ☐ Underlying with probation granted.

☐ 3rd D.U.I. ☐ 4th or Subsequent D.U.I. (w/12 month postrelease) ☐ 3rd or Subs. Domestic Battery (w/in 5 yrs.) ☐ Animal Cruelty
☐ Probation granted after mandatory term of _____ ☐ months days

5. Probation Term Imposed (select one): ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ 60 months

☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729.

☐ Extended Period under K. S. A. 21-4611 (c)(5) for: _____months

☐ Other: _____

Probation Supervision to: ☐ Court Services ☐ Community Corrections ☐ Unsupervised

County Jail Time Imposed AS A CONDITION OF PROBATION: _____days

Assignment to Correctional Conservation Camp: ☐ Yes ☐ No

Comments: _____

6. Additional Comments: _____

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 APPLY:

1. ☐ Person Felony Committed With a Firearm – presumed prison. K.S.A. 2006 Supp. 21-4704(h).
2. ☐ Aggravated Battery of a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2007 Supp. 21-4704(g).
3. ☐ Aggravated Assault of a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2006 Supp. 21-4704(g).
4. ☐ Crime Committed for Benefit of a Criminal Street Gang – presumed prison. K.S.A. 2006 Supp. 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. 2006 Supp. 38-2347 and 38-2364.

HABITUAL OR REPEAT OFFENSES APPLY:

5. ☐ Persistent Sex Offender, if current conviction is presumed prison – double the maximum duration. K.S.A. 2006 Supp. 21-4704(j).
12. ☐ Second or Subsequent Manufacture of a Controlled Substance Conviction – presumed prison, twice the maximum duration. K.S.A. 2006 Supp. 21-4705(e).
26. ☐ Third or Subsequent Drug Possession, *occurring prior to July 1, 2008*, if defendant has completed, been discharged from, or refused to participate in 2003 SB 123 treatment - presumed prison. *If third or subsequent felony drug possession occurs on or after July 1, 2008* - presumed prison. K.S.A. 2008 Supp. 21-4705(f) [Effective July 1, 2008.]
13. ☐ Residential Burglary with a Prior Residential, Nonresidential or Aggravated Burglary Conviction – presumed prison. K.S.A. 21- 4704(l).
27. ☐ *Burglary With Two or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
29. ☐ *Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
30. ☐ *For #27 or #29, Substance Abuse Underlying Factor, Tx More Effective to Reduce Reoffense Risk and Community Safety Served – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]*
31. ☐ *Third or Sub. Criminal Deprivation of a Motor Vehicle – presumptive prison. K.S.A. 2008 Supp. 21-4704(n). [Effective July 1, 2008.]*
16. ☐ Second Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 21-4704(i).
17. ☐ Third or Sub. Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 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 K.S.A. 2008 Supp. 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 2008 Supp. 21-4603d(f); See also K.S.A. 2008 Supp. 21-4608(e)(2)(serving indeterminate sentence) [Effective July 1, 2008].*
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. K.S.A. 21-4603d(f)(2).
10. ☐ Crime Committed While on Felony Bond – new sentence may be imposed pursuant to consecutive sentencing provisions in KSA 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 21-4603d(f).

NONGRID OFFENSES APPLY:

6. ☐ Felony D.U.I. (third, fourth or subsequent) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 8-1567, term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i).
8. ☐ Felony Domestic Battery - nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i)
21. ☐ Animal Cruelty K.S.A. 2006 Supp. 21-4310(a)(1), K.S.A. 2006 Supp. 21-4310(a)(2-5); Second or subsequent conviction; or Working/ Assistance dog – K. S. A. 2006 Supp. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-4310(d), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 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. K.S.A. 2007 Supp. 40-2,118. [Effective July 1, 2007.*]
15. ☐ Kansas Securities Act, violation resulting in loss of $25,000 or more – presumed prison. K.S.A. 2005 Supp. 17-12a508(a)(5).
19. ☐ Mortgage Business Act, Second or Subsequent Conviction – presumed prison. K.S.A. 2006 Supp. 9-2203(c).
20. ☐ Loan Brokers Act, violation resulting in loss of $25,000 or more – presumed prison. K.S.A. 50-1013(a).

SEX CRIME SUPPLEMENT (If applicable, complete and attach to the Journal Entry.)

1. Was offender determined by the Court to be an *AGGRAVATED HABITUAL SEX OFFENDER?* (K.S.A. 2006 Supp. 21-4642.) ☐ Yes ☐ No

IF YES, PLEASE COMPLETE SECTION A. "Aggravated Habitual Sex Offenders".

2. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 where offender is 18 years of age or older and the victim less than 14 years of age? ☐ Yes ☐ No IF YES, PLEASE COMPLETE SECTION B. "Child Sex Offenses".

SECTION A. Aggravated Habitual Sex Offenders – K.S.A. 2006 Supp. 21-4642

☐ Imprisonment for life without the possibility of parole; not eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

SECTION B. Child Sex Offenses – K.S.A. 2006 Supp. 21-4643

Sentence imposed for sex offenses where offender is 18 years of age or older and the victim is less than 14 years of age.
(CHECK ONLY ONE)

First Offense

☐ Downward departure to guidelines; lifetime postrelease supervision; lifetime electronic monitoring. (Complete Section IV – Departure Information, page 3 of Journal Entry of Judgment.)

☐ Mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime postrelease supervision; lifetime electronic monitoring.

Second Offense

☐ Mandatory minimum of Hard 40 years (480 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime postrelease supervision; lifetime electronic monitoring.

Third Offense – see Section A. above, Aggravated Habitual Sex Offender – Life Imprisonment Without Parole.

SECTION C. Downward Departure [K.S.A. 21-4719(a)] for a Crime of Extreme Sexual Violence (defined in K.S.A. 21-4716) (NO downward dispositional departure allowed)

Downward durational departure limited to 50% of middle of the sentencing range? ☐ Yes ☐ No

Comments: _____

OFFENDER REGISTRATION SUPPLEMENT – K.S.A. 2006 Supp. 22-4901 et. seq. (PAGE 1 of 2)
(If applicable, complete both pages and attach to the Journal Entry.)

SECTION A. REGISTRATION REQUIREMENT - Check appropriate boxes to indicate the REASON for registration. See K.S.A. 2006 Supp. 22-4902(a).

☐ (a)(1) Offender required to register due to sex offender status (Indicated by conviction of any of the following sexually violent crimes or adjudication as a juvenile offender for an act which is committed by an adult would constitute a sexually violent crime):

- ☐ Rape - K.S.A. 21-3502
- ☐ Indecent Liberties With a Child - K.S.A. 21-3503
- ☐ Aggravated Indecent Liberties With a Child - K.S.A. 21-3504
- ☐ Criminal Sodomy - K.S.A. 21-2505(a)(2) and (a)(3)
- ☐ Aggravated Criminal Sodomy - K.S.A. 21-3506
- ☐ Indecent Solicitation of a Child - K.S.A. 21-3510
- ☐ Aggravated Indecent Solicitation of a Child - K.S.A. 21-3511
- ☐ Sexual Exploitation of a Child - K.S.A. 21-3516
- ☐ Sexual Battery - K.S.A. 21-3518
- ☐ Aggravated Incest - K.S.A. 21-3603
- ☐ Electronic Solicitation – K. S. A. 21-3523
- ☐ Any conviction for any comparable offense in effect prior to effective date of act
- ☐ Any federal, military or other state conviction for an offense that under the laws of Kansas would be a sexually violent crime
- ☐ Any attempt, conspiracy or criminal solicitation of a sexually violent crime
- ☐ Any act which at the time of sentencing has been determined beyond a reasonable doubt to have sexually motivated (i.e. for the purpose of the defendant's sexual gratification.)

☐ (a)(2) Offender required to register due to violent offender status (Indicated by conviction of any of the following crimes):

- ☐ Capital Murder - K.S.A. 21-3439
- ☐ Murder in the First Degree - K.S.A. 21-3401
- ☐ Murder in the Second Degree - K.S.A. 21-3402
- ☐ Voluntary Manslaughter - K.S.A. 21-3403
- ☐ Involuntary Manslaughter - K.S.A. 21-3404
- ☐ Any conviction for any comparable offense in effect prior to effective date of act
- ☐ Any federal, military or other state conviction for an offense that under the laws of Kansas would be an offense listed in this section
- ☐ Any attempt, conspiracy or criminal solicitation of an offense defined in this section

☐ (a)(3) Offender required to register due to sexually violent predator status as determined under K.S.A. 59-29a01 et. seq. (On and after July 1, 2001).

☐ (a)(4) Offender required to register due to conviction of the following crimes wherein the victim is less than 18 years of age:

- ☐ Kidnapping - K.S.A. 21-3420 (except by parent)
- ☐ Aggravated Kidnapping - K.S.A. 21-3421
- ☐ Criminal Restraint - K.S.A. 21-3424 (except by parent)
- ☐ Any conviction for any comparable offense in effect prior to effective date of act
- ☐ Any attempt, conspiracy or criminal solicitation of an offense defined in this section.

☐ (a)(5) Offender required to register due to conviction of the following sexual conduct wherein one of the parties involved is less than 18 years of age:

- ☐ Adultery - K.S.A. 21-3507
- ☐ Criminal Sodomy as defined in K.S.A. 21-3505(a)(1)
- ☐ Promoting Prostitution - K.S.A. 21-3513
- ☐ Patronizing a Prostitute - K.S.A. 21-3515
- ☐ Lewd and Lascivious Behavior - K.S.A. 21-3508
- ☐ Unlawful Sexual Relations - K.S.A. 21-3520
- ☐ Any conviction for any comparable offense in effect prior to effective date of act
- ☐ Any attempt, conspiracy or criminal solicitation of an offense defined in this section.

☐ (a)(6) Offender required to register due to registration requirement by federal, military or other state's law or otherwise required.

☐ (a)(7) Offender required to register due to conviction of person felony with court finding on the record that such felony was committed with a deadly weapon (On and after July 1, 2006).

- ☐ Any conviction for any comparable offense in effect prior to effective date of act
- ☐ Any attempt, conspiracy or criminal solicitation of an offense defined in this section.

☐ (a)(10) Offender required to register due to conviction of aggravated trafficking as defined in K.S.A. 2006 Supp. 21-3447 or any attempt, conspiracy or solicitation thereof.

☐ (a)(11) Offender required to register due to drug conviction (Indicated by conviction of any of the following crimes):

- ☐ Manufacture or attempted manufacture of any controlled substance in violation of K.S.A. 65-4159
- ☐ Possession of precursors with intent to manufacture any controlled substance in violation of K.S.A. 65-7006
- ☐ Sale, possession w/intent to sell opiates, narcotics, stimulants, in violation of K.S.A. 65-4161
- ☐ Any conviction for any comparable offense in effect prior to effective date of act.

SECTION B. REGISTRATION TERMS - check appropriate boxes indicating REQUIRED TERM of registration
See K.S.A. 2006 Supp. 22-4906.

SEX OFFENDER, VIOLENT OFFENDER, OR OTHER SELECTED CRIMES (as described in subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) on the previous page):

☐ First conviction: ☐ Offender not confined = 10 years from date of conviction, OR
☐ Offender confined = 10 years from date of parole, discharge or release whichever is most recent

☐ Second or subsequent conviction: ☐ Lifetime Registration

FEDERAL, MILITARY OR OUT-OF-STATE JURISDICTIONAL REQUIREMENT (as described in subsection (a)(6) on the previous page):

☐ First conviction: ☐ Offender not confined = 10 years from date of conviction, OR
☐ Offender confined = 10 years from date of parole, discharge or release whichever is most recent

☐ Second or subsequent conviction: ☐ Lifetime Registration

DEADLY WEAPON WITH COURT FINDING ON THE RECORD (as described in subsection (a)(7) on the previous page for crime committed on or after July 1, 2006):

☐ First conviction: ☐ Offender not confined = 10 years from date of conviction, OR
☐ Offender confined = 10 years from date of parole, discharge or release whichever is most recent

☐ Second or subsequent conviction: ☐ Lifetime Registration

SEXUALLY VIOLENT PREDATOR pursuant to K.S.A. 59-29a01 et. seq. (as described in subsection (a)(3) on the previous page for crime committed on and after July 1, 2001):

☐ Declared to be a sexually violent predator: ☐ Lifetime Registration

SELECT AGGRAVATED OFFENSES:

☐ Offender convicted of Rape as defined in K.S.A. 21-3502(a)(1)(A) or (a)(2), Aggravated Criminal Sodomy as defined in K.S.A. 21-3506(a)(1) or (a)(3)(A), or any attempt, conspiracy or solicitation of thereof: ☐ Lifetime Registration

CHILD SEX OFFENSES - Offender is 18 or older and the victim is less than 14 (as described in subsections (a)(1), (a)(4) and (a)(5) on the previous page on and after July 1, 2006) and below:

☐ Offender convicted of Aggravated Trafficking, Agg. Indecent Liberties (K.S.A. 21-3504(a)(3)), Agg Criminal Sodomy (K.S.A. 21-3506(a)(2)), Promoting Prostitution, Sexual Exploitation of a Child (K.S.A. 21-3516(a)(5) or (a)(6)): ☐ Lifetime Registration

DRUG OFFENSES (Manufacture, attempted manufacture – K.S.A. 65-4159, Possession of Precursors with intent to manufacture a controlled substance – K.S.A. 65-7006, or Sale, Possession w/intent to sell – K.S.A. 65-4161, as described in subsection (a)(11) on previous page):

☐ First conviction: ☐ Offender not confined = 10 years from date of conviction, OR
☐ Offender confined = 10 years from date of parole, discharge or release whichever is most recent

☐ Second or subsequent conviction: ☐ Lifetime Registration

JUVENILE REGISTRATION:

☐ Adjudicated as a juvenile offender for any crime which if committed by an adult would constitute a sexually violent crime classified as an off-grid or severity level 1 felony:
- ☐ Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer, OR
- ☐ Offender confined = 5 years from date of release.

☐ Adjudicated as a juvenile offender for an any crime which if committed by an adult would constitute a sexually violent crime NOT classified as an off-grid or severity level 1 felony - subject to judicial discretion:
- ☐ Option 1:
  - ☐ Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer
  - ☐ Offender confined = 5 years from date of release;
- ☐ Option 2: No registration required by court finding on the record;
- ☐ Option 3: Registration as in Option 1 but without public access to registration records.

NONRESIDENT REGISTRATION:

☐ Nonresident worker = Duration of such person's employment

☐ Nonresident student = Duration of such person's attendance at a school or educational institution.

☐ Nonresident offender moving into the state = The same length of time required by sentencing state or for term as indicated by Kansas statute, whichever is longer.

INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT JOURNAL ENTRY OF PROBATION REVOCATION HEARING

The KSGA Journal Entry of Probation Revocation Hearing must be on a form approved by the Kansas Sentencing Commission. K.S.A. 22-3426a(c). This form must be used by all felony probation revocations proceedings involving crimes committed on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Probation Revocation Hearing to the Kansas Sentencing Commission within 30 days of final disposition. K.S.A. 22-3439(b). A copy of the original Journal Entry of Judgment, the Presentence Investigation Report (PSI) and the Criminal History Worksheet should also be attached.

COURT SEAL

Place the seal of the court in the 2" x 3" box in the upper left corner of the page.

SECTION I. CASE IDENTIYING INFORMATION

1. TRANSACTION NUMBER

The Transaction Number is the number located at the top of the Kansas Adult Disposition Report for (KDR). (KBI form CCH-4)

2. STATE v.

Enter the offender's full name as it appears in the case caption and check the appropriate box indicating Male or Female.

3. COURT O.R.I. NUMBER

Enter the Court O.R.I. (i.e., the Originating Agency Identification) number. This nine-digit number, in the form XX XXX XX X X, is assigned by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation, and serves to identify all agencies having access to the national communications system. Questions concerning an assigned O.R.I number should be addressed to the Central Repository located at the Kansas Bureau of Investigation, (785) 296 – 8200.

4. K.B.I. NUMBER

The K.B. I. Number is the state identification number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning such individual will be assigned this same number (i.e., it is the identification number listed on an Abstract of Record received from the Central Repository).

5. COUNTY

Enter the name of the county in which the motion to revoke was filed.

6. COURT CASE NUMBER

Enter the official district court Case Number in the present case in this box and in the box in the upper right hand of the Journal Entry of Probation Revocation.

7. JUDGE AT REVOCATION HEARING

Enter the name of the district court judge who presided over the revocation proceeding in the present case.

8. DATE OF REVOCATION HEARING

Enter the date that the hearing on the motion to revoke probation was held in the present case.

9. TYPE OF DEFENSE COUNSEL AT REVOCATION PROCEEDING

Check the applicable box. Please print the name of Counsel retained or assigned by the Court if applicable.

10. AGENCY REQUESTING REVOCATION

Check the applicable box.

11. ORIGINAL SENTENCING DATE

Enter the date that the original sentencing court pronounced sentence in the present case.

12. NAME OF THE ORIGINAL SENTENCING JUDGE

Enter the name of the district court judge who pronounced the original sentence in the present case.

SECTION II. CONVICTION AND SENTENCE INFORMATION

1. NAME OF PRIMARY OFFENSE OF CONVICTION

Enter the descriptive name of the PRIMARY offense (i.e., Attempted Burglary/Dwelling, Possession of Cocaine, etc.). The PRIMARY offense is the most serious offense of conviction. In this same box, enter the Count Number of the PRIMARY offense.

2. K.S.A., TITLE, SECTION, SUBSECTION(S)

Enter the offense of conviction by proper K.S.A. number, and also include all applicable subsections [i.e., a severity level 4, aggravated battery would be K.S.A. 21-3414(a)(1)(A)]. Also, if applicable, check the appropriate box indicating an attempt, a conspiracy, or a solicitation.

3. GRADE OF OFFENSE

Check the appropriate boxes indicating whether the offense is a felony or misdemeanor and insert the appropriate severity level of the felony or class rank of the misdemeanor. Check the appropriate box indicating whether the offense is a person or nonperson offense.

4. OFFENSE CATEGORY

Check the appropriate box indicating whether the offense is on the nondrug or drug grid or if it is a nongrid offense.

5. CRIMINAL HISTORY CLASSIFICATION

Enter the offender's Criminal History Classification for the PRIMARY offense as found by the sentencing court at the time of the original sentencing.

6. IMPRISONMENT TERM PRONOUNCED FOR THIS OFFENSE

Enter the imprisonment term (in months) that was pronounced for the offense at sentencing.

7. POSTRELEASE SUPERVISION TERM

Offenses resulting in presumptive probation sentences are not subject to postrelease supervision terms. Postrelease supervision only applies to border box offenses and probation sentences resulting from departures. Check the appropriate box indicating the term of postrelease supervision imposed for the offense. If "Other" is checked, specify the number of months of postrelease supervision.

For convictions of certain child sex offenses, wherein the offender was 18 years of age or older and the victim was less than 14 years of age, upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring. K.S.A. 22-3717(d)(1)(G) and (u).

NOTE: There is no postrelease supervision for probation revocations under K.S.A. 21-4729 (2003 Senate Bill 123) unless, the offender was sentenced to SB 123 treatment pursuant to a general departure or through court finding under K.S.A. 2007 Supp. 21-4729(a)(2)("the court finds and sets forth with particularity the reasons for finding that that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program"), K.S.A. 21-4603d(n)("If the defendant fails to participate in or has a patter of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding"), 21-4729(e) ("subject to the departure sentencing statutes") and 22-3716(c).

8. STANDARD PROBATION TERM

Check the box indicating the length of probation that was originally imposed on the offender. If "Other" is checked, enter the number of months of probation in the space provided.

NOTE: K.S.A. 21-4729 (2003 Senate Bill 123) was passed during the 2003 Legislative Session. This statute established **mandatory** drug abuse treatment for a designated target population of offenders convicted of violating K.S.A. 65-4160 or 65-4162. The sentencing court shall commit these offenders to treatment in a drug abuse treatment program until determined suitable for discharge by the court but the term of treatment **shall not exceed 18 months**.

<u>In addition, the sentencing court shall order the SB 123 offender to serve a period of probation pursuant to K.S.A. 21-4611(c)(3) and (c)(5).</u>

9. TOTAL IMPRISONMENT TERM PRONOUNCED

Enter the total period of imprisonment originally pronounced by the sentencing court for all of the offenses of conviction within the case. If the sentencing court has imposed consecutive sentences, enter the total controlling term of imprisonment pronounced.

10. REASON FOR REVOCATION HEARING

Check the appropriate box.

11. NUMBER OF PREVIOUS MOTIONS TO REVOKE

If applicable, enter the number of previous motions to revoke in the space provided. Provide any pertinent comments relating to the prior motions such as date of motion and result.

SECTION III. DISPOSITION

1. DISPOSITION

Check the appropriate box(es). If probation was revoked and reinstated, check the appropriate box, then answer whether new conditions were imposed. If the offender's probation was revoked and reinstated, and if the offender was then ordered to Community Corrections Supervision pursuant to K.S.A. 22-3716(b), then check the appropriate box. If the offender's probation was extended, then enter the number of months for which probation is to be extended. If the offender's probation was revoked, check the appropriate box and indicate whether the offender was ordered to serve the original sentence or a modified sentence. If ordered to serve a modified sentence, insert the number of months ordered in the space provided. If the sentencing court found that the offender would not be subject to a period of postrelease supervision upon release from prison pursuant to K.S.A. 22-3716(e), then check the appropriate box.

NOTE: K.S.A. 22-3726(b) provides that condition probation violators are required to be placed in a Community Corrections program at least once prior to a revocation resulting in placement in a state correctional facility, unless the court finds that the safety of the members of the public will be jeopardized or the welfare of the inmate will not be served by such assignment to community correctional services.

2. IF PROBATION WAS REVOKED, REINSTATED OR EXTENDED FOR ANY REASON, PLEASE PROVIDE A BRIEF DESCRIPTION OF THE VIOLATION(S)

If the offender's probation is revoked, reinstated or extended, then briefly describe the nature of the violation or violations.

3. IF PROBATION WAS REVOKED, REINSTATED OR EXTENDED FOR ANY REASON, PLEASE PROVIDE A BRIEF DESCRIPTION OF ANY NEW CONDITIONS IMPOSED

If the offender's probation is revoked, reinstated or extended, describe any new conditions imposed by the sentencing court (i.e., House Arrest, Jail Time, Electronic Monitoring, or the Labette Correctional Conservation Camp, etc.).

4. JAIL CREDIT AWARDED WHILE ON PROBATION FOR CURRENT CRIME

Enter the number of days of jail credit awarded at the original sentencing. Then drop down to the lower portion of the box and enter the jail credit details for the current case. Enter the location code to indicate the type of location where the offender may have earned jail credit while on probation in the current case and then enter the date range and number of days for which the credit may potentially be awarded. Do this for each separate period of time for which the offender may be awarded jail credit. For each date range check whether jail credit was "A," actually awarded by the court, or "N," not awarded by the court. From the date ranges and days entered, total the number of days of jail credit **actually** awarded while on probation for the current crime and enter that number in the second space provided at the top of the box. Add the number of days of jail credit awarded at the original sentencing to the total number of days of credit awarded while on probation in the current case to arrive at the total number of days of jail credit actually awarded.

Enter the revocation date and subtract the "Total Number of Days of Jail Credit **Actually** Awarded" as determined by the sentencing court, to determine the sentence begins date. **NOTE**: this line should only be completed if the offender is being revoked to prison.

SECTION IV. SIGNATURES

1. JUDGE'S SIGNAURE:

Provide **signature** of the Sentencing Judge as well as printed name.

The **date** is the date the Journal Entry of Probation Revocation was signed or stamped by the judge.

2. PROSECUTING ATTORNEY

Enter the name of the prosecuting attorney, signed and printed, the date the journal entry was signed by the prosecuting attorney, the Supreme Court number of the prosecuting attorney and the prosecuting attorney's address and phone number.

3. DEFENSE ATTORNEY

Enter the name of the defense attorney, signed and printed, the date the journal entry was signed by the defense attorney, the Supreme Court number of the defense attorney and the defense attorney's address and phone number.

ADDITIONAL OFFENSES PAGE

Make as many copies of this page as needed in order to include all of the offender's additional offenses. The instructions for completion of additional offense pages for additional convictions are identical to that of the Journal Entry of Probation Revocation with the exception that the supplemental pages require indication of whether the sentence for each additional crime is to be served concurrent or consecutive to the other counts. The instructions for that particular question are as follows:

7. CONCURRENT/CONSECUTIVE

Check the appropriate box indicating whether, when the sentence was originally imposed, the sentencing court ordered the offense to run either concurrent or consecutive to any other offense, and enter the other count to which the current offense was ordered to run concurrent or consecutive.

For Court Use Only (Seal)

2008 KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF PROBATION REVOCATION HEARING

SECTION I. CASE IDENTIFYING INFORMATION

1. Transaction No.

2. STATE v. ☐Male ☐Female

3. Court O.R.I. Number

4. K.B.I. Number

5. County

6. Court Case Number

7. Judge at Revocation Hearing

8. Date of Revocation Hearing

9. Defense Counsel at Revocation Proceeding: ☐ Appointed ☐ Retained ☐ Self ☐ Waived Orally ☐ Waived in Writing

Counsel Name (please print)

10. Agency Requesting Revocation: ☐ Court Services ☐ Community Corrections

11. Original Sentencing Date

12. Name of Original Sentencing Judge

SECTION II. CONVICTION AND SENTENCE INFORMATION

1. Name of PRIMARY Offense of Conviction:

Count No. _____

2. K.S.A., Title, Section, Subsection(s):

☐ Attempt (K.S.A. 2006 Supp. 21-3301) ☐ Conspiracy (K.S.A. 2006 Supp. 21-3302) ☐ Solicitation (K.S.A. 2006 Supp. 21-3303)

3. Grade of Offense: (Check one in each row.) ☐ Felony, Severity Level _____ ☐ Misdemeanor, Class _____

☐ Person ☐ Nonperson

4. Offense Category: ☐ Nondrug ☐ Drug ☐ Nongrid

5. Criminal History Classification: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I

6. Imprisonment Term Pronounced for This Offense: ____ months

7. Postrelease Supervision: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months ☐ No Post release ☐ Lifetime

8. Probation Term: ☐ 12 months ☐ 18 months ☐ 24 months ☐ 36 months ☐ 60 months

☐ Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. ☐ Other: Term: _____months

☐ Extended Period under K. S. A. 21-4611 (c)(5) for: _____months

9. Prison Term: KDOC _____ months

10. Reason for Revocation Hearing: ☐ Violation - No New Conviction ☐ Not Amenable to Treatment ☐ New Conviction

☐ K.S.A. 2006 Supp. 21-4729 ("SB123") Intentional Noncompliance

11. Number of Previous Motions to Revoke: _____

Comments:

PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION

SECTION III. DISPOSITION

1. Disposition:
- ☐ Probation Not Revoked
- ☐ Probation Revoked and Reinstated -New Conditions Imposed? ☐ Yes ☐ No
- ☐ Ordered to Community Corrections Supervision per K.S.A. 2006 Supp. 22-3716(b)
- ☐ Probation Extended for _____ months
- ☐ Probation Revoked, Defendant Ordered to Serve: ☐ Original Sentence ☐ Modified Sentence _____ months
- ☐ No Post release Period to be Served per K.S.A. 2006 Supp. 22-3716(e)
- ☐ Mandatory Drug Treatment per K.S.A. 2006 Supp. 21-4729, ("SB123")
- ☐ Assigned to Conservation Camp per K.S.A. 2006 Supp. 21-4603d(g)
- ☐ KDOC Treatment Program (minimum 120 days)

Comments:

2. If Probation was Revoked, Reinstated or Extended for any Reason, Please Provide a Brief Description of the Violation(s):

3. If Probation was Revoked, Reinstated or Extended for any Reason, Please Provide a Brief Description of any New Conditions Imposed:

☐ Assignment to Conservation Camp was considered.

4. Jail Credit: Jail Credit Awarded at Original Sentencing _____ + Jail Credit Actually Awarded While on Probation for Current Crime_____

= Total Number of Days of Jail Credit Actually Awarded _____

Revocation Date: _____ (m/d/yyyy) - Total Number of Days of Jail Credit Actually Awarded _____ = SENTENCE BEGINS DATE:_____ (m/d/yyyy)

Enter dates (m/d/yy only) and days of potential jail credit for this case and check "A" if the days are actually awarded, or "N" if the days are not awarded by the court. (attach additional pages if necessary)

*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N
*Location-	From:	To:	=	Days	☐ A	☐ N	*Location-	From:	To:	=	Days	☐ A	☐ N

*Enter appropriate letters to indicate the type of location where credit may have been earned:

J=Jail TL=Treatment (Locked) TU=Treatment (Unlocked) RL=Residential (Locked) RU=Residential (Unlocked)

SECTION IV. SIGNATURES

1. Judge's Signature: Date: _____

Signed: _____

Printed: _____

2. Prosecuting Attorney: Date: _____

Signed: _____

Printed: _____

Supreme Court Number: _____

Address: _____

Phone No: _____

3. Defense Attorney: Date: _____

Signed: _____

Printed: _____

Supreme Court Number: _____

Address: _____

Phone No: _____

THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE ORIGINAL JOURNAL ENTRY OF JUDGMENT

KSGA JOURNAL ENTRY OF PROBATION REVOCATION HEARING ADDITIONAL OFFENSES PAGE

1. Name of Additional Offense of Conviction:
   Count No. _____

2. K.S.A., Title, Section, Subsection(s):
   ☐ Attempt (K.S.A. 2006 Supp. 21-3301) ☐ Conspiracy (K.S.A. 2006 Supp. 21-3302) ☐ Solicitation (K.S.A. 2006 Supp. 21-3303)

3. Grade of Offense: (Check one in each row.) ☐ Felony, Severity Level _____ ☐ Misdemeanor, Class _____
   ☐ Person ☐ Nonperson

4. Offense Category: ☐ Nondrug ☐ Drug ☐ Nongrid

5. Imprisonment Term Pronounced for This Offense: _____ months

6. Postrelease Supervision: ☐ 12 months ☐ 24 months ☐ 36 months ☐ 60 months
   ☐ No Postrelease (K.S.A. 2006 Supp. 22-3716(e)) ☐ Lifetime

7. Consecutive/Concurrent: ☐ Concurrent ☐ Consecutive To Count(s): _____

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Additional Comments:

Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
NEW STATUTES OR SUBSECTIONS PASSED BY 2008 LEGISLATURE							
*21-3419a(a)	(b)	Aggravated Criminal Threat; Public, commercial or industrial building, place of assembly or facility of transportation is evacuated; effective Kansas Register	5	7	7	8	Person
* 21-3438(a)(1)	(b)(1)	Stalking; Intentional or reckless engaging in targeted at specific person which would cause a reasonable person targeted person's circumstances to fear for such person's or immediate family member's safety and targeted person actually placed in such fear; second or subsequent conviction	7	9	9	10	Person
* 21-3438(a)(2)	(b)(2)	Stalking; Intentional or reckless engaging in targeted at specific person which individual knows will place targeted person in fear for such person's or immediate family member's safety; second or subsequent conviction	5	7	7	8	Person
* 21-3438(a)(3)	(b)(3)	Stalking; After notice of protective order prohibiting contact with a targeted person, intentionally or recklessly engaging in conduct listed in (f)(1) that violates the order and would cause a reasonable person in targeted person's circumstances to fear for such person's or immediate family's safety and targeted person actually placed in such fear; first conviction	9	10	10	10	Person
* 21-3438(a)(3)	(b)(3)	Stalking; After notice of protective order prohibiting contact with a targeted person, intentionally or recklessly engaging in conduct listed in (f)(1) that violates the order and would cause a reasonable person in targeted person's circumstances to fear for such person's or immediate family's safety and targeted person actually placed in such fear; second or subsequent conviction	5	7	7	8	Person
*21-3705(a)	(b)(2)	Criminal Deprivation of Property; Motor vehicle; third or subsequent conviction	9	10	10	10	Nonperson
*21-3811(a)	(d)(1)	Aiding an Escape; Assist one to escape from such lawful custody	8	10	10	10	Nonperson
*21-3811(a)	(d)(2)	Aiding an Escape; Assist one to escape from such lawful custody;KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
*21-3811(b)	(d)(1)	Aiding an Escape; Supply one any object or thing adapted or designed for use in making an escape	8	10	10	10	Nonperson
*21-3811(b)	(d)(2)	Aiding an Escape; Supply one any object or thing adapted or designed for use in making an escape; KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
*21-3811(c)	(d)(1)	Aiding an Escape; Introduce into an institution any object or thing adapted or designed for use in an escape	8	10	10	10	Nonperson
*21-3811(c)	(d)(2)	Aiding an Escape; Introduce into an institution any object or thing adapted or designed for use in an escape; KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
*21-4205(a)	(c)	Defacing Identification Marks of Firearm	10	10	10	10	Nonperson
*65-1657(h)	(m)	Pharmacy Act; Unlawful advertising of nonresident, nonregistered pharmacy; effective Kansas Register	10	10	10	10	Nonperson
STATUTES EFFECTIVE PRIOR TO THE 2008 LEGISLATIVE SESSION							
8-113	same	Automobiles/Vehicles; Various Vehicle Identification numbers; Unlawful acts	10	10	10	10	Nonperson
8-116(a)	(a)	Automobiles/Vehicles; VINs; Sale of vehicle with VIN destroyed, removed, etc.	10	10	10	10	Nonperson
8-116(c)	(c)	Automobiles/Vehicles; VINs; Destroy, alter, remove, etc. VIN	10	10	10	10	Nonperson
8-260(a)(5)	(b)	Drivers' Licenses; Use of false or fictitious name in any application for a DL	9	10	10	10	Nonperson
8-261a	21-3805(b)(1)	Drivers' Licenses; Make a false affidavit; Penalty of perjury; Made during a felony trial	7	9	9	10	Nonperson
8-261a	21-3805(b)(2)	Drivers' Licenses; Make a false affidavit; Penalty of perjury; Made in a cause, matter or proceeding other than a felony trial	9	10	10	10	Nonperson
8-2,144(a)(1)	(d)	Commercial DUI; Alcohol concentration in the person's blood or breath is .04 or more; third conviction	**Nongrid				Nonperson
8-2,144(a)(2)	(d)	Commercial DUI; Alcohol concentration in the person's blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; third conviction	**Nongrid				Nonperson

*Crime was created, amended or the severity level was changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
8-2,144(a)(3)	(d)	Commercial DUI; Committing a violation of subsection (a) of K.S.A. 8-1567, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder; third conviction	**Nongrid				Nonperson
8-603	8-607	Automobiles/Vehicles; Fair Trade Act; Sell or contract to sell motor vehicle or vehicles or other specific commodities to any dealer w/condition that dealer finance the purchase or sale only with/through a designated person	10	10	10	10	Nonperson
8-607	8-607	Automobiles/Vehicles; Fair Trade Act; Penalty for any violation of act	10	10	10	10	Nonperson
8-1327(a)(5)	(b)	Automobiles/Vehicles; Use of False or Fictitious Name on ID Application	9	10	10	10	Nonperson
8-1567(a)(1)	(f)	DUI; Alcohol concentration is .08 or more; 3rd conviction	**Nongrid				Nonperson
8-1567(a)(1)	(g)	DUI; Alcohol concentration is .08 or more; 4th or subsequent conviction	**Nongrid				Nonperson
8-1567(a)(2)	(f)	DUI; Alcohol concentration as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more; 3rd conviction	**Nongrid				Nonperson
8-1567(a)(2)	(g)	DUI; Alcohol concentration as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more; 4th or subsequent conviction	**Nongrid				Nonperson
8-1567(a)(3)	(f)	DUI; Driving under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle; 3rd conviction	**Nongrid				Nonperson
8-1567(a)(3)	(g)	DUI; Driving under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle; 4th or subsequent conviction	**Nongrid				Nonperson
8-1567(a)(4)	(f)	DUI; Driving under the influence of a drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; 3rd conviction	**Nongrid				Nonperson
8-1567(a)(4)	(g)	DUI; Driving under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; 4th or subsequent conviction	**Nongrid				Nonperson
8-1567(a)(5)	(f)	DUI; Driving under the influence of combination of alcohol & drug(s) to a degree that renders the person incapable of safely driving a vehicle; 3rd conviction	**Nongrid				Nonperson
8-1567(a)(5)	(g)	DUI; Driving under the influence of a combination of alcohol and drug(s) to a degree that renders the person incapable of safely driving a vehicle; 4th or subsequent conviction	**Nongrid				Nonperson
8-1567(b)	(f)	DUI; Driving while habitual user of any narcotic, hypnotic, somnifacient or stimulating drug; 3rd conviction	**Nongrid				Nonperson
8-1567(b)	(g)	DUI; Driving while habitual user of any narcotic, hypnotic, somnifacient or stimulating drug; 4th or subsequent conviction	**Nongrid				Nonperson
8-1568(a)	(c)(3)	Fleeing or Attempting to Elude a LEO; Third or subsequent conviction	9	10	10	10	Person
8-1568(b)	(c)(4)	Fleeing or Attempting to Elude a LEO; Evade road block, drive reckless, involved in accident, commit 5 moving violations, attempt to elude from felony capture	9	10	10	10	Person
8-1602(a)	(b)(2)	Failure to Remain; At scene of accident resulting in great bodily harm to any person	10	10	10	10	Person
8-1602(a)	(b)(3)	Failure to Remain; At scene of accident resulting in death of any person	9	10	10	10	Person
8-1606(a)	(b)(2)	Failure to Report Accident; Driver/occupant of vehicle involved in accident; Failure to report an accident resulting in great bodily harm to any person	10	10	10	10	Person
8-1606(a)	(b)(3)	Failure to Report Accident; Driver/occupant of vehicle involved in accident; Failure to report an accident resulting in death of any person	9	10	10	10	Person
9-512	(a)	Kansas Money Transmitter Act; Penalty for knowingly violating provisions of the Act	9	10	10	10	Nonperson
9-2002	same	Banking; Make false report, statement or entry in the books	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
9-2004(a)	(b)(1) and 21-3805(b)(1)	Banking; Willfully swear or affirm falsely; Penalty as for perjury; In a felony trial	7	9	9	10	Nonperson
9-2004(a)	(b)(2) and 21-3805(b)(2)	Banking; Willfully swear or affirm falsely; Penalty as for perjury; Other than in a felony trial	9	10	10	10	Nonperson
9-2010	same	Banking; Insolvent bank receiving deposits	10	10	10	10	Nonperson
9-2012	same	Banking; Embezzlement with intent to injure or defraud	7	9	9	10	Nonperson
9-2203(a)	(c)	Mortgage Business Act; License required to conduct mortgage business	7	9	9	10	Nonperson
9-2203(b)	(c)	Mortgage Business Act; Registration required for a loan originator	7	9	9	10	Nonperson
9-2203(c)	same	Mortgage Business Act; Willful or knowing violation any of the provisions of this act, any rule and regulation	7	9	9	10	Nonperson
9-2212(a)	9-2203(c)	Mortgage Business Act; Compensate, contract with or employ, any person engaged in mortgage business who is not properly licensed or registered	7	9	9	10	Nonperson
9-2212(b)	9-2203(c)	Mortgage Business Act; Unauthorized employment of a person who has: (1) Had a license or registration denied, revoked, suspended or refused renewal; or (2) been convicted of any crime involving fraud, dishonesty or deceit	7	9	9	10	Nonperson
9-2212(c)	9-2203(c)	Mortgage Business Act; Delay closing of a mortgage loan for the purpose of increasing interest, costs, fees or charges payable by the borrower	7	9	9	10	Nonperson
9-2212(d)	9-2203(c)	Mortgage Business Act; Misrepresent material facts or make false promises intended to influence, persuade or induce an applicant for a mortgage loan, or mortgagee, to take a mortgage loan; Cause or contribute to such misrepresentation	7	9	9	10	Nonperson
9-2212(e)	9-2203(c)	Mortgage Business Act; Misrepresent to or conceal from an applicant for a mortgage loan or mortgagor, material facts, terms or conditions of a transaction to which the licensee or registrant is a party	7	9	9	10	Nonperson
9-2212(f)	9-2203(c)	Mortgage Business Act; Engage in any transaction, practice or business conduct that is not in good faith, or that operates a fraud upon any person connected with the making of, purchase or sale of any mortgage loan	7	9	9	10	Nonperson
9-2212(g)	9-2203(c)	Mortgage Business Act; Receive compensation for rendering mortgage business services when licensee or registrant has otherwise acted as a real estate broker or agent in connection with the sale of the real estate which secures the mortgage transaction w/o providing written disclosure as required	7	9	9	10	Nonperson
9-2212(h)	9-2203(c)	Mortgage Business Act; Engage in fraudulent residential mortgage brokerage or underwriting practices	7	9	9	10	Nonperson
9-2212(i)	9-2203(c)	Mortgage Business Act; Advertise, display, distribute, broadcast or televise, or cause or permit such, any false, misleading or deceptive statement or representation with regard to rates, terms or conditions for a mortgage loan	7	9	9	10	Nonperson
9-2212(j)	9-2203(c)	Mortgage Business Act; Record a mortgage if moneys are not available for the immediate disbursal to the mortgagor w/o informing the mortgagor in writing of a definite date by which payment shall be made and obtaining the mortgagor's written permission for the delay	7	9	9	10	Nonperson
9-2212(k)	9-2203(c)	Mortgage Business Act; Transfer, assign or attempt to transfer or assign, a license or registration to any other person	7	9	9	10	Nonperson
16-305(b)	(b)(1)	Funeral & Cemetery Merchandise Agreements; Misappropriation of funds; Amount $25,000 or more	7	9	9	10	Nonperson
16-305(b)	(b)(2)	Funeral & Cemetery Merchandise Agreements; Misappropriation of funds; Amount at least $1000 but less than $25,000	9	10	10	10	Nonperson
16a-5-301(1)	same	Revised Uniform Consumer Credit Code; Remedies and penalties; Intentional violation of the act; Second or subsequent	7	9	9	10	Nonperson

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				A	C	S	
17-12a101 *et. seq.*	17-12a508 (a)(1)	Kansas Uniform Securities Act; Criminal Penalties; Intentional violation of this act, or rule adopted or order issued under this act, Except as provided in subsections (a) (2) through (a) (4), K.S.A. 2005 Supp. 17-12a504,(filing requirement) and amendments thereto, or the notice filing requirements of K.S.A. 2005 Supp. 17-12a302, (required filing of record) or 17-12a405, (notice filing requirement) and amendments thereto. An individual may be fined, but not imprisoned, if the individual did not have knowledge of the rule or order.	7	9	9	10	Nonperson
17-12a301(1)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not a federally covered security; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a301(1)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not a federally covered security; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a301(1)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not a federally covered security; Less than $25,000	7	9	9	10	Nonperson
17-12a301(2)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not exempt from registration; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a301(2)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not exempt from registration; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a301(2)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not exempt from registration; Less than $25,000	7	9	9	10	Nonperson
17-12a301(3)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not registered; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a301(3)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not registered; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a301(3)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional, unlawful offering or selling security in this state; Security not registered; Less than $25,000	7	9	9	10	Nonperson
17-12a401(a)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of broker-dealer registration requirements; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a401(a)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of broker-dealer registration requirements; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a401(a)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of broker-dealer registration requirements; Less than $25,000	7	9	9	10	Nonperson
17-12a401(c)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of broker-dealer limits on employment or association; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a401(c)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of broker-dealer limits on employment or association; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a401(c)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of broker-dealer limits on employment or association; Less than $25,000	7	9	9	10	Nonperson
17-12a402(a)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of agent registration requirements; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
17-12a402(a)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of agent registration requirements; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a402(a)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of agent registration requirements; Less than $25,000	7	9	9	10	Nonperson
17-12a402(d)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of agent limits on employment or association; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a402(d)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of agent limits on employment or association; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a402(d)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of agent limits on employment or association; Less than $25,000	7	9	9	10	Nonperson
17-12a403(a)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of investment adviser registration requirements; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a403(a)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of investment adviser registration requirements; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a403(a)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of investment adviser registration requirements; Less than $25,000	7	9	9	10	Nonperson
17-12a403(c)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of investment adviser limits on employment or association; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a403(c)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of investment adviser limits on employment or association; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a403(c)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of investment adviser limits on employment or association; Less than $25,000	7	9	9	10	Nonperson
17-12a403(d)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a403(d)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a403(d)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration; Less than $25,000	7	9	9	10	Nonperson
17-12a404(a)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration requirements; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a404(a)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration requirements; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson
17-12a404(a)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative registration requirements; Less than $25,000	7	9	9	10	Nonperson
17-12a404(e)	17-12a508 (a)(3)(A)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative limits on employment or association; $100,000 or more (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a404(e)	17-12a508 (a)(3)(B)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative limits on employment or association; At least $25,000 but less than $100,000 (presumptive imprisonment)	6	8	8	9	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
17-12a404(e)	17-12a508 (a)(3)(C)	Kansas Uniform Securities Act; Intentional violation of investment adviser representative limits on employment or association; Less than $25,000	7	9	9	10	Nonperson
17-12a501(1)	17-12a508 (a)(2)(A)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; employing device, scheme or artifice to defraud; $100,000 or more (presumptive imprisonment)	4	6	6	7	Nonperson
17-12a501(1)	17-12a508 (a)(2)(B)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; employing device, scheme or artifice to defraud; At least $25,000 but less than $100,000 (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a501(1)	17-12a508 (a)(2)(C)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; employing device, scheme or artifice to defraud; Less than $25,000	7	9	9	10	Nonperson
17-12a501(2)	17-12a508 (a)(2)(A)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; False statement of or omission of material fact; $100,000 or more (presumptive imprisonment)	4	6	6	7	Nonperson
17-12a501(2)	17-12a508 (a)(2)(B)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; False statement of or omission of material fact; At least $25,000 but less than $100,000 (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a501(2)	17-12a508 (a)(2)(C)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; False statement of or omission of material fact; Less than $25,000	7	9	9	10	Nonperson
17-12a501(3)	17-12a508 (a)(2)(A)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; Engaging in act, practice, or course of business that operates as a fraud or deceit; $100,000 or more (presumptive imprisonment)	4	6	6	7	Nonperson
17-12a501(3)	17-12a508 (a)(2)(B)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; Engage in act, practice, or course of business that operates as a fraud or deceit; At least $25,000 but less than $100,000 (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a501(3)	17-12a508 (a)(2)(C)	Kansas Uniform Securities Act; General Fraud in connection with offer, sale, or purchase of a security; Engage in act, practice, or course of business that operates as a fraud or deceit; Less than $25,000	7	9	9	10	Nonperson
17-12a502(a)(1)	17-12a508 (a)(2)(A)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Employ a device, scheme, or artifice to defraud another; $100,000 or more (presumptive imprisonment)	4	6	6	7	Nonperson
17-12a502(a)(1)	17-12a508 (a)(2)(B)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Employ a device, scheme, or artifice to defraud another; At least $25,000 but less than $100,000 (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a502(a)(1)	17-12a508 (a)(2)(C)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Employ a device, scheme, or artifice to defraud another; Less than $25,000	7	9	9	10	Nonperson
17-12a502(a)(2)	17-12a508 (a)(2)(A)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Engage in act, practice, or course of business that operates as a fraud or deceit; $100,000 or more (presumptive imprisonment)	4	6	6	7	Nonperson
17-12a502(a)(2)	17-12a508 (a)(2)(B)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Engage in act, practice, or course of business that operates as a fraud or deceit; At least $25,000 but less than $100,000 (presumptive imprisonment)	5	7	7	8	Nonperson
17-12a502(a)(2)	17-12a508 (a)(2)(C)	Kansas Uniform Securities Act; Intentional fraud in providing investment advice; Engage in act, practice, or course of business that operates as a fraud or deceit; Less than $25,000	7	9	9	10	Nonperson
17-12a505(a)	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misleading filings; Coercion; Obstruction; Make a false or misleading statement in a material respect or omission of material fact	8	10	10	10	Nonperson
17-12a505(b)	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misleading filings; Coercion; Obstruction; Intentionally influence, coerce, manipulate, or mislead another in connection with financial statements or appraisals to be used in offer, sale or purchase of securities	8	10	10	10	Nonperson
17-12a505(c)(1)	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misleading filings; Coercion; Obstruction; Alter, destroy, shred, mutilate, conceal, cover up or falsify any record with intent to impede, obstruct or influence an investigation	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
17-12a505(c)(2)	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misleading filings; Coercion; Obstruction; Alter, destroy, shred, mutilate or conceal a record with intent to impair the object's integrity or availability for the use in a proceeding	8	10	10	10	Nonperson
17-12a505(c)(3)	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misleading filings; Coercion; Obstruction; Take action harmful to another with the intent to retaliate, including, but not limited to, interference with lawful employment of such person	8	10	10	10	Nonperson
17-12a506	17-12a508 (a)(4)	Kansas Uniform Securities Act; Misrepresentations concerning registration	8	10	10	10	Nonperson
17-1311a(a)	(b)	Cemetery Corporations; Misuse of the permanent maintenance fund	7	9	9	10	Nonperson
17-5412	same	Savings & Loans Code; Capital; Declaration of dividends	10	10	10	10	Nonperson
17-5811	same	Savings & Loans Code; Misc.; Accept payment when capital impaired	10	10	10	10	Nonperson
17-5812	same	Savings & Loans Code; Misc.; Fraudulent Acts	10	10	10	10	Nonperson
19-3519(b)(2)	same	Counties & County Officers; Water Supply & Distribution Districts; Fraudulent claims $1000 but < $25,000	9	10	10	10	Nonperson
19-3519(b)(3)	same	Counties & County Officers; Water Supply & Distribution Districts; Fraudulent claims $25,000 or more	7	9	9	10	Nonperson
21-3401(a)	same and 21-4706(c)	Murder; First Degree; Intentionally and with premeditation	off-grid	1	2	3	Person
21-3401(b)	same and 21-4706(c)	Murder; First Degree; In the commission of, attempt to commit, or flight from an inherently dangerous felony as defined in K.S.A. 21-3436	off-grid	1	2	3	Person
21-3402(a)	same	Murder; Second Degree; Intentional killing	1	3	3	4	Person
21-3402(b)	same	Murder; Second Degree; Recklessly, under circumstances manifesting extreme indifference to human life	2	4	4	5	Person
21-3403(a)	same	Voluntary Manslaughter; Intentional killing upon sudden quarrel or in heat of passion	3	5	5	6	Person
21-3403(b)	same	Voluntary Manslaughter; Intentional killing upon unreasonable but honest belief that deadly force was justified	3	5	5	6	Person
21-3404(a)	same	Involuntary Manslaughter; Recklessly	5	7	7	8	Person
21-3404(b)	same	Involuntary Manslaughter; In the commission, or attempted commission, of other felonies	5	7	7	8	Person
21-3404(c)	same	Involuntary Manslaughter; In commission of lawful act in unlawful manner	5	7	7	8	Person
21-3406(a)(1)	(b)	Assisting Suicide; Knowingly, by force or duress, causing another to commit or attempt to commit suicide	3	5	5	6	Person
21-3406(a)(2)(A)	(b)	Assisting Suicide; Providing the physical means by which another commits or attempts to commit suicide	9	10	10	10	Person
21-3406(a)(2)(B)	(b)	Assisting Suicide; Participating in a physical act by which another commits or attempts to commit suicide	9	10	10	10	Person
21-3410(a)	same	Aggravated Assault; With a deadly weapon	7	9	9	10	Person
21-3410(b)	same	Aggravated Assault; While disguised in any manner designed to conceal identity	7	9	9	10	Person
21-3410(c)	same	Aggravated Assault; With intent to commit any felony	7	9	9	10	Person
21-3411(a)(1)	(b)	Aggravated Assault; On a state, county or city law enforcement officer	6	8	8	9	Person
21-3411(a)(2)	(b)	Aggravated Assault; On a university or campus police officer	6	8	8	9	Person
21-3412a(a)(1)	(b)(3)	Domestic Battery; Intentionally or recklessly causing bodily harm; 3rd or subsequent within 5 years	**Nongrid				Person
21-3412a(a)(2)	(b)(3)	Domestic Battery: Physical contact in rude, insulting or angry manner; 3rd of subsequent within 5 years	**Nongrid				Person
21-3413(a)(2)(A)	(b)	Battery; Campus or university police officer; Intentionally or recklessly causing bodily harm	7	9	9	10	Person
21-3413(a)(2)(B)	(b)	Battery; State, county or city law enforcement officer; Intentionally or recklessly causing bodily harm	7	9	9	10	Person
21-3413(a)(3)(A)	(b)	Battery; State correctional officer/employee	5	7	7	8	Person
21-3413(a)(3)(B)	(b)	Battery; Juvenile correctional facility officer/ employee	5	7	7	8	Person
21-3413(a)(3)(C)	(b)	Battery; Juvenile detention facility officer/employee	5	7	7	8	Person
21-3413(a)(3)(D)	(b)	Battery; City or county correctional officer/employee	5	7	7	8	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3414(a)(1)(A)	(b)	Aggravated Battery; Intentionally causing great bodily harm or disfigurement	4	6	6	7	Person
21-3414(a)(1)(B)	(b)	Aggravated Battery; Intentionally causing bodily harm to another w/a deadly weapon, or in a manner whereby great bodily harm, disfigurement or death can be inflicted	7	9	9	10	Person
21-3414(a)(1)(C)	(b)	Aggravated Battery; Intentionally causing physical contact when done in a rude, insulting or angry manner w/a deadly weapon, or in a manner whereby great bodily harm, disfigurement or death can be inflicted	7	9	9	10	Person
21-3414(a)(2)(A)	(b)	Aggravated Battery; Recklessly causing great bodily harm or disfigurement	5	7	7	8	Person
21-3414(a)(2)(B)	(b)	Aggravated Battery; Recklessly causing bodily harm to another w/a deadly weapon, or in a manner whereby great bodily harm, disfigurement or death can be inflicted	8	10	10	10	Person
21-3415(a)(1)(A)	(b)(1)	Aggravated Battery; State, county or city law enforcement officer; Intentionally causing bodily harm or disfigurement	3	5	5	6	Person
21-3415(a)(1)(B)	(b)(1)	Aggravated Battery; Campus or university police officer; Intentionally causing bodily harm or disfigurement	3	5	5	6	Person
21-3415(a)(2)(A)	(b)(2)	Aggravated Battery; State, county or city law enforcement officer; Intentionally causing bodily harm w/a deadly weapon; physical contact done in a rude, insulting or angry manner, w/a deadly weapon or in a manner whereby great bodily harm, disfigurement or death can be inflicted	4	6	6	7	Person
21-3415(a)(2)(B)	(b)(2)	Aggravated Battery; Campus or university police officer; Intentionally causing bodily harm w/a deadly weapon; physical contact done in a rude, insulting or angry manner, w/a deadly weapon or in a manner whereby great bodily harm, disfigurement or death can be inflicted	4	6	6	7	Person
21-3415(a)(3)(A)	(b)(1)	Aggravated Battery; State, county or city law enforcement officer; Intentionally causing bodily harm with a motor vehicle	3	5	5	6	Person
21-3415(a)(3)(B)	(b)(1)	Aggravated Battery; Campus or university police officer; Intentionally causing bodily harm with a motor vehicle	3	5	5	6	Person
21-3419(a)(1)	(b)	Criminal Threat; Threaten to commit violence w/ intent to terrorize another, to cause the evacuation of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation	9	10	10	10	Person
21-3419(a)(2)	(b)	Criminal Threat; Threaten to adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply	9	10	10	10	Person
21-3419(a)(3)	(b)	Criminal Threat; Threaten to expose any animal in this state to any contagious or infectious disease	9	10	10	10	Person
*21-3419a(a)	(b)	Aggravated Criminal Threat; Public, commercial or industrial building, place of assembly or facility of transportation is evacuated; effective Kansas Register	5	7	7	8	Person
21-3420(a)	same	Kidnapping; For ransom, or as a shield or hostage	3	5	5	6	Person
21-3420(b)	same	Kidnapping; To facilitate flight or the commission of any crime	3	5	5	6	Person
21-3420(c)	same	Kidnapping; To inflict bodily injury or to terrorize the victim or another	3	5	5	6	Person
21-3420(d)	same	Kidnapping; To interfere with the performance of any governmental or political function	3	5	5	6	Person
21-3421	same	Aggravated Kidnapping; Bodily harm inflicted upon the person kidnapped	1	3	3	4	Person
21-3422(a)	(c)(2)	Interference w/Parental Custody; Lead/take/carry away/decoy or entice away any child under 16 w/ intent to detain or conceal such child from parent, guardian, or other having the lawful charge of the child	10	10	10	10	Person
21-3422a(a)(1)	(b)	Aggravated Interference w/Parental Custody; Hiring one to commit crime of interference with parental custody	7	9	9	10	Person
21-3422a(a)(2)(A)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who has previously been convicted of the crime	7	9	9	10	Person
21-3422a(a)(2)(B)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who commits the crime for hire	7	9	9	10	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3422a(a)(2)(C)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who takes the child outside the state w/o consent of one with custody or the court	7	9	9	10	Person
21-3422a(a)(2)(D)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who after lawfully taking the child outside the state while exercising visitation rights or parenting time, refuses to return the child at the expiration of that time	7	9	9	10	Person
21-3422a(a)(2)(E)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who at the expiration of any visitation rights or parenting time outside the state, refuses to return or impedes the return of the child	7	9	9	10	Person
21-3422a(a)(2)(F)	(b)	Aggravated Interference w/Parental Custody; Commission of interference with parental custody by one who detains or conceals the child in an unknown place, whether inside or outside the state	7	9	9	10	Person
21-3426	same	Robbery; Take property from person or presence of another by force or by threat of bodily harm	5	7	7	8	Person
21-3427	same	Aggravated Robbery; Armed w/ dangerous weapon or inflict bodily harm upon a person during robbery	3	5	5	6	Person
21-3428	same	Blackmail; Gain/attempt to gain anything of value or compel another to act against such person's will, by threatening to communicate information that would subject such person or another to public ridicule, contempt or degradation	7	9	9	10	Nonperson
21-3435(a)(1)	(c)	Exposing Another to a Life Threatening Communicable Disease; Intentionally and knowingly engage in sexual intercourse or sodomy with another individual	7	9	9	10	Person
21-3435(a)(2)	(c)	Exposing Another to a Life Threatening Communicable Disease; Intentionally and knowingly sell or donate one's own blood, blood products, semen, tissue, organs or other body fluids	7	9	9	10	Person
21-3435(a)(3)	(c)	Exposing Another to a Life Threatening Communicable Disease; Intentionally and knowingly share a hypodermic needle, syringe, or both, with another	7	9	9	10	Person
21-3437(a)(1)	(d)(1)	Mistreatment of Dependant Adult; Intentionally and knowingly inflict physical injury, unreasonable confinement or cruel punishment upon a dependent adult	6	8	8	9	Person
21-3437(a)(2)	(d)(2)	Mistreatment of Dependant Adult; Intentionally and knowingly take unfair advantage of a dependent adult's physical or financial resources; Amount is $100,000 or more	6	8	8	9	Person
21-3437(a)(2)	(d)(3)	Mistreatment of Dependant Adult; Intentionally and knowingly take unfair advantage of a dependent adult's physical or financial resources; Amount is at least $25,000 but less than $100,000	7	10	10	10	Person
21-3437(a)(2)	(d)(4)	Mistreatment of Dependant Adult; Intentionally and knowingly take unfair advantage of a dependent adult's physical or financial resources; Amount is at least $1,000 but less than $25,000	9	10	10	10	Person
21-3437(a)(2)	(d)(7)	Mistreatment of Dependant Adult; Intentionally and knowingly take unfair advantage of a dependent adult's physical or financial resources; Amount is less than $1000 but committed by a person who has been convicted of this 2 or more time w/in 5 years	9	10	10	10	Person
* 21-3438(a)(1)	(b)(1)	Stalking; Intentional or reckless engaging in targeted at specific person which would cause a reasonable person targeted person's circumstances to fear for such person's or immediate family member's safety and targeted person actually placed in such fear; second or subsequent conviction	7	9	9	10	Person
* 21-3438(a)(2)	(b)(2)	Stalking; Intentional or reckless engaging in targeted at specific person which individual knows will place targeted person in fear for such person's or immediate family member's safety; second or subsequent conviction	5	7	7	8	Person
* 21-3438(a)(3)	(b)(3)	Stalking; After notice of protective order prohibiting contact with a targeted person, intentionally or recklessly engaging in conduct listed in (f)(1) that violates the order and would cause a reasonable person in targeted person's circumstances to fear for such person's or immediate family's safety and targeted person actually placed in such fear; first conviction	9	10	10	10	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
* 21-3438(a)(3)	(b)(3)	Stalking; After notice of protective order prohibiting contact with a targeted person, intentionally or recklessly engaging in conduct listed in (f)(1) that violates the order and would cause a reasonable person in targeted person's circumstances to fear for such person's or immediate family's safety and targeted person actually placed in such fear; second or subsequent conviction	5	7	7	8	Person
21-3439(a)(1)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing in the commission of a kidnapping, or aggravated kidnapping, for ransom	off-grid	1	2	3	Person
21-3439(a)(2)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing by contract or agreement	off-grid	1	2	3	Person
21-3439(a)(3)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing by an inmate or prisoner while confined or in custody	off-grid	1	2	3	Person
21-3439(a)(4)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing in the commission of rape, criminal sodomy, aggravated criminal sodomy, or any attempt of such	off-grid	1	2	3	Person
21-3439(a)(5)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing of a law enforcement officer	off-grid	1	2	3	Person
21-3439(a)(6)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts that constitute a common scheme or course of conduct	off-grid	1	2	3	Person
21-3439(a)(7)	(c) and 21-4706(c)	Capital Murder; Intentional and premeditated killing of child under 14 in commission of kidnapping, or aggravated kidnapping, with intent to commit sex act	off-grid	1	2	3	Person
21-3440(a)	(c)	Injury to Pregnant Woman; In the commission of a felony	4	6	6	7	Person
21-3440(c)	(c)	Injury to Pregnant Woman; In commission of battery, battery on law enforcement officer, domestic battery or sexual battery	5	7	7	8	Person
21-3441(a)	(c)(1)	Injury to Pregnant Woman; By vehicle while committing a violation of K.S.A. 8-1567	5	7	7	8	Person
21-3442	same	Involuntary Manslaughter; While under the influence of alcohol or drugs	4	6	6	7	Person
21-3446(a)(1)	(b)	Trafficking; Recruit, harbor, transport, provide or obtain a person for forced labor or involuntary servitude	2	4	4	5	Person
21-3446(a)(2)	(b)	Trafficking; Benefit financially or receive anything of value for participation in trafficking	2	4	4	5	Person
21-3447(a)(1)(A)	(b)	Aggravated Trafficking; Trafficking involving kidnapping or attempted kidnapping; Victim under 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3447(a)(1)(A)	(b)	Aggravated Trafficking; Trafficking involving kidnapping or attempted kidnapping	1	3	3	4	Person
21-3447(a)(1)(B)	(b)	Aggravated Trafficking; Trafficking committed for the purpose of sexual gratification; Victim under 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3447(a)(1)(B)	(b)	Aggravated Trafficking; Trafficking committed for the purpose of sexual gratification	1	3	3	4	Person
21-3447(a)(1)(C)	(b)	Aggravated Trafficking; Trafficking resulting in a death; Victim under 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3447(a)(1)(C)	(b)	Aggravated Trafficking; Trafficking resulting in a death	1	3	3	4	Person
21-3447(a)(2)	(b)	Aggravated Trafficking; Recruit, harbor, transport, provide or obtain a person under 14 for forced labor, involuntary servitude or sexual gratification; Offender 18 years of age or older	off-grid	N/A	N/A	N/A	Person
21-3447(a)(2)	(b)	Aggravated Trafficking; Recruit, harbor, transport, provide or obtain a person under 18 for forced labor, involuntary servitude or sexual gratification	1	3	3	4	Person
21-3448(a)	(b)	Battery; Mental health employee	7	9	9	10	Person
21-3449(a)	(b)	Terrorism; Commit, attempt or conspire to commit any felony w/ intent to intimidate or coerce civilians, influence government policy, or affect the operation of any unit of government	off-grid	N/A	N/A	N/A	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3450(a)(1)	(b)	Illegal Use of Weapons of Mass Destruction; Intentionally, knowingly, and w/o lawful authority, develop, produce, stockpile, transfer, acquire, retain or possess any biological agents, chemical weapons, or nuclear materials for use as a weapon	off-grid	N/A	N/A	N/A	Person
21-3450(a)(2)	(b)	Illegal Use of Weapons of Mass Destruction; Knowingly assist a foreign state or organization to use WMDs	off-grid	N/A	N/A	N/A	Person
21-3450(a)(3)	(b)	Illegal Use of Weapons of Mass Destruction; Attempt, threaten or conspire to use WMDs	off-grid	N/A	N/A	N/A	Person
21-3451(a)	(e)	Furthering Terrorism/Illegal Use of Weapons of Mass Destruction; Receiving or acquiring property/engaging in transactions to commit or further the commission of terrorism or illegal use of weapons of mass destruction	1	3	3	4	Person
21-3451(b)	(e)	Furthering Terrorism/Illegal Use of Weapons of Mass Destruction; Give/sell/transfer/trade/invest/conceal/ transport or maintain an interest in or otherwise make available property intended to be used to commit or further the commission of terrorism or illegal use of weapons of mass destruction	1	3	3	4	Person
21-3451(c)	(e)	Furthering Terrorism/Illegal Use of Weapons of Mass Destruction; Facilitate transportation of property used to commit or further the commission of terrorism or illegal use of weapons of mass destruction	1	3	3	4	Person
21-3451(d)	(e)	Furthering Terrorism/Illegal Use of Weapons of Mass Destruction; Conduct financial transaction involving property to commit or further the commission of terrorism or illegal use of weapons of mass destruction.	1	3	3	4	Person
21-3502(a)(1)(A)	(c)	Rape; Nonconsensual sexual intercourse; Victim overcome by force or fear	1	3	3	4	Person
21-3502(a)(1)(B)	(c)	Rape; Nonconsensual sexual intercourse; Victim unconscious or physically powerless	1	3	3	4	Person
21-3502(a)(1)(C)	(c)	Rape; Nonconsensual sexual intercourse; Victim incapable of consent due to mental deficiency or disease, or apparently under the effects of alcoholic liquor, narcotic, drug or other substance	1	3	3	4	Person
21-3502(a)(2)	(c)	Rape; Sexual intercourse with child under 14; Offender less than 18	1	3	3	4	Person
21-3502(a)(2)	(c)	Rape; Sexual intercourse with child under 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3502(a)(3)	(c)	Rape; Consent obtained through knowing misrepresentation that sexual intercourse is medically or therapeutically necessary	2	4	4	5	Person
21-3502(a)(4)	(c)	Rape; Consent obtained through knowing misrepresentation that sexual intercourse is legally required w/in scope of authority	2	4	4	5	Person
21-3503(a)(1)	(c)	Indecent Liberties w/a Child; Lewd fondling/touching; Child 14 or more but less than 16	5	7	7	8	Person
21-3503(a)(2)	(c)	Indecent Liberties w/a Child; Soliciting the child to engage in any lewd fondling/touching; Child 14 or more but less than 16	5	7	7	8	Person
21-3504(a)(1)	(c)	Aggravated Indecent Liberties w/a Child; Sexual intercourse; Child 14 or more but less than 16	3	5	5	6	Person
21-3504(a)(2)(A)	(c)	Aggravated Indecent Liberties w/a Child; Nonconsensual lewd fondling/touching; Child 14 or more but less than 16	4	6	6	7	Person
21-3504(a)(2)(B)	(c)	Aggravated Indecent Liberties w/a Child; Causing child to engage in lewd fondling/touching w/o consent; Child 14 or more but less than 16	4	6	6	7	Person
21-3504(a)(3)(A)	(c)	Aggravated Indecent Liberties w/a Child; Lewd fondling/touching; Child less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3504(a)(3)(A)	(c)	Aggravated Indecent Liberties w/a Child; Lewd fondling/touching; Child less than 14; Offender less than 18	3	5	5	6	Person
21-3504(a)(3)(B)	(c)	Aggravated Indecent Liberties w/a Child; Soliciting the child to engage in any lewd fondling/touching; Child less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3504(a)(3)(B)	(c)	Aggravated Indecent Liberties w/a Child; Soliciting the child to engage in any lewd fondling/touching; Child less than 14; Offender less than 18	3	5	5	6	Person
21-3505(a)(2)	(c)	Criminal Sodomy; Committed with child 14 or more but less than 16	3	5	5	6	Person
21-3505(a)(3)	(c)	Criminal Sodomy; Causing child 14 or more but less than 16 to engage in sodomy w/ person or animal	3	5	5	6	Person
21-3506(a)(1)	(c)	Aggravated Criminal Sodomy; Committed with child under 14; Offender less than 18	1	3	3	4	Person
21-3506(a)(1)	(c)	Aggravated Criminal Sodomy; Committed with child under 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3506(a)(2)	(c)	Aggravated Criminal Sodomy; Causing child under 14 to engage in sodomy w/ person or animal; Offender 18 or older	off-grid	N/A	N/A	N/A	Person

*Crime was created, amended or the severity level was changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3506(a)(2)	(c)	Aggravated Criminal Sodomy; Causing child under 14 to engage in sodomy w/ person or animal; Offender less than 18	1	3	3	4	Person
21-3506(a)(3)(A)	(c)	Aggravated Criminal Sodomy; Nonconsensual; Victim overcome by force or fear	1	3	3	4	Person
21-3506(a)(3)(B)	(c)	Aggravated Criminal Sodomy; Nonconsensual; Victim unconscious or physically powerless	1	3	3	4	Person
21-3506(a)(3)(C)	(c)	Aggravated Criminal Sodomy; Victim incapable of consent due to mental deficiency or disease, or apparently under the effects of alcoholic liquor, narcotic, drug or other substance	1	3	3	4	Person
21-3508(a)(1)	(b)(2)	Lewd and Lascivious Behavior; Publicly engaging in sexual intercourse or sodomy; In presence of person under 16	9	10	10	10	Person
21-3508(a)(2)	(b)(2)	Lewd and Lascivious Behavior; Publicly exposing a sex organ or exposing a sex organ to one other than spouse; Committed in presence of person under 16	9	10	10	10	Person
21-3510(a)(1)	(b)	Indecent Solicitation of Child; Commit or submit to unlawful sexual act; Child 14 or more but less than 16	6	8	8	9	Person
21-3510(a)(2)	(b)	Indecent Solicitation of Child; Inviting to enter secluded place; Child 14 or more but less than 16	6	8	8	9	Person
21-3511(a)	same	Aggravated Indecent Solicitation of a Child; To commit or submit to unlawful sexual act; Child less than 14	5	7	7	8	Person
21-3511(b)	same	Aggravated Indecent Solicitation of a Child; Inviting to enter secluded place; Child less than 14	5	7	7	8	Person
21-3513(a)(1)	(b)(2)	Promoting Prostitution; Establish, own, maintain or manage a house of prostitution, or participating in such; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(1)	(b)(3)	Promoting Prostitution; Establish, own, maintain or manage a house of prostitution, or participating in such; Prostitute is < 16	6	8	8	9	Person
21-3513(a)(1)	(b)(4)	Promoting Prostitution; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(2)	(b)(2)	Promoting Prostitution; Permit a place owned or controlled by the defendant to be used as a house of prostitution; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(2)	(b)(3)	Promoting Prostitution; Permit a place owned or controlled by the defendant to be used as a house of prostitution; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(2)	(b)(4)	Promoting Prostitution; Permit a place owned or controlled by the defendant to be used as a house of prostitution; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(3)	(b)(2)	Promoting Prostitution; Procure a prostitute for a house of prostitution; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(3)	(b)(3)	Promoting Prostitution; Procure a prostitute for a house of prostitution; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(3)	(b)(4)	Promoting Prostitution; Procure a prostitute for a house of prostitution; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(4)	(b)(2)	Promoting Prostitution; Induce another to become a prostitute; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(4)	(b)(3)	Promoting Prostitution; Induce another to become a prostitute; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(4)	(b)(4)	Promoting Prostitution; Induce another to become a prostitute; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(5)	(b)(2)	Promoting Prostitution; Solicit a patron for a prostitute or for a house of prostitution; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(5)	(b)(3)	Promoting Prostitution; Solicit a patron for a prostitute or for a house of prostitution; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(5)	(b)(4)	Promoting Prostitution; Solicit a patron for a prostitute or for a house of prostitution; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(6)	(b)(2)	Promoting Prostitution; Procure a prostitute for a patron; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(6)	(b)(3)	Promoting Prostitution; Procure a prostitute for a patron; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(6)	(b)(4)	Promoting Prostitution; Procure a prostitute for a patron; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(7)	(b)(2)	Promoting Prostitution; Procure or pay for transportation of, or transporting a person w/ intention of assisting or promoting that person's engaging in prostitution; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3513(a)(7)	(b)(3)	Promoting Prostitution; Procure or pay for transportation of, or transporting a person w/ intention of assisting or promoting that person's engaging in prostitution; Prostitute is less than 16	6	8	8	9	Person
21-3513(a)(7)	(b)(4)	Promoting Prostitution; Procure or pay for transportation of, or transporting a person w/ intention of assisting or promoting that person's engaging in prostitution; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3513(a)(8)	(b)(2)	Promoting Prostitution; Employed to perform any act which is prohibited by this section; Prostitute is 16 or older; 2nd or sub. conviction	7	9	9	10	Person
21-3513(a)(8)	(b)(3)	Promoting Prostitution; Employed to perform any act which is prohibited by this section; Prostitute is < 16	6	8	8	9	Person
21-3513(a)(8)	(b)(4)	Promoting Prostitution; Employed to perform any act which is prohibited by this section; Prostitute is less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3516(a)(1)	(c)	Sexual Exploitation of Child; Employ child less than 18 to engage in sexually explicit conduct	5	7	7	8	Person
21-3516(a)(2)	(c)	Sexual Exploitation of Child; Possess visual medium of child less than 18 engaging in sexually explicit conduct	5	7	7	8	Person
21-3516(a)(3)	(c)	Sexual Exploitation of Child; Parent, guardian or one with custody, knowingly permit child less than 18 to engage in sexually explicit conduct	5	7	7	8	Person
21-3516(a)(4)	(c)	Sexual Exploitation of Child; Promote performance of child less than 18	5	7	7	8	Person
21-3516(a)(5)	(c)	Sexual Exploitation of Child; Employ child less than 14 to engage in sexually explicit conduct; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3516(a)(6)	(c)	Sexual Exploitation of Child; Promote performance of child less than 14; Offender 18 or older	off-grid	N/A	N/A	N/A	Person
21-3518(a)(1)	(b)	Aggravated Sexual Battery; Intentional nonconsensual touching; Child 16 or more; Victim overcome by force or fear	5	7	7	8	Person
21-3518(a)(2)	(b)	Aggravated Sexual Battery; Intentional nonconsensual touching; Child 16 or more; Victim unconscious or physically powerless	5	7	7	8	Person
21-3518(a)(3)	(b)	Aggravated Sexual Battery; Intentional nonconsensual touching; Child 16 or more; Victim incapable of giving consent because of mental deficiency or disease or under effect of any alcoholic liquor, narcotic, drug or other substance	5	7	7	8	Person
21-3520(a)(1)	(c)	Unlawful Sexual Relations; Consensual; between KDOC staff, volunteer or contract staff and inmate less than 16	10	10	10	10	Person
21-3520(a)(10)	(c)	Unlawful Sexual Relations; Consensual; between Community Correctional Officer or contract employee and person 16 or older and under supervision	10	10	10	10	Person
21-3520(a)(2)	(c)	Unlawful Sexual Relations; Consensual; between parole officer, volunteer or contract staff and inmate or person under supervision	10	10	10	10	Person
21-3520(a)(3)	(c)	Unlawful Sexual Relations; Consensual; between LEO, jail staff or contract staff and inmate 16 or more	10	10	10	10	Person
21-3520(a)(4)	(c)	Unlawful Sexual Relations; Consensual; between LEO, Juvenile Detention officer or contract staff and inmate 16 or more	10	10	10	10	Person
21-3520(a)(5)	(c)	Unlawful Sexual Relations; Consensual; between JJA staff or contract staff and inmate 16 or more	10	10	10	10	Person
21-3520(a)(6)	(c)	Unlawful Sexual Relations; Consensual; between JJA staff or contract staff and person 16 or more and under supervision	10	10	10	10	Person
21-3520(a)(7)	(c)	Unlawful Sexual Relations; Consensual; between SRS staff or contract staff and patient 16 or more	10	10	10	10	Person
21-3520(a)(8)	(c)	Unlawful Sexual Relations; Consensual; between teacher/person in authority and student	10	10	10	10	Person
21-3520(a)(9)	(c)	Unlawful Sexual Relations; Consensual; between Court Services Officer or contract employee and person 16 or older and under supervision	10	10	10	10	Person
21-3522(a)(1)	(b)(1)	Unlawful Sexual Relations; Voluntary; Sexual intercourse between a child 14 or 15 and a person less than 19 and less than four years older than the child	8	10	10	10	Person
21-3522(a)(2)	(b)(2)	Unlawful Sexual Relations; Voluntary; Sodomy between a child 14 or 15 and a person less than 19 and less than four years older than the child	9	10	10	10	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3522(a)(3)	(b)(3)	Unlawful Sexual Relations; Voluntary; Lewd fondling/touching of a child 14 or 15 by a person less than 19 and less than four years older than the child	10	10	10	10	Person
21-3523(a)(1)	(b)	Electronic Solicitation; Of child believed to be less than 16 (14 or 15)	3	5	5	6	Person
21-3523(a)(2)	(b)	Electronic Solicitation; Of child believed to be less than 14	1	3	3	4	Person
21-3601(a)(1)	(c)	Bigamy; Marriage by a person who has another spouse living at the time of such marriage	10	10	10	10	Nonperson
21-3601(a)(2)	(c)	Bigamy; Marriage by an unmarried person to a person known to be the spouse of another	10	10	10	10	Nonperson
21-3601(a)(3)	(c)	Bigamy; Cohabitation in this state after marriage in another state or country under circumstances described in subsection (a)(1) or (a)(2)	10	10	10	10	Nonperson
21-3602	same	Incest; Sexual intercourse or sodomy w/a person who is 18 or more and a known biological relative	10	10	10	10	Person
21-3603(a)(1)	(b)	Aggravated Incest; Marriage to a person who is less than 18 and a known relative	7	9	9	10	Person
21-3603(a)(2)(A)	(b)	Aggravated Incest; Otherwise lawful intercourse or sodomy w/ a relative 16 or 17	5	7	7	8	Person
21-3603(a)(2)(B)	(b)	Aggravated Incest; Lewd fondling/touching w/ a relative 16 or 17	7	9	9	10	Person
21-3604(a)	same	Abandonment; Of child less than 16	8	10	10	10	Person
21-3604a	same	Aggravated Abandonment; Of a child less than 16 resulting in great bodily harm	5	7	7	8	Person
21-3605(a)(1)	(a)(7)	Nonsupport of Child; Parent's unlawful failure, neglect or refusal to provide suppor/maintenance of the child	10	10	10	10	Nonperson
21-3605(b)(1)	(b)(6)	Nonsupport of Spouse; Failure to provide for the support of a person's spouse	10	10	10	10	Nonperson
21-3608a(a)(1)	(b)	Aggravated Endangering a Child; Intentionally cause or permit a child under 18 to be in a situation where the child's life, body or health is injured or endangered	9	10	10	10	Person
21-3608a(a)(2)	(b)	Aggravated Endangering a Child; Recklessly cause or permit a child under 18 to be in a situation where the child's life, body or health is injured or endangered	9	10	10	10	Person
21-3608a(a)(3)	(b)	Aggravated Endangering a Child; Cause or permit a child to be in an environment where meth is sold, offered, or possessed w/ intent to sell	9	10	10	10	Person
21-3608a(a)(4)	(b)	Aggravated Endangering a Child; Cause or permit a child to be in an environment where drug paraphernalia or volatile, toxic or flammable chemicals are stored for manufacturing methamphetamine	9	10	10	10	Person
21-3609	same	Abuse of a child; Intentionally torture, cruelly beat, or shake resulting in great bodily harm or inflict cruel and inhuman corporal punishment upon any child under the age of 18	5	7	7	8	Person
21-3610b(a)	(b)	Furnishing Alcoholic Beverages to Minor; For illicit purposes; Child less than 18	9	10	10	10	Person
21-3612(a)(4)	(a)	Contributing to a Child's Misconduct; Sheltering or concealing a runaway child	8	10	10	10	Person
21-3612(a)(5)	(a)	Contributing to a Child's Misconduct; Encourage child under 18 to commit felony	7	9	9	10	Person
21-3701(a)(1)	(b)(1)	Theft; Obtain or exert unauthorized control; $100,000 or more	5	7	7	8	Nonperson
21-3701(a)(1)	(b)(2)	Theft; Obtain or exert unauthorized control; At least $25,000 but less than $100,000	7	9	9	10	Nonperson
21-3701(a)(1)	(b)(3)	Theft; Obtain or exert unauthorized control; At least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3701(a)(1)	(b)(4)	Theft; Obtain or exert unauthorized control; From three establishments w/in 72 hours as part of the same act or transaction or, in two or more acts or transactions, constituting a common scheme or course of conduct	9	10	10	10	Nonperson
21-3701(a)(1)	(b)(6)	Theft; Obtain or exert unauthorized control; Value less than $1,000 and committed by a person who has been convicted of theft two or more times	9	10	10	10	Nonperson
21-3701(a)(2)	(b)(1)	Theft; By deception; $100,000 or more	5	7	7	8	Nonperson
21-3701(a)(2)	(b)(2)	Theft; By deception; At least $25,000 but less than $100,000	7	9	9	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3701(a)(2)	(b)(3)	Theft; By deception; At least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3701(a)(2)	(b)(4)	Theft; By deception; From three separate establishments w/in 72 hours as part of the same act or transaction or in two or more acts or transactions constituting a common scheme or course of conduct	9	10	10	10	Nonperson
21-3701(a)(2)	(b)(6)	Theft; By deception; Value less than $1,000 and committed by a person who has been convicted of theft two or more times	9	10	10	10	Nonperson
21-3701(a)(3)	(b)(1)	Theft; By threat; $100,000 or more	5	7	7	8	Nonperson
21-3701(a)(3)	(b)(2)	Theft; By threat; At least $25,000 but less than $100,000	7	9	9	10	Nonperson
21-3701(a)(3)	(b)(3)	Theft; By threat; At least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3701(a)(3)	(b)(4)	Theft; By threat; From three separate establishments w/in 72 hours as part of the same act or transaction or in two or more acts or transactions constituting a common scheme or course of conduct	9	10	10	10	Nonperson
21-3701(a)(3)	(b)(6)	Theft; By threat; Value less than $1,000 and committed by a person who has been convicted of theft two or more times	9	10	10	10	Nonperson
21-3701(a)(4)	(b)(1)	Theft; Stolen property; Knowing the property to have been stolen by another; $100,000 or more	5	7	7	8	Nonperson
21-3701(a)(4)	(b)(2)	Theft; Stolen property; Knowing the property to have been stolen by another; at least $25,000 but less than $100,000	7	9	9	10	Nonperson
21-3701(a)(4)	(b)(3)	Theft; Stolen property; Knowing the property to have been stolen by another; at least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3701(a)(4)	(b)(4)	Theft; Stolen property; Knowing the property to have been stolen by another; From three separate establishments w/in 72 hours as part of the same act or transaction or in two or more acts or transactions constituting a common scheme or course of conduct	9	10	10	10	Nonperson
21-3701(a)(4)	(b)(6)	Theft; Stolen property; Knowing the property to have been stolen by another; Value less than $1,000 and committed by a person who has been convicted of theft two or more times	9	10	10	10	Nonperson
21-3704(a)	(e)(1)	Theft of Services; $100,000 or more	5	7	7	8	Nonperson
21-3704(a)	(e)(2)	Theft of Services At least $25,000 but less than $100,000	7	9	9	10	Nonperson
21-3704(a)	(e)(3)	Theft of Services At least $1,000 but less than $25,000	9	10	10	10	Nonperson
*21-3705(a)	(b)(2)	Criminal Deprivation of Property; Motor vehicle; third or subsequent conviction	9	10	10	10	Nonperson
21-3707(a)	(e)(1)(A)	Giving a Worthless Check; $25,000 or more	7	9	9	10	Nonperson
21-3707(a)	(e)(1)(B)	Giving a Worthless Check; More than once w/in a seven day period if the combined total is $25,000 or more	7	9	9	10	Nonperson
21-3707(a)	(e)(2)(A)	Giving a Worthless Check; At least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3707(a)	(e)(2)(B)	Giving a Worthless Check; More than once w/in a seven day period if the combined total is at least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-3707(a)	(e)(4)	Giving a Worthless Check; Less than $1,000 if person has been convicted of giving a worthless check two or more times w/in 5 years	9	10	10	10	Nonperson
21-3710(a)(1)	(b)(1)	Forgery; W/O authorization; Make, alter or endorse any written instrument so it appears to have been made, altered or endorsed by another; Alter a written instrument so it appears to have been made at another time or with different provisions; Make, alter or endorse any written instrument so it appears to have been made, altered or endorsed with authority	8	10	10	10	Nonperson
21-3710(a)(2)	(b)(1)	Forgery; Issuing or delivering a forged instrument knowing it is forged	8	10	10	10	Nonperson
21-3710(a)(3)	(b)(1)	Forgery; Possess, with intent to issue or deliver, any forged instrument knowing it is forged	8	10	10	10	Nonperson
21-3711	same	False Writing; Make generate, distribute or draw, any written instrument, electronic data or entry in a book of account knowing that such information falsely states or represents some material matter or is not what it purports to be, and with intent to defraud, obstruct the detection of a theft or felony offense or induce official action	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3712	same	Destroying a Written Instrument; Knowingly tear, cut, burn, erase, obliterate or destroy a written instrument, in whole or in part, with intent to defraud	9	10	10	10	Nonperson
21-3713	same	Altering a Legislative Document; Intentionally mutilate, alter or change, otherwise than in the regular course of legislation, any act, bill or resolution introduced into or acted upon by either or both houses of the legislature of this state either before or after such act, bill or resolution has been signed by the governor.	9	10	10	10	Nonperson
21-3715(a)	21-3715	Burglary; Knowingly w/o authority enter into or remain within any dwelling w/ intent to commit felony, theft or sexual battery therein	7	9	9	10	Person
21-3715(b)	21-3715	Burglary; Knowingly w/o authority enter into or remain within any building not a dwelling w/intent to commit a felony, theft or sexual battery therein	7	9	9	10	Nonperson
21-3715(c)	21-3715	Burglary; knowingly w/o authority entering into or remaining within any motor vehicle, aircraft, or other means of conveyance w/intent to commit felony, theft or sexual battery therein	9	10	10	10	Nonperson
21-3716	same	Aggravated Burglary; Knowingly w/o authority enter into or remain within any structure or conveyance in which there is a human being, w/intent to commit a felony, theft or sexual battery therein	5	7	7	8	Person
21-3718(a)(1)(A)	(b)(1)	Arson; Knowingly, by means of fire or explosive; Damage dwelling w/out consent of owner	6	8	8	9	Person
21-3718(a)(1)(B)	(b)(1)	Arson; Knowingly, by means of fire or explosive; Damage dwelling w/intent to injure or defraud an insurer or lien holder	6	8	8	9	Person
21-3718(a)(1)(C)	(b)(2)	Arson; Knowingly, by means of fire or explosive; Damage structure not a dwelling w/o consent of owner	7	9	9	10	Nonperson
21-3718(a)(1)(D)	(b)(2)	Arson; Knowingly, by means of fire or explosive; Damage structure not a dwelling w/ intent to injure or defraud insurer or lien holder	7	9	9	10	Nonperson
21-3718(a)(2)	(b)(3)	Arson; Knowingly, by means of fire or explosive; Damage a dwelling accidentally as a result of manufacture or attempted manufacture a controlled substance	7	9	9	10	Person
21-3718(a)(3)	(b)(2)	Arson; Knowingly, by means of fire or explosive; Damage structure not a dwelling accidentally as result of manufacture or attempted manufacture a controlled substance	7	9	9	10	Nonperson
21-3719(a)(1)	(b)(1)	Aggravated Arson; Arson to building in which there is a human being; Resulting in substantial risk of bodily harm	3	5	5	6	Person
21-3719(a)(1)	(b)(2)	Aggravated Arson; Arson to building in which there is a human being; Resulting in No substantial risk of bodily harm	6	8	8	9	Person
21-3719(a)(2)	(b)(3)	Aggravated Arson; Resulting in great bodily harm or disfigurement to a firefighter or law enforcement officer	3	5	5	6	Person
21-3720(a)(1)	(b)(1)	Criminal Damage to Property; Intentionally injure, damage, mutilate, deface, destroy, or substantially impair the use of property w/o consent; Damage $25,000 or more	7	9	9	10	Nonperson
21-3720(a)(1)	(b)(2)	Criminal Damage to Property; Intentionally injure, damage, mutilate, deface, destroy, or substantially impair the use of property w/o consent; Damage at least $1000 but less than $25,000	9	10	10	10	Nonperson
21-3720(a)(2)	(b)(1)	Criminal Damage to Property; Injure, damage, mutilate, deface, destroy, or substantially impair the use of any property w/intent to injure or defraud an insurer or lien holder; Damage $25,000 or more	7	9	9	10	Nonperson
21-3720(a)(2)	(b)(2)	Criminal Damage to Property; Injure, damage, mutilate, deface, destroy, or substantially impair the use of any property w/intent to injure or defraud an insurer or lien holder; Damage at least $1000 but less than $25,000	9	10	10	10	Nonperson
21-3726	same	Aggravated Tampering w/a Traffic Signal; Result or could result in death or great bodily injury of any person	7	9	9	10	Nonperson
21-3729(a)(1)	(d)(1)	Criminal Use of Financial Card; Use a financial card w/o consent of the cardholder; $25,000 or more w/in 7 days	7	9	9	10	Nonperson
21-3729(a)(1)	(d)(2)	Criminal Use of Financial Card; Use a financial card w/o consent of the cardholder; At least $1000 but less than $25,000 w/in 7 days	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3729(a)(2)	(d)(1)	Criminal Use of a Financial Card; Knowingly use a revoked or canceled financial card, or the number or description thereof; $25,000 or more w/in 7 days	7	9	9	10	Nonperson
21-3729(a)(2)	(d)(2)	Criminal Use of Financial Card; Knowingly use a revoked or canceled financial card, or the number or description thereof; At least $1000 but less than $25,000 w/in 7 days	9	10	10	10	Nonperson
21-3729(a)(3)	(d)(1)	Criminal Use of Financial Card; Use a falsified, mutilated, altered or nonexistent financial card or a number or description thereof; $25,000 or more w/in 7 days	7	9	9	10	Nonperson
21-3729(a)(3)	(d)(2)	Criminal Use of Financial Card; Use a falsified, mutilated, altered or nonexistent financial card or a number or description thereof; At least $1000 but less than $25,000 w/in 7 days	9	10	10	10	Nonperson
21-3731(a)	(b)(1)	Criminal Use of Explosives; Unauthorized possession, manufacture or transportation of explosives and/or compounds or supplies that form explosives	8	10	10	10	Person
21-3731(a)	(b)(2)(A)	Criminal Use of Explosives; When such is intended to be used to commit a crime or delivered to another knowing such other intends to use such substance to commit a crime	6	8	8	9	Person
21-3731(a)	(b)(2)(B)	Criminal Use of Explosives; Wherein a public safety officer is placed at risk to defuse such explosive	6	8	8	9	Person
21-3731(a)	(b)(2)(C)	Criminal Use of Explosives; When introduced into a building in which there is another human being	6	8	8	9	Person
21-3734(a)(1)	(b)(1)	Impairing a Security Interest; Damage, destroy or conceal any personal property subject to a security interest with intent to defraud the secured party; $25,000 or more	7	9	9	10	Nonperson
21-3734(a)(1)	(b)(2)	Impairing a Security Interest; Damage, destroy or conceal any personal property subject to a security interest with intent to defraud the secured party; At least $1000 but less than $25, 000	9	10	10	10	Nonperson
21-3734(a)(2)	(b)(1)	Impairing a Security Interest; Sell, exchange or otherwise dispose of any personal property subject to a security interest w/o consent of secured party; $25,000 or more	7	9	9	10	Nonperson
21-3734(a)(2)	(b)(2)	Impairing a Security Interest; Sell, exchange or otherwise dispose of any personal property subject to a security interest w/o consent of secured party; At least $1000 but less than $25, 000	9	10	10	10	Nonperson
21-3734(a)(3)	(b)(1)	Impairing a Security Interest; Fail to account for the proceeds of the sale, exchange or other disposition of any personal property subject to a security interest; $25,000 or more	7	9	9	10	Nonperson
21-3734(a)(3)	(b)(2)	Impairing a Security Interest; Fail to account for the proceeds of the sale, exchange or other disposition of any personal property subject to a security interest; At least $1000 but less than $25, 000	9	10	10	10	Nonperson
21-3736(a)(1)	(b)	Warehouse Receipt Fraud; Make, draw, issue or deliver; A negotiable receipt for goods with knowledge that the goods have not actually been received	10	10	10	10	Nonperson
21-3736(a)(2)	(b)	Warehouse Receipt Fraud; Make, draw, issue or deliver; A negotiable receipt for good with knowledge that the receipt contains a false statement	10	10	10	10	Nonperson
21-3736(a)(3)	(b)	Warehouse Receipt Fraud; Make, draw, issue or deliver; A duplicate or additional negotiable receipt for goods with knowledge that a former negotiable receipt for the same goods or any part thereof is outstanding and uncanceled, w/o plainly placing "duplicate" on the face thereof	10	10	10	10	Nonperson
21-3742(a)	(c)	Throwing Objects From Bridge or Overpass; Resulting in injury to pedestrian	7	9	9	10	Person
21-3742(a)	(d)	Throwing Objects From Bridge or Overpass; Resulting in vehicle damage and injury to passenger of vehicle	6	8	8	9	Person
21-3748(a)	same	Piracy of Recordings	9	10	10	10	Nonperson
21-3749(a)	(b)(2)	Dealing in Pirated Recordings; At least 7 or more audio/visual or 100 sound recordings w/in 180 days	9	10	10	10	Nonperson
21-3750(a)	(b)(2)	Nondisclosure of Source Recordings; At least 7 or more audio/visual or 100 sound recordings w/in 180 days	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3755(b)(1)(A)	(b)(2)	Computer Crime; Intentionally and w/o authorization access, damage, modify, alter, destroy, copy, disclose or take possession of a computer, computer system, computer network or other property	8	10	10	10	Nonperson
21-3755(b)(1)(B)	(b)(2)	Computer Crime; Use computer, computer system, computer network or other property for purpose of devising or executing scheme or artifice with intent to defraud	8	10	10	10	Nonperson
21-3755(b)(1)(C)	(b)(2)	Computer Crime; Intentionally exceed the limits of authorization and damage, modify, alter, destroy, copy, disclose or take possession of a computer, computer system, computer network or any other property	8	10	10	10	Nonperson
21-3756(a)(1)	(e)	Adding Dockage or Foreign Material to Grain; Knowingly; Grain intended to be marketed	9	10	10	10	Nonperson
21-3756(a)(2)	(e)	Adding Dockage or Foreign Material to Grain; Recombining any dockage or foreign material once removed from grain with any grain intended to be marketed	9	10	10	10	Nonperson
21-3757(b)	(j)	Odometers; Knowingly tamper with, adjust, alter, change, set back, disconnect or fail to connect the odometer of any motor vehicle in order to reflect lower than true mileage	9	10	10	10	Nonperson
21-3757(c)	(j)	Odometers; Conspire with another person to violate the provisions of this section	9	10	10	10	Nonperson
21-3757(d)	(j)	Odometers; Operate, with intent to defraud, motor vehicle knowing that the odometer is disconnected or nonfunctional	9	10	10	10	Nonperson
21-3757(e)	(j)	Odometers; Advertise for sale, sell, use or install on any part of a motor vehicle or on any odometer any device which causes the odometer to register other than true mileage	9	10	10	10	Nonperson
21-3757(f)	(j)	Odometers; Sell or offer to sell, with the intent to defraud, a motor vehicle knowing that the odometer was tampered with or otherwise altered in order to reflect a lower than true mileage	9	10	10	10	Nonperson
21-3757(g)(2)	(j)	Odometers; Repair or replacement; Failure to adjust an odometer or affix a notice regarding such adjustment	9	10	10	10	Nonperson
21-3757(g)(3)	(j)	Odometers; Repair or replacement; Remove or alter any notice affixed to a vehicle	9	10	10	10	Nonperson
21-3761(a)(1)	(b)	Railroad; Knowingly trespass on railroad property without consent; Damage $1,500 or more	8	10	10	10	Nonperson
21-3761(a)(2)	(b)	Railroad; Maliciously or wantonly causing derailment of a train, railroad car or rail-mounted work equipment; Damage $1,500 or more	8	10	10	10	Nonperson
21-3762(b)	(b)	Pyramid Promotional Scheme; Establish, operate, advertise or promote scheme	9	10	10	10	Nonperson
21-3763(a)	(e)(3)	Counterfeiting; Retail value $25,000 or more; 1000 or more items bearing marks; or Third or subsequent violation	7	9	9	10	Nonperson
21-3763(a)	(e)(2)	Counterfeiting; Retail value at least $1000 but less than $25,000; More than 100 but less than 1,000 items bearing marks; or Second violation	9	10	10	10	Nonperson
21-3764(a)	(f)	Theft Detection Shielding Device; Manufacturing or selling of a theft detection shielding device	9	10	10	10	Nonperson
21-3764(b)	(f)	Theft Detection Shielding Device; Possession of a theft detection shielding device	9	10	10	10	Nonperson
21-3764(c)	(f)	Theft Detection Shielding Device; Possession of a theft detection device remover	9	10	10	10	Nonperson
21-3764(d)	(f)	Theft Detection Shielding Device; Intentional removal of a theft detection device	9	10	10	10	Nonperson
21-3764(e)	(f)	Theft Detection Shielding Device; Possession of a sales receipt or universal product code label	9	10	10	10	Nonperson
21-3766(a)	(c)	Tampering w/a Pipeline; Intentional and unauthorized alteration of or interference with any part of a pipeline	6	8	8	9	Nonperson
21-3801(a)	(c) and 21-4706(c)	Treason; Levying war against the state, adhering to its enemies, or giving them aid and comfort	off-grid	1	2	3	Person
21-3802(a)	(b)	Sedition; Advocating the overthrow or reformation of the existing form of government of this state by violence or unlawful means	7	9	9	10	Nonperson
21-3805(a)(1)	(b)(1)	Perjury; Falsely swear, testify, affirm, declare or subscribe to any material fact upon oath or affirmation; During felony trial	7	9	9	10	Nonperson
21-3805(a)(1)	(b)(2)	Perjury; Falsely swear, testify, affirm, declare or subscribe to any material fact upon oath or affirmation; In a cause, matter or proceeding other than a felony trial	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3805(a)(2)	(b)(1)	Perjury; Falsely subscribe as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-60; During felony trial	7	9	9	10	Nonperson
21-3805(a)(2)	(b)(2)	Perjury; Falsely subscribe as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-60; In a cause, matter or proceeding other than a felony trial	9	10	10	10	Nonperson
21-3805(a)(3)	(b)(1)	Perjury; Intentionally, knowingly and falsely subscribe as true and correct under penalty of perjury any statement as required by K.S.A. 75-5743; During felony trial	7	9	9	10	Nonperson
21-3805(a)(3)	(b)(2)	Perjury; intentionally, knowingly and falsely subscribe as true and correct under penalty of perjury any statement as required by K.S.A. 75-5743; In cause or matter other than felony trial	9	10	10	10	Nonperson
21-3807(a)(1)	(b)	Compounding a Felony Crime; Accept or agree to accept anything of value for a promise not to initiate or aid in the prosecution of a person who has committed a crime	8	10	10	10	Nonperson
21-3807(a)(2)	(b)	Compounding a Felony Crime; Accept or agree to accept anything of value for a promise to intentionally conceal or destroy evidence of a crime	8	10	10	10	Nonperson
21-3808(a)	(b)(1)	Obstructing Legal Process or Official Duty; In the case of a felony; Authorized disposition of a felony	9	10	10	10	Nonperson
21-3810(a)(1)	(c)(1)	Aggravated Escape From Custody; While held on charge or conviction of felony	8	10	10	10	Nonperson
21-3810(a)(2)	(c)(2)	Aggravated Escape From Custody; While held on charge or adjudication as juvenile offender	5	7	7	8	Nonperson
21-3810(a)(3)	(c)(1)	Aggravated Escape From Custody; While held prior to or upon finding of probable cause for evaluation as a sexually violent predator	8	10	10	10	Nonperson
21-3810(a)(4)	(c)(1)	Aggravated Escape From Custody; While held upon commitment to treatment facility as a sexually violent predator	8	10	10	10	Nonperson
21-3810(a)(5)	(c)(1)	Aggravated Escape From Custody; While held upon a commitment to the state security hospital	8	10	10	10	Nonperson
21-3810(a)(6)	(c)(1)	Aggravated Escape From Custody; While held in custody by a person 18 or over who is being held on an adjudication of a felony	8	10	10	10	Nonperson
21-3810(a)(7)	(c)(2)	Aggravated Escape From Custody; While held upon incarceration at a state correctional institution in the custody of the secretary of corrections	5	7	7	8	Nonperson
21-3810(b)(1)	(c)(3)	Aggravated Escape From Custody; By use of or threat of violence against any person while held on a charge or conviction of any crime	6	8	8	9	Person
21-3810(b)(2)	(c)(4)	Aggravated Escape From Custody; By use of or threat of violence against any person while held on a charge or adjudication as a juvenile offender	5	7	7	8	Person
21-3810(b)(3)	(c)(3)	Aggravated Escape From Custody; By use of or threat of violence against any person while held prior to or upon a finding of probable cause for evaluation as a sexually violent predator	6	8	8	9	Person
21-3810(b)(4)	(c)(3)	Aggravated Escape From Custody; By use of or threat of violence against any person while held upon commitment to a treatment facility as a sexually violent predator	6	8	8	9	Person
21-3810(b)(5)	(c)(3)	Aggravated Escape From Custody; By use of or threat of violence against any person while held upon a commitment to the state security hospital	6	8	8	9	Person
21-3810(b)(6)	(c)(3)	Aggravated Escape From Custody; By use of or threat of violence against any person while held by a person 18 or over who is being held on charge or adjudication of a misdemeanor or felony	6	8	8	9	Person
21-3810(b)(7)	(c)(4)	Aggravated Escape From Custody; By use of or threat of violence against any person while held upon incarceration at a state correctional institution in the custody of secretary of corrections	5	7	7	8	Person
*21-3811(a)	(d)(1)	Aiding an Escape; Assist one to escape from such lawful custody	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
*21-3811(a)	(d)(2)	Aiding an Escape; Assist one to escape from such lawful custody;KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
*21-3811(b)	(d)(1)	Aiding an Escape; Supply one any object or thing adapted or designed for use in making an escape	8	10	10	10	Nonperson
*21-3811(b)	(d)(2)	Aiding an Escape; Supply one any object or thing adapted or designed for use in making an escape; KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
*21-3811(c)	(d)(1)	Aiding an Escape; Introduce into an institution any object or thing adapted or designed for use in an escape	8	10	10	10	Nonperson
*21-3811(c)	(d)(2)	Aiding an Escape; Introduce into an institution any object or thing adapted or designed for use in an escape; KDOC employee/volunteer or KDOC contractor employee/volunteer	4	6	6	7	Nonperson
21-3812(a)	same	Aiding a Felon; Knowingly harbor, conceal or aid any person who has committed a felony to avoid or escape from arrest, trial, conviction or punishment for such felony	8	10	10	10	Nonperson
21-3812(b)	same	Aiding a Person Charged as a Felon; Knowingly harbor, conceal or aid a person who has been charged with a felony to avoid or escape from arrest, trial, conviction or punishment for such felony	8	10	10	10	Nonperson
21-3812(d)	(d)	Aiding Person Required to Register under Kansas Offender Registration Act	5	7	7	8	Person
21-3814(a)	(b)	Aggravated Failure to Appear; Willfully incurring forfeiture of an appearance bond and failing to surrender oneself within 30 days of forfeiture or conviction	10	10	10	10	Nonperson
21-3815(a)	(b)	Attempting to Influence a Judicial Officer	9	10	10	10	Nonperson
21-3817(a)(1)	(b)	Corrupt Conduct of a Juror; Promise or agree to give a verdict for or against any party in any proceeding	9	10	10	10	Nonperson
21-3817(a)(2)	(b)	Corrupt Conduct of a Juror; Receive evidence or information pertaining to the trial of which such juror has been or will be sworn, w/o the authority of the court or officer before whom such juror has been summoned, and w/o immediate disclosure of the same	9	10	10	10	Nonperson
21-3825(a)(1)	(b)	Aggravated False Impersonation; Becoming bail or security, or acknowledging or executing any bond or other instrument as bail or security, for any party in any proceeding	9	10	10	10	Nonperson
21-3825(a)(2)	(b)	Aggravated False Impersonation; Confessing any judgment	9	10	10	10	Nonperson
21-3825(a)(3)	(b)	Aggravated False Impersonation; Acknowledging the execution of any conveyance of property, or any other instrument which by law may be recorded	9	10	10	10	Nonperson
21-3825(a)(4)	(b)	Aggravated False Impersonation; Any other act in the course of a suit, proceeding or prosecution whereby the person who is represented or impersonated may be made liable for payment of any debt, damages, costs or sum of money, or such person's rights or interests may be in any manner affected	9	10	10	10	Nonperson
21-3826(a)	(c)(1)	Trafficking in Contraband in Correctional Institution; Contraband consisting of firearms, ammunition, explosives or controlled substance	5	7	7	8	Nonperson
21-3826(a)	(c)(2)	Trafficking in Contraband in Correctional Institution; By an employee of a correctional institution	5	7	7	8	Nonperson
21-3826(a)		Trafficking in Contraband in Correctional Institution; Introduce or attempt to introduce contraband into or upon the grounds of a correctional institution; Take, send, or attempt to take or send, contraband from any correctional institution	6	8	8	9	Nonperson
21-3829	same	Aggravated Interference w/Public Business	6	8	8	9	Person
21-3830(a)	(c)	Dealing in False Identification Documents; Reproducing, manufacturing, selling or offering for sale any identification document which simulates, purports to be or is designed to cause others to believe it to be an identification document and bears a fictitious name or other false information	8	10	10	10	Nonperson
21-3830(d)(1)	(e)	Identity Fraud - Vital Records; Supply false information to obtain a certified copy of a vital record	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3830(d)(2)	(e)	Identity Fraud - Vital Records; Make, counterfeit, alter, amend or mutilate any certified copy of a vital record without lawful authority and with intent to deceive	8	10	10	10	Nonperson
21-3830(d)(3)	(e)	Identity Fraud - Vital Records; Willfully, knowingly obtain, possess, use, sell or furnish or attempt to obtain, possess or furnish to another for purpose of deception a certified copy of a vital record	8	10	10	10	Nonperson
21-3833(a)(1)	(b)	Aggravated Intimidation of a Witness or Victim; Express or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person	6	8	8	9	Person
21-3833(a)(2)	(b)	Aggravated Intimidation of a Witness or Victim; In furtherance of a conspiracy	6	8	8	9	Person
21-3833(a)(3)	(b)	Aggravated Intimidation of a Witness or Victim; By one who has prior conviction for corruptly influencing a witness, or a violation of this act or any similar crime	6	8	8	9	Person
21-3833(a)(4)	(b)	Aggravated Intimidation of a Witness or Victim; Witness or victim is under 18	6	8	8	9	Person
21-3833(a)(5)	(b)	Aggravated Intimidation of a Witness or Victim; Committed for pecuniary gain or for any other consideration by a person acting upon the request of another person	6	8	8	9	Person
21-3838(a)	(b)	Unlawful Disclosure of Authorized Interception of Wire	10	10	10	10	Nonperson
21-3840(a)	(b)	Failure to register an aircraft	8	10	10	10	Nonperson
21-3841(a)(1)	(b)	Fraudulent Aircraft Registration; Presence, possession or operation of any aircraft registered to a nonexistent person, firm, business or corporation or to a firm, business or corporation which is no longer a legal entity	8	10	10	10	Nonperson
21-3841(a)(2)	(b)	Fraudulent Aircraft Registration; Knowingly supply false information in regard to the name, address, business name or business address of the owner of an aircraft in or operated in the state	8	10	10	10	Nonperson
21-3841(a)(3)	(b)	Fraudulent Aircraft Registration; Knowingly supply false information in regard to ownership of an aircraft in or operated in this state if it is determined that the firm, business or corporation is not, or has never been, a legal entity in this state or any other state or has lapsed as an entity	8	10	10	10	Nonperson
21-3842(a)(1)	(b)	Fraudulent Acts; Aircraft Identification Numbers; Knowingly buy, sell, offer for sale, receive, dispose of, conceal or have in possession any aircraft or part thereof on which the assigned identification numbers do not meet the requirements of the federal aviation regulations	8	10	10	10	Nonperson
21-3842(a)(2)	(b)	Fraudulent Acts; Aircraft Identification Numbers; Knowingly possess, manufacture, sell or exchange, offer for sale or exchange, supply in blank or give away any counterfeit manufacturer's aircraft identification number plate or decal used for the purpose of identification of any aircraft	8	10	10	10	Nonperson
21-3846(a)(1)	(b)(2)	Medicaid; Make false or fraudulent claim for payment; Claim $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(1)	(b)(1)	Medicaid; Make false or fraudulent claim for payment; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(2)	(b)(2)	Medicaid; Make any false or fraudulent statement/representation for use in determining payments; Claim $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(2)	(b)(1)	Medicaid; Make any false or fraudulent statement/representation for use in determining payments; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(3)	(b)(2)	Medicaid; Make any false or fraudulent report or filing used in computing or determining a rate of payment; Claim of $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(3)	(b)(1)	Medicaid; Make any false or fraudulent report or filing used in computing or determining a rate of payment; Claim of more than $25,000	7	9	9	10	Nonperson
21-3846(a)(4)	(b)(2)	Medicaid; Make any false or fraudulent statement/representation in connection with any report or filing used in computing or determining a rate of payment; Claim $1000 but less than $25,000	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3846(a)(4)	(b)(1)	Medicaid; Make any false or fraudulent statement/representation in connection with any report or filing used in computing or determining a rate of payment; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(5)	(b)(2)	Medicaid; Knowingly make any statement/representation for use by another in obtaining any goods, service, item, facility or accommodation under the Medicaid program; Claim of $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(5)	(b)(1)	Medicaid; Knowingly make any statement/representation for use by another in obtaining any goods, service, item, facility or accommodation under the Medicaid program; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(6)	(b)(2)	Medicaid; Make any claim for payment for any goods, service, item, facility, or accommodation, not medically necessary; Claim $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(6)	(b)(1)	Medicaid; Make any claim for payment for any goods, service, item, facility, or accommodation, not medically necessary; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(7)	(b)(2)	Medicaid; Make any wholly or partially false or fraudulent book, record, document, data or instrument, which is required to be kept or kept as documentation; Claim of $1000 but less than $25,000	9	10	10	10	Nonperson
21-3846(a)(7)	(b)(1)	Medicaid; Make any wholly or partially false or fraudulent book, record, document, data or instrument, which is required to be kept or kept as documentation; Claim more than $25,000	7	9	9	10	Nonperson
21-3846(a)(8)	(b)(4)	Medicaid; Submit false or fraudulent book, record, document, data or instrument to a LEO, attorney general, or to the department of SRS, in connection with any audit or investigation	9	10	10	10	Nonperson
21-3846(a)(9)	(b)(4)	Medicaid; False or fraudulent statement/representation made w/ intent to influence an official, employee/agent of a state or federal agency having regulatory or administrative authority over the Kansas Medicaid program.	9	10	10	10	Nonperson
21-3847(a)(1)	(c)	Medicaid; Solicit or receive any remuneration, including kickbacks, bribes or rebates for Medicaid goods	7	9	9	10	Nonperson
21-3847(a)(2)	(c)	Medicaid; Offer or pay any remuneration, including kickbacks, bribes or rebates to any person for Medicaid goods	7	9	9	10	Nonperson
21-3847(a)(3)	(c)	Medicaid; Divide or share any funds illegally obtained from the Medicaid program	7	9	9	10	Nonperson
21-3847(b)	(c)	Medicaid; Trade a Medicaid number for money or other remuneration; Sign for services not received; Sell or exchange Medicaid goods purchased or provided under the Medicaid program for value	7	9	9	10	Nonperson
21-3849(a)	(b)	Medicaid; Destruction or concealment of records	9	10	10	10	Nonperson
21-3856(a)(1)	(b)	Obstruction of a Medicaid Fraud Investigation; Falsifying, concealing or covering up material fact	9	10	10	10	Nonperson
21-3856(a)(2)	(b)	Obstruction of a Medicaid Fraud Investigation; Knowingly making false writing or document	9	10	10	10	Nonperson
21-3901(a)	same	Bribery; Offer, give or promise to give to any public officer, candidate for public office or public employee any benefit, reward or consideration w/intent to influence the person with respect to the performance of the person's powers or duties as a public officer or employee	7	9	9	10	Nonperson
21-3901(b)	same	Bribery; Public officer, candidate for public office or public employee, requesting, receiving or agreeing to receive, any benefit, reward or consideration given w/intent that the person will be influenced with respect to the performance of the person's powers or duties as a public officer or employee	7	9	9	10	Nonperson
21-3902(a)(5)	(c)(2)(A)	Official Misconduct; Knowingly destroy, tamper with or conceal evidence of a felony	8	10	10	10	Nonperson
21-3902(a)(6)	(c)(3)(A)	Official Misconduct; Submit a claim for expenses which is false or duplicate; $25,000 or more	7	9	9	10	Nonperson
21-3902(a)(6)	(c)(3)(B)	Official Misconduct; Submit a claim for expenses which is false or duplicate; At least $1000 but < $25,000	9	10	10	10	Nonperson
21-3904(a)	(b)(1)	Presenting False Claim; $25,000 or more	7	9	9	10	Nonperson
21-3904(a)	(b)(2)	Presenting False Claim; At least $1000 but less than $25,000	9	10	10	10	Nonperson
21-3905(a)	(b)(1)	Permitting False Claim; $25,000 or more	7	9	9	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-3905(a)	(b)(2)	Permitting False Claim; At least $1000 but less than $25,000	9	10	10	10	Nonperson
21-3910(a)	(c)(1)	Misuse of Public Funds; Aggregate is $100,000 or more	5	7	7	8	Nonperson
21-3910(a)	(c)(2)	Misuse of Public Funds; Aggregate is at least $25,000 but less than $100,000	7	9	9	10	Nonperson
21-3910(a)	(c)(3)	Misuse of Public Funds; Aggregate is at least $1,000 but less than $25,000	9	10	10	10	Nonperson
21-4018(a)	(c)	Identity Theft; Monetary loss more than $100,000	5	7	7	8	Nonperson
21-4018(a)	(c)	Identity Theft; Monetary loss less than $100,000	8	10	10	10	Nonperson
21-4018(d)(1)	(e)	Identity Fraud; Supply false information to obtain an identification document	8	10	10	10	Nonperson
21-4018(d)(2)	(e)	Identity Fraud; Make, counterfeit, alter, amend or mutilate any identification document without lawful authority and with intent to deceive	8	10	10	10	Nonperson
21-4018(d)(3)	(e)	Identity Fraud; Willfully and knowingly obtain, possess, use, sell or furnish or attempt to obtain, possess or furnish to another an identification document for any purpose of deception	8	10	10	10	Nonperson
21-4019(a)	(d)	Unlawful Possession/Use of Scanning Device; Knowingly and with intent to defraud, having possession of or using a scanning device to access, read, obtain, memorize or store, either temporarily or permanently, information encoded on a computer chip or magnetic strip or stripe of a payment card	6	8	8	9	Nonperson
21-4019(b)	(d)	Unlawful Possession/Use of Reencoder; Knowingly and with intent to defraud, having possession of or using a reencoder to place encoded information on the a computer chip or magnetic strip or stripe of a payment card or any electronic medium that allows an authorized transaction to occur	6	8	8	9	Nonperson
21-4105(a)	(b)	Incitement to Riot	8	10	10	10	Person
21-4111(a)(2)(B)	(b)(1)(A)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any public monument or structure; Damage $25,000 or more	7	9	9	10	Nonperson
21-4111(a)(2)(B)	(b)(1)(B)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any public monument or structure; Damage at least $1000 but less than $25,000	9	10	10	10	Nonperson
21-4111(a)(2)(C)	(b)(1)(A)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; Damage $25,000 or more	7	9	9	10	Nonperson
21-4111(a)(2)(C)	(b)(1)(B)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; Damage at least $1000 but less than $25,000	9	10	10	10	Nonperson
21-4111(a)(2)(D)	(b)(1)(A)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any place of worship; Damage $25,000 or more	7	9	9	10	Nonperson
21-4111(a)(2)(D)	(b)(1)(B)	Criminal Desecration; By means other than by fire or explosive; Damage, deface or destroy any place of worship; Damage at least $1000 but less than $25,000	9	10	10	10	Nonperson
21-4201(a)(6)	(i)	Criminal Use of Weapons; Possess any device used to silence firearm	9	10	10	10	Nonperson
21-4201(a)(7)	(i)	Criminal Use of Weapons; Sell, manufacture, purchase, possess or carry a shotgun with a barrel less than 18 inches in length or any automatic weapons	9	10	10	10	Nonperson
21-4201(a)(8)	(i)	Criminal Use of Weapons; Possess, manufacture, sell, offer for sale, lend, purchase or give away any handgun cartridge with a plastic-coated bullet having a core of less than 60% lead by weight	9	10	10	10	Nonperson
21-4202(a)(1)	(b)(1)	Aggravated Weapons Violation; Violation of subsections (a)(1) through (a)(5) or (a)(9) of K.S.A. 21-4201 by a person who w/in 5 yrs preceding the violation, has been convicted of a nonperson felony or released from imprisonment for such	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-4202(a)(1)	(b)(2)	Aggravated Weapons Violation; Violation of subsections (a)(6), (a)(7) and (a)(8) of K.S.A. 21-4201 by a person who w/in 5 yrs preceding the violation, has been convicted of a nonperson felony or released from imprisonment for such	8	10	10	10	Nonperson
21-4202(a)(2)	(b)(1)	Aggravated Weapons Violation; Violation of subsections (a)(1) through (a)(5) or (a)(9) of K.S.A. 21-4201 by a person who has been convicted of a person felony or has been released from imprisonment for such and has not had the conviction expunged or been pardoned for such crime	9	10	10	10	Nonperson
21-4202(a)(2)	(b)(2)	Aggravated Weapons Violation; Violation of subsections (a)(6), (a)(7) and (a)(8) of K.S.A. 21-4201 by a person who has been convicted of a person felony or has been released from imprisonment for such and has not had the conviction expunged or been pardoned for such crime	8	10	10	10	Nonperson
21-4204(a)(2)	(c)	Criminal Possession of Firearm; By a person who has been convicted of a person felony or violation of the uniform controlled substances act or adjudicated a juvenile offender and found to have possession of firearm at commission of offense.	8	10	10	10	Nonperson
21-4204(a)(3)	(c)	Criminal Possession of a Firearm; By a person who has been convicted of a felony other than (a)(4)(A) or violation of the uniform controlled substances act or adjudicated a juvenile offender and found not to have been in possession of a firearm at the time of commission of offense.	8	10	10	10	Nonperson
21-4204(a)(4)(A)	(c)	Criminal Possession of Firearm; By a person who has been convicted, within the preceding 10 years of a felony listed in this statute or released from imprisonment for such and found not to have been in possession of a firearm at the time of the commission of the offense.	8	10	10	10	Nonperson
21-4204(a)(4)(B)	(c)	Criminal Possession of Firearm; By a person who has been convicted, within the preceding 10 years of a nonperson felony, has been released from imprisonment for such or was adjudicated as a juvenile offender, and was found to have been in possession of a firearm at the time of the commission of the offense.	8	10	10	10	Nonperson
21-4204(a)(7)	(d)	Criminal Possession of Firearm; By one who is or has been a mentally ill person or, persons with alcohol or substance abuse problems, if subject to involuntary commitment for care and treatment.	8	10	10	10	Nonperson
*21-4205(a)	(c)	Defacing Identification Marks of Firearm	10	10	10	10	Nonperson
21-4209(a)(1)	(b)	Criminal Disposal of Explosives; Sell, give or transfer to a person under 21	10	10	10	10	Person
21-4209(a)(2)	(b)	Criminal Disposal of Explosives; Sell, give or transfer to a person who is both addicted to and an unlawful user of a controlled substance	10	10	10	10	Person
21-4209(a)(3)	(b)	Criminal Disposal of Explosives; Sell, give or transfer to a person who, w/in preceding 5 yrs, has been convicted of a felony or has been released from imprisonment for a felony	10	10	10	10	Person
21-4209a(a)	(b)	Criminal Possession of Explosives; Possession of explosive or detonating substance by one who, w/in 5 yrs preceding such possession, has been convicted of a felony or has been released from imprisonment for a felony	7	9	9	10	Person
21-4214(a)(1)	(b)(2)	Obtaining Prescription Drug by Fraudulent Means; Making, altering or signing of a prescription order by a person other than a practitioner or a mid-level practitioner; 2nd or subsequent offense	9	10	10	10	Nonperson
21-4214(a)(2)	(b)(2)	Obtaining Prescription Drug by Fraudulent Means; Delivery of a prescription order known to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; 2nd or subsequent offense	9	10	10	10	Nonperson
21-4214(a)(3)	(b)(2)	Obtaining Prescription Drug by Fraudulent Means; Possession of a prescription order with intent to deliver it knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; 2nd or subsequent offense	9	10	10	10	Nonperson
21-4214(a)(4)	(b)(2)	Obtaining Prescription Drug by Fraudulent Means; Possession of a prescription-only drug known to have been obtained by a prescription order made, altered or signed by a person other than a practitioner or a mid-level practitioner; 2nd or subsequent offense	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-4214(a)(5)	(b)(2)	Obtaining Prescription Drug by Fraudulent Means; Providing false information to a practitioner or mid-level practitioner for the purpose of obtaining a prescription-only drug; 2nd or subsequent offense	9	10	10	10	Nonperson
21-4215(a)(1)	(b)	Obtaining Prescription Drug by Fraudulent Means for Resale; Selling such drug	6	8	8	9	Nonperson
21-4215(a)(2)	(b)	Obtaining Prescription Drug by Fraudulent Means for Resale; Offering such drug for sale	6	8	8	9	Nonperson
21-4215(a)(3)	(b)	Obtaining Prescription Drug by Fraudulent Means for Resale; Possession with intent to sell such drug	6	8	8	9	Nonperson
21-4219(a)	same	Criminal Discharge of Firearm; At unoccupied dwelling	8	10	10	10	Person
21-4219(b)	same	Criminal Discharge of Firearm; At an occupied building or occupied vehicle	7	9	9	10	Person
21-4219(b)	same	Criminal Discharge of Firearm; At an occupied building or occupied vehicle resulting in bodily harm	5	7	7	8	Person
21-4219(b)	same	Criminal Discharge of Firearm; At an occupied building or occupied vehicle resulting in great bodily harm	3	5	5	6	Person
21-4220(a)(1)	(b)(1)	Unlawful Endangerment; Protect or attempt to protect the production of a controlled substance with a device or weapon which causes or is intended to cause damage or injury to another person	8	10	10	10	Nonperson
21-4220(a)(2)	(b)(2)	Unlawful Endangerment; Protect or attempt to protect the production of a controlled substance with a device or weapon which causes physical injury	7	9	9	10	Person
21-4220(a)(3)	(b)(3)	Unlawful Endangerment; Protect or attempt to protect the production of a controlled substance with a device or weapon which cause serious physical injury	5	7	7	8	Person
21-4221(a)(1)	(d)(2)	Endangering the Food Supply; Bring into this state any domestic animal which is affected with or exposed to foot-and-mouth disease	4	6	6	7	Nonperson
21-4221(a)(2)	(d)(2)	Endangering the Food Supply; Expose any animal in this state to foot-and-mouth disease	4	6	6	7	Nonperson
21-4221(a)(4)	(d)(2)	Endangering the Food Supply; Expose any raw agricultural commodity, animal feed or processed food to foot-and-mouth disease	4	6	6	7	Nonperson
21-4222(a)(1)	(b)(1)	Aggravated Endangering the Food Supply; Intent to cause damage to plants or animals or economic harm or social unrest	3	5	5	6	Nonperson
21-4222(a)(2)	(b)(2)	Aggravated Endangering the Food Supply; Intent to cause illness or injury or death to human being(s)	3	5	5	6	Person
21-4223(b)(2)	(d)	Traffic Control Signal Preemption Device; Unlawful Use	9	10	10	10	Nonperson
21-4223(b)(2)	(e)	Traffic Control Signal Preemption Device; Unlawful Use; Resulting in traffic accident causing injury to any person or damage to any vehicle or other property	7	9	9	10	Person
21-4223(b)(2)	(f)	Traffic Control Signal Preemption Device; Unlawful Use; Resulting in traffic accident causing death	5	7	7	8	Person
21-4223(b)(3)	(g)	Traffic Control Signal Preemption Device; Unlawful Sale; Other than to emergency personnel for use in their duties	9	10	10	10	Person
21-4223(b)(4)	(g)	Traffic Control Signal Preemption Device; Unlawful Purchase; Except for use by emergency personnel in their duties	9	10	10	10	Person
21-4227(a)	(b)	Criminal Street Gangs; Recruiting criminal street gang membership	6	8	8	9	Person
21-4228(a)(1)	(b)	Criminal Street Gangs; Intimidation; Threaten injury to or actual injury of another to deter them from assisting a gang member in withdrawing from the gang.	5	7	7	8	Person
21-4228(a)(2)	(b)	Criminal Street Gangs; Intimidation; Threaten injury to or actual injury of another to punish or retaliate against such person having withdrawn from a gang.	5	7	7	8	Person
21-4232(a)	(c)	Tampering w/Electronic Monitoring Equipment	6	8	8	9	Nonperson
21-4301(a)(1)	(f)(2)	Promoting Obscenity; Manufacture/sell/provide/mail/transmit/exhibit or advertise any obscene material or obscene device; 2nd or subsequent offense	9	10	10	10	Person
21-4301(a)(2)	(f)(2)	Promoting Obscenity; Possess any obscene material or obscene device with intent to issue/sell/provide/mail/ transmit/distribute/exhibit or advertise such material or device; 2nd or subsequent offense	9	10	10	10	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-4301(a)(3)	(f)(2)	Promoting Obscenity; Offer or agree to manufacture/sell/provide/mail/transmit/exhibit or advertise any obscene material or obscene device; 2nd or subsequent offense	9	10	10	10	Person
21-4301(a)(4)	(f)(2)	Promoting Obscenity; Produce, present or direct an obscene performance or participate in a portion thereof which is obscene or which contributes to its obscenity; 2nd or subsequent offense	9	10	10	10	Person
21-4301a(a)	(c)(2)	Promoting Obscenity to Minors; 2nd or subsequent offense	8	10	10	10	Person
21-4304(a)	same	Commercial Gambling; Operate or receive earnings of a gambling place	8	10	10	10	Nonperson
21-4304(b)	same	Commercial Gambling; Receive/record/forward bets or offers to bet or, possess facilities to do so w/ such intent	8	10	10	10	Nonperson
21-4304(c)	same	Commercial Gambling; For gain, become a custodian of anything of value bet or offered to be bet	8	10	10	10	Nonperson
21-4304(d)	same	Commercial Gambling; Conduct a lottery, or possess facilities to do so with such intent	8	10	10	10	Nonperson
21-4304(e)	same	Commercial Gambling; Set up for use or collect the proceeds of any gambling device	8	10	10	10	Nonperson
21-4306(a)	(c)	Dealing in Gambling Devices; Manufacture, transfer or possess with intent to transfer any gambling device or sub-assembly or essential part thereof	8	10	10	10	Nonperson
21-4308(a)	same	Installing Communications Facilities for Gamblers; Within a place known by installer to be a gambling place	8	10	10	10	Nonperson
21-4308(b)	same	Installing Communications Facilities for Gamblers; Knowing that such facilities will be used principally for making or settling bets	8	10	10	10	Nonperson
21-4308(c)	same	Installing Communications Facilities for Gamblers; Knowing that facilities are being used for making or settling bets, allowing their continued use	8	10	10	10	Nonperson
21-4310(a)(1)	(d)(1)	Cruelty to Animals; Intentionally and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal	**Nongrid				Nonperson
21-4310(a)(2)	(d)(2)	Cruelty to Animals; Intentionally abandoning without providing for care; Second or subsequent offense	**Nongrid				Nonperson
21-4310(a)(3)	(d)(2)	Cruelty to Animals; Having custody and intentionally failing to provide food, potable water, protection from elements, exercise and other care needed for health and well-being; Second or subsequent offense	**Nongrid				Nonperson
21-4310(a)(4)	(d)(2)	Cruelty to Animals; Intentionally using wire, pole, stick, rope or other object to cause an equine to lose balance or fall, for sport or entertainment; Second or subsequent offense	**Nongrid				Nonperson
21-4310(a)(5)	(d)(2)	Cruelty to Animals; Intentionally causing any physical injury other than as describe in subsection (a)(1); Second or subsequent offense	**Nongrid				Nonperson
21-4315(a)(1)	(b)	Unlawful Dog Fighting; Cause dog fighting for amusement or gain	10	10	10	10	Nonperson
21-4315(a)(2)	(b)	Unlawful Dog Fighting; Knowingly permit dog fighting on one's premises	10	10	10	10	Nonperson
21-4315(a)(3)	(b)	Unlawful Dog Fighting; Train, own, keep, transport or sell any dog for the purpose dog fighting	10	10	10	10	Nonperson
21-4318(a)	(c)	Cruelty to Animals; Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog, or search and rescue dog	**Nongrid				Nonperson
21-4401(a)(1)	(b)	Racketeering; Threat or promise to diminish or eliminate competition	7	9	9	10	Nonperson
21-4401(a)(2)	(b)	Racketeering; Threat or promise to increase, decrease or maintain the price of goods or services purchased or sold	7	9	9	10	Nonperson
21-4401(a)(3)	(b)	Racketeering; Threat or promise to protect the business, person or family of the owner, proprietor or interested person by violence or other unlawful means	7	9	9	10	Nonperson
21-4405(a)	same	Commercial Bribery; Knowing violation of duty of fidelity or trust; By an agent or employee of another	8	10	10	10	Nonperson
21-4405(b)	same	Commercial Bribery; Knowing violation of duty of fidelity or trust; By a person acting in a fiduciary capacity	8	10	10	10	Nonperson
21-4405(c)	same	Commercial Bribery; Knowing violation of duty of fidelity or trust; By a lawyer, physician, accountant, appraiser or other professional adviser	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
21-4405(d)	same	Commercial Bribery; Knowing violation of duty of fidelity or trust; By an officer, director, partner, manager, or other participant in the affairs of a corporation, partnership or unincorporated association	8	10	10	10	Nonperson
21-4405(e)	same	Commercial Bribery; Knowing violation of duty of fidelity or trust; By an arbitrator or other purportedly disinterested adjudicator or referee	8	10	10	10	Nonperson
21-4406(a)(1)	(c)	Sports Bribery; Confer, offer or agree to confer, benefit upon sports participant	9	10	10	10	Nonperson
21-4406(a)(2)	(c)	Sports Bribery; Confer, offer or agree to confer, benefit upon a sports official	9	10	10	10	Nonperson
21-4408	same	Tampering w/a Sports contest	9	10	10	10	Nonperson
22-2809a(b),(c)	(d)	Criminal Procedure; Conditions of Release; Surety or agent thereof; Second or subsequent offense	9	10	10	10	Nonperson
22-4405	same	Criminal Procedure; Agreement on Detainers; Escape from custody while in state on detainer	***Unc/10	10	10	10	Nonperson
22-4903	same	Kansas Offender Registration Act; Failure to register as required	5	7	7	8	Person
22-4904(c)(2)	(c)(4)	Kansas Offender Registration Act; Failure to return verification to KBI	5	7	7	8	Person
25-1122d	same	Elections; False statement on an advanced voting application for ballot	9	10	10	10	Nonperson
25-1124	(e)	Elections; Person assisting a sick, physically disabled or illiterate voter in applying for or marking an advance voting ballot; Knowingly and willfully fail to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter	9	10	10	10	Nonperson
25-2409	same	Elections; Bribery; Confer, offer or agree to confer, or solicit, accept or agree to accept any benefit as consideration to or from any person either to vote or withhold any person's vote, or to vote for or against any candidate or question submitted at any public election.	7	9	9	10	Nonperson
25-2411(a)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements in answer to questions of a person challenged as unqualified to vote	9	10	10	10	Nonperson
25-2411(b)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements in answer to questions of a witness concerning the qualifications of a person to vote	9	10	10	10	Nonperson
25-2411(c)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements in an affidavit prescribed by chapter 25 of the K.S.A. or other election law of the state, or by the secretary of state or county election officer under election laws of this	9	10	10	10	Nonperson
25-2411(d)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements in answer to questions by a county election officer or deputy county election officer relating to application for voter registration of a person	9	10	10	10	Nonperson
25-2411(e)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements in answer to questions by an election board member to a person asking for voter assistance	9	10	10	10	Nonperson
25-2411(f)	same	Elections; Perjury; Falsely swearing, affirming, declaring or subscribing; Statements of any witness at an election contest	9	10	10	10	Nonperson
25-2412(a)	same	Elections; Forgery; Knowingly, w/intent to induce official action, sign or affix any name other than one's own to a certificate of nomination, nomination paper or any petition under the election laws of this state	8	10	10	10	Nonperson
25-2412(b)	same	Elections; Forgery; Mark any other person's ballot without such person's consent	8	10	10	10	Nonperson
25-2412(c)	same	Elections; Forgery; Mark any other person's ballot contrary to the directions of such person	8	10	10	10	Nonperson
25-2414	same	Elections; Possess false or forged election supplies	9	10	10	10	Nonperson
25-2415(a)(1)	(b)	Elections; Intimidation of voters	7	9	9	10	Nonperson
25-2415(a)(2)	(b)	Elections; Intimidation of voters using media for false information	7	9	9	10	Nonperson
25-2417	same	Elections; Bribery of an election official	7	9	9	10	Nonperson
25-2418	same	Elections; Bribe acceptance by an election official	7	9	9	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
25-2420(a)	same	Elections; Fraud by Election Officer; Receive vote by a person not registered otherwise not qualified to vote	10	10	10	10	Nonperson
25-2420(b)	same	Elections; Fraud by Election Officer; Receive vote offered by a person who voted previously in same election	10	10	10	10	Nonperson
25-2420(c)	same	Elections; Fraud by Election Officer; Possess falsely made, altered, forged or counterfeit poll books, registration books, party affiliation lists, election abstracts or returns or any other election papers	10	10	10	10	Nonperson
25-2420(d)	same	Elections; Fraud by Election Officer; Receive, canvass, count or tally any ballots, votes or election returns which are fraudulent, forged, counterfeited or illegal	10	10	10	10	Nonperson
25-2420(e)	same	Elections; Fraud by Election Officer; Issue, grant, mail or deliver any false, fraudulent or illegal certificate of nomination or certificate of election	10	10	10	10	Nonperson
25-2420(f)	same	Elections; Fraud by Election Officer; Declare or otherwise proclaim false election result	10	10	10	10	Nonperson
25-2420(g)	same	Elections; Fraud by Election Officer; Declare or otherwise proclaim election result based upon fraudulent, fictitious or illegal votes	10	10	10	10	Nonperson
25-2420(h)	same	Elections; Fraud by Election Officer; Enter in poll book, registration book or party affiliation list the name of a person not qualified to vote	10	10	10	10	Nonperson
25-2420(i)	same	Elections; Fraud by Election Officer; Enter in poll book, registration book or party affiliation list the name of a person who has not voted when in fact such person has not voted	10	10	10	10	Nonperson
25-2421(a)	same	Elections; Suppression; Suppress a certificate of nomination, nomination papers, petition for nomination or any part thereof which has been duly filed	10	10	10	10	Nonperson
25-2421(b)	same	Elections; Suppression; Possess of a certificate of nomination, nomination papers or petition for candidacy entitled to be filed under any of the election laws of this state and suppressing, neglecting or failing to file the same at the proper time in the proper office	10	10	10	10	Nonperson
25-2421a(a)(1)	(b)	Elections; Voter Registration Suppression; Destroy any application for voter registration	10	10	10	10	Nonperson
25-2421a(a)(2)	(b)	Elections; Voter Registration Suppression; Obstruct delivery of a signed application for voter registration	10	10	10	10	Nonperson
25-2421a(a)(3)	(b)	Elections; Voter Registration Suppression; Fail to deliver a signed application for voter registration	10	10	10	10	Nonperson
25-2422(a)	same	Elections; Unauthorized Voting Disclosure; Disclose or expose contents of a ballot or manner in which the ballot has been voted	10	10	10	10	Nonperson
25-2422(b)	same	Elections; Unauthorized Voting Disclosure; Endeavor to induce a voter to show how the voter marks or has marked the voter's ballot	10	10	10	10	Nonperson
25-2423	same	Elections; Election Tampering; While being charged with no election duty, make or change any election record	8	10	10	10	Nonperson
25-2425(a)	same	Elections; Voting Machine Fraud; Being in unlawful or unauthorized possession of a voting machine key	10	10	10	10	Nonperson
25-2425(b)	same	Elections; Voting Machine Fraud; Intentionally tamper with, alter, disarrange, deface, impair or destroy any voting machine, automatic ballot, voting machine label or register or record made by a voting machine	10	10	10	10	Nonperson
25-2426	same	Elections; Printing and circulating sample or imitation ballots	10	10	10	10	Nonperson
25-2428	same	Elections; Destruction of Election Supplies; Destroy or deface any list of candidates, card of instruction, sample ballot or any election supplies	9	10	10	10	Nonperson
25-2429	same	Elections; Destruction of Election Papers; Destroy any certificate of nomination or nomination papers or any letter of withdrawal of a candidate	9	10	10	10	Nonperson
25-2431	same	Elections; False Impersonation of a Voter; Representing oneself as another and then voting or attempting such	9	10	10	10	Nonperson

*Crime was created, amended or the severity level was changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
25-2433	Same	Elections; Advance voting suppression; Knowingly acting in a prohibited manner with intent to impede, obstruct or exert undue influence on the election process	9	10	10	10	Nonperson
25-4414(a)	same	Elections; Electronic Voting System Fraud; Unlawful or unauthorized possession of voting equipment, computer programs, operating systems, firmware, software or ballots	9	10	10	10	Nonperson
25-4414(b)	same	Elections; Electronic Voting System Fraud; Intentionally tamper with, alter, disarrange, deface, impair or destroy any electronic or electromechanical system or component part thereof, or any ballot used by such systems	9	10	10	10	Nonperson
25-4612(a)	same	Elections; Optical Scanning Equipment Fraud; Unlawful or unauthorized possession of ballots, optical scanning equipment, computer programs, operating systems, firmware or software	9	10	10	10	Nonperson
25-4612(b)	same	Elections; Optical Scanning Equipment Fraud; Intentionally tamper with, alter, disarrange, deface, impair or destroy any optical scanning equipment or component part thereof, or any ballot, operating system, firmware or software used by such system	9	10	10	10	Nonperson
32-1005(a)(1)	(d)	Commercialization of Wildlife; Capture, kill, possess certain animals; Value of $1000 or more	10	10	10	10	Nonperson
32-1005(a)(2)	(d)	Commercialization of Wildlife; Sell, barter, purchase certain animals; Value of $1000 or more	10	10	10	10	Nonperson
32-1005(a)(3)	(d)	Commercialization of Wildlife; Ship, transport, receive certain animals; Value of $1000 or more	10	10	10	10	Nonperson
32-1005(a)(4)	(d)	Commercialization of Wildlife; Purchase for use or consumption certain animals; Value of $1000 or more	10	10	10	10	Nonperson
34-293	same	Grain & Forage; Unlawful issuance of receipt for warehouse grain	10	10	10	10	Nonperson
34-295	same	Grain & Forage; Negotiation of receipt for encumbered grain w/intent to defraud	10	10	10	10	Nonperson
39-717(a)(1)	(b)(2)	Mentally Ill, Incapacitated & Dependent Persons; Illegal disposition of assistance; Value at least $1000 but less than $25,000	9	10	10	10	Nonperson
39-717(a)(1)	(b)(3)	Mentally Ill, Incapacitated & Dependent Persons; Illegal disposition of assistance; Value $25,000 or more	7	9	9	10	Nonperson
39-717(a)(2)	(b)(2)	Mentally Ill, Incapacitated & Dependent Persons; Illegal purchase, acquisition or possession of assistance; Value at least $1000 but less than $25,000	9	10	10	10	Nonperson
39-717(a)(2)	(b)(3)	Mentally Ill, Incapacitated & Dependent Persons; Illegal purchase, acquisition or possession of assistance; Value $25,000 or more	7	9	9	10	Nonperson
39-720	same and 21-3701	Mentally Ill, Incapacitated & Dependent Persons; Welfare fraud; $100,000 or more	5	7	7	8	Nonperson
39-720	same and 21-3701	Mentally Ill, Incapacitated & Dependent Persons; Welfare fraud; Value at least $1,000 but less than $25,000	9	10	10	10	Nonperson
39-720	same and 21-3701	Mentally Ill, Incapacitated & Dependent Persons; Welfare fraud; Value at least $25,000 but less than $100,000	7	9	9	10	Nonperson
39-759(a)	same	Mentally Ill, Incapacitated & Dependent Persons; Unlawful acts relating to information concerning absent parents; Unauthorized requesting, obtaining, or seeking out confidential information obtained by the secretary under K.S.A. 39-758 or K.S.A. 39-7,136, 39-7,143 and 39-7,150 done under false pretenses; unauthorized, willful communicating confidential information	10	10	10	10	Nonperson
40-247(a)	(b)(1)(A)	Insurance; Insurance Agent or Broker Failure to Pay Premium; $25,000 or more	7	9	9	10	Nonperson
40-247(a)	(b)(1)(B)	Insurance; Insurance Agent or Broker Failure to Pay Premium; At least $1000 less than $25,000	9	10	10	10	Nonperson
40-247(a)	(b)(2)	Insurance; Insurance Agent or Broker Failure to Pay Premium; Premium is less than $1000 and agent or broker has been convicted of this two or more times w/in 5 years	9	10	10	10	Nonperson
40-2,118(a)	(e)	Insurance; Fraudulent Acts; $25,000 or more	6	8	8	9	Nonperson
40-2,118(a)	(e)	Insurance; Fraudulent Acts; At least $1,000 but less than $5,000	8	10	10	10	Nonperson
40-2,118(a)	(e)	Insurance; Fraudulent Acts; At least $5,000 but less than $25,000	7	9	9	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
40-5013	(d)(1)(A)	Viatical Settlements Act; Violation of Act; Contract is $25,000 or more	7	9	9	10	Nonperson
40-5013	(d)(1)(B)	Viatical Settlements Act; Violation of Act; Contract is at least $1000 but less than $25,000	9	10	10	10	Nonperson
40-5013	(d)(2)	Viatical Settlements Act; Violation of Act; Contract is less than $1000 but committed by a person who has been convicted of this crime two or more times w/in 5 years preceding the commission of this crime.	9	10	10	10	Nonperson
41-405	same	Kansas Liquor Control Act; Warehouse; False reports and unlawful removal	***Unc/10	10	10	10	Nonperson
44-5,125(a)(1)(A)	(a)(ii)	Worker's Comp. Fraud; Attempt to Gain Benefits; False or misleading statement; $1000 to $25,000	9	10	10	10	Nonperson
44-5,125(a)(1)(A)	(a)(iii)	Worker's Comp. Fraud; Attempt to Gain Benefits; False or misleading statement; $25,000 to $50,000	7	9	9	10	Nonperson
44-5,125(a)(1)(A)	(a)(iv)	Worker's Comp. Fraud; Attempt to Gain Benefits; False or misleading statement; $50,000 to $100,000	6	8	8	9	Nonperson
44-5,125(a)(1)(A)	(a)(v)	Worker's Comp. Fraud; Attempt to Gain Benefits; False or misleading statement; $100,000 or more	5	7	7	8	Nonperson
44-5,125(a)(1)(B)	(a)(ii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Misrepresent/conceal a material fact; $1000 to $25,000	9	10	10	10	Nonperson
44-5,125(a)(1)(B)	(a)(iii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Misrepresent/conceal a material fact; $25,000 to $50,000	7	9	9	10	Nonperson
44-5,125(a)(1)(B)	(a)(iv)	Worker's Comp. Fraud; Attempt to Gain Benefits; Misrepresent/conceal a material fact; $50,000 to $100,000	6	8	8	9	Nonperson
44-5,125(a)(1)(B)	(a)(v)	Worker's Comp. Fraud; Attempt to Gain Benefits; Misrepresent/conceal a material fact; $100,000 or more	5	7	7	8	Nonperson
44-5,125(a)(1)(C)	(a)(ii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Fabricate, alter, conceal or destroy a document; $1000 to $25,000	9	10	10	10	Nonperson
44-5,125(a)(1)(C)	(a)(iii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Fabricate, alter, conceal or destroy a document; $25,000 to $50,000	7	9	9	10	Nonperson
44-5,125(a)(1)(C)	(a)(iv)	Worker's Comp. Fraud; Attempt to Gain Benefits; Fabricate, alter, conceal or destroy a document; $50,000 to $100,000	6	8	8	9	Nonperson
44-5,125(a)(1)(C)	(a)(v)	Worker's Comp. Fraud; Attempt to Gain Benefits; Fabricate, alter, conceal or destroy a document; $100,000 or more	5	7	7	8	Nonperson
44-5,125(a)(1)(D)	(a)(ii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Receive temporary total disability benefits or permanent total disability benefits, not entitled to, while employed; $1000 to $25,000	9	10	10	10	Nonperson
44-5,125(a)(1)(D)	(a)(iii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Receive temporary total disability benefits or permanent total disability benefits, not entitled to, while employed; $25,000 to $50,000	7	9	9	10	Nonperson
44-5,125(a)(1)(D)	(a)(iv)	Worker's Comp. Fraud; Attempt to Gain Benefits; Receive temporary total disability benefits or permanent total disability benefits, not entitled to, while employed; $50,000 to $100,000	6	8	8	9	Nonperson
44-5,125(a)(1)(D)	(a)(v)	Worker's Comp. Fraud; Attempt to Gain Benefits; Receive temporary total disability benefits or permanent total disability benefits, not entitled to, while employed; $100,000 or more	5	7	7	8	Nonperson
44-5,125(a)(1)(E)	(a)(ii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Conspire with another person to commit any act described by paragraph (1) of this subsection (a); $1000 to $25,000	9	10	10	10	Nonperson
44-5,125(a)(1)(E)	(a)(iii)	Worker's Comp. Fraud; Attempt to Gain Benefits; Conspire with another person to commit any act described by paragraph (1) of this subsection (a); $25,000 to $50,000	7	9	9	10	Nonperson
44-5,125(a)(1)(E)	(a)(iv)	Worker's Comp. Fraud; Attempt to Gain Benefits; Conspire with another person to commit any act described by paragraph (1) of this subsection (a); $50,000 to $100,000	6	8	8	9	Nonperson
44-5,125(a)(1)(E)	(a)(v)	Worker's Comp. Fraud; Attempt to Gain Benefits; Conspire with another person to commit any act described by paragraph (1) of this subsection (a); $100,000 or more	5	7	7	8	Nonperson
44-5,125(b)	same	Worker's Comp. Fraud; Submit false claim that worker is covered by act	8	10	10	10	Nonperson
44-5,125(c)	same	Worker's Comp. Fraud; Health Care Worker; Submit claim for care not provided	9	10	10	10	Nonperson
44-5,125(d)(1)	same	Worker's Comp. Fraud; Attempt to Obtain Better Premium than Entitled; False or misleading statement	9	10	10	10	Nonperson
44-5,125(d)(2)	same	Worker's Comp. Fraud; Attempt to Obtain Better Premium than Entitled; Misrepresent/conceal a material fact	9	10	10	10	Nonperson
44-5,125(d)(3)	same	Worker's Comp. Fraud; Attempt to Obtain Better Premium than Entitled; Fabricate, conceal or destroy a document	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
44-5,125(d)(4)	same	Worker's Comp. Fraud; Attempt to Obtain Better Premium than Entitled; Conspire with another person or persons to commit the acts described in clause (1), (2) or (3)	9	10	10	10	Nonperson
44-619	same	Regulation of Labor & Industry; Induce violation of act or orders	***Unc/10	10	10	10	Nonperson
44-719(a)	same and 21-3701	Employment Security Law; Make a false statement or representation/Fail to disclose a material fact, to obtain or increase any benefit or other payment under this act; $100,000 or more	5	7	7	8	Nonperson
44-719(a)	same and 21-3701	Employment Security Law; Make a false statement or representation/Fail to disclose a material fact, to obtain or increase any benefit or other payment under this act; At least $1,000 but less than $25,000	9	10	10	10	Nonperson
44-719(a)	same and 21-3701	Employment Security Law; Make a false statement or representation/Fail to disclose a material fact, to obtain or increase any benefit or other payment under this act; At least $25,000 but less than $100,000	7	9	9	10	Nonperson
44-719(a)	same and 21-3701	Employment Security Law; Make a false statement or representation/Fail to disclose a material fact, to obtain or increase any benefit or other payment under this act; Value less than $1,000 by a person w/two or more prior theft convictions	9	10	10	10	Nonperson
44-719(f)	(f)(4)(B)	Employment Security Law; Knowingly obtain or attempt to obtain a reduced liability for contributions	9	10	10	10	Nonperson
44-1039	21-3805(b)(1)	Kansas Act Against Discrimination; Falsely swear, testify, affirm, declare or subscribe to any material fact upon oath or affirmation required by the Kansas act against discrimination; At felony trial	7	9	9	10	Nonperson
44-1039	21-3805(b)(2)	Kansas Act Against Discrimination; Falsely swear, testify, affirm, declare or subscribe to any material fact upon oath or affirmation required by the Kansas act against discrimination; At proceeding other than felony trial	9	10	10	10	Nonperson
47-421	same	Livestock & Domestic Animals; Marks & Brands; Unlawful branding or defacing of brands	***Unc/10	10	10	10	Nonperson
47-604	same	Livestock & Domestic Animals; Penalty for violating quarantine; 2nd or subsequent conviction	7	9	9	10	Nonperson
47-1827(a)	(g)(1)	Livestock & Domestic Animals; Intent to damage and destroy enterprise at facility, property in or on the facility; Damage is at least $1000 but less than $25,000	9	10	10	10	Nonperson
47-1827(a)	(g)(1)	Livestock & Domestic Animals; Intent to damage and destroy enterprise at facility, property in or on the facility; Damage is $25,000 or more.	7	9	9	10	Nonperson
47-1827(b)	(g)(2)	Livestock & Domestic Animals; Exercise control w/intent to deprive owner and damage enterprise at facility	10	10	10	10	Nonperson
47-1827(e)	(g)(1)	Livestock & Domestic Animals; Intent to damage or destroy field crop; University or private research facility or federal, state or local government; Damage is at least $1000 but less than $25,000	9	10	10	10	Nonperson
47-1827(e)	(g)(1)	Livestock & Domestic Animals; Intent to damage or destroy field crop; University or private research facility or federal, state or local government; Damage is $25,000 or more	7	9	9	10	Nonperson
50-718	same	Fair Credit Reporting Act; Obtaining information under false pretenses	7	9	9	10	Person
50-719	same	Fair Credit Reporting Act; Unauthorized disclosures by officers or employees	7	9	9	10	Person
50-1002	50-1013(a)	Loan Brokers; Engage in business as an unregistered loan broker	7	9	9	10	Nonperson
50-1013(a)	same	Loan Brokers; Penalty for willful violation of the loan broker act	7	9	9	10	Nonperson
50-1017(1)	50-1013(a)	Loan Brokers; Employ any device, scheme or artifice to defraud	7	9	9	10	Nonperson
50-1017(2)	50-1013(a)	Loan Brokers; Make untrue statements of a material fact or omit a necessary material fact	7	9	9	10	Nonperson
50-1017(3)	50-1013(a)	Loan Brokers; Engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person	7	9	9	10	Nonperson
50-1018	50-1013(a)	Loan Brokers; Make false or misleading filing or statement	7	9	9	10	Nonperson
51-301(a)	(b)	Motion Pictures; Unlawful use of a recording device; Second or subsequent conviction	9	10	10	10	Nonperson
55-156	same	Oil & Gas; Regulatory provisions; Fail to plug well as required to protect water, prior to abandoning well	10	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
55-157	same	Oil & Gas; Regulatory provisions; Fail to cement in the surface casing as required to protect water	10	10	10	10	Nonperson
55-162(e)	same	Oil & Gas; Regulatory provisions; Removal of seal on well without proper approval	9	10	10	10	Nonperson
55-904(a)(1)	(d)(1)	Oil & Gas; Disposal of Salt Water; Dispose of salt water in unauthorized manner	9	10	10	10	Nonperson
55-904(a)(1)	(d)(2)	Oil & Gas; Disposal of Salt Water; Dispose of salt water in unauthorized manner; 2nd or subsequent violation	8	10	10	10	Nonperson
55-904(a)(2)	(d)(1)	Oil & Gas; Disposal of Salt Water; Dispose of a substance not exempt under 40 C.F.R. 261.4(b)(5), as revised July 1, 1997, in a class II disposal or injection well	9	10	10	10	Nonperson
55-904(a)(2)	(d)(2)	Oil & Gas; Disposal of Salt Water; Dispose of a substance not exempt under 40 C.F.R. 261.4(b)(5), as revised July 1, 1997, in a class II disposal or injection well; Second or subsequent violation	8	10	10	10	Nonperson
55-904(a)(3)	(d)(1)	Oil & Gas; Disposal of Salt Water; Contract for the transportation of such salt water w/a person, firm, corporation, partnership or other association not licensed under K.S.A. 66-1,114	9	10	10	10	Nonperson
55-904(a)(3)	(d)(2)	Oil & Gas; Disposal of Salt Water; Contract for the transportation of such salt water w/a person, firm, corporation, partnership or other association not licensed under K.S.A. 66-1,114; 2nd or subsequent violation	8	10	10	10	Nonperson
55-904(a)(4)	(d)(1)	Oil & Gas; Disposal of Salt Water; Own, operate a vehicle being used for transportation of salt water containing an operable "trip-lever" accessible to a person in the passenger compartment of such vehicle	9	10	10	10	Nonperson
55-904(a)(4)	(d)(2)	Oil & Gas; Disposal of Salt Water; Own, operate a vehicle being used for transportation of salt water containing an operable "trip-lever" accessible to a person in the passenger compartment of such vehicle; 2nd or subsequent violation	8	10	10	10	Nonperson
55-1004	same	Oil & Gas; Disposal of Brines & Mineralized Waters; Dispose of certain waste in oil-field disposal wells at excessive pressures	9	10	10	10	Nonperson
55-1005	same	Oil & Gas; Disposal of Brines & Mineralized Waters; Use wells for the disposal of salt brines or other oil field wastes which do not meet the requirements for minimum depth	9	10	10	10	Nonperson
58-3304(1)	58-3315	Uniform Land Sales Practices Act; Offer or dispose of any interest in subdivided lands prior to registration	***Unc/10	10	10	10	Nonperson
58-3304(2)	58-3315	Uniform Land Sales Practices Act; Dispose of interest in subdivided lands without a current public offering statement provided to purchaser	***Unc/10	10	10	10	Nonperson
58-3315	same	Uniform Land Sales Practices Act; Penalty for willful violation of act	***Unc/10	10	10	10	Nonperson
59-2121(a)	(c)	Adoption; Receive or accept clearly excessive fees or expenses	9	10	10	10	Nonperson
*65-1657(h)	(m)	Pharmacy Act; Unlawful advertising of nonresident, nonregistered pharmacy; effective Kansas Register	10	10	10	10	Nonperson
65-2434	same and 21-3830(e)	Uniform Vital Statistics Act; Vital records identity fraud related to birth, death, marriage and divorce certificates prosecuted pursuant to K.S.A. 21-3830	8	10	10	10	Nonperson
65-2859	same	Kansas Healing Arts Act; Filling false documents	8	10	10	10	Nonperson
65-2861	same	Kansas Healing Arts Act; False swearing	9	10	10	10	Nonperson
65-28,107(c)	same	Kansas Healing Arts Act; Falsify or forge the declaration of another/willfully conceal or withhold personal knowledge of the revocation of a declaration w/intent to cause a withholding or withdrawal of life-sustaining procedures contrary to the wishes of the declarant, and which directly causes life-sustaining procedures to be withheld or withdrawn and death to be hastened	7	9	9	10	person
65-3025(a)	65-3026(b)	Kansas Air Quality Act; Knowingly violate an order issued under this act	10	10	10	10	Nonperson
65-3025(b)	65-3026(b)	Kansas Air Quality Act; Knowingly violate an approval or permit issued under this act	10	10	10	10	Nonperson
65-3025(c)	65-3026(b)	Public Health; Kansas Air Quality Act; Unauthorized violation of this act or any rule and regulation promulgated under this act	10	10	10	10	Nonperson
65-3025(d)	65-3026(b)	Kansas Air Quality Act; Construct, modify, alter, use or operate an air contaminant emission stationary source without an approval or permit.	10	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
65-3025(e)	65-3026(b)	Kansas Air Quality Act; Refuse or hinder entry, inspection, sampling or examination or copying of records related to this act by an agent/employee of the secretary after identification of agent/employee and notice of the agent/employee purpose	10	10	10	10	Nonperson
65-3025(f)	65-3026(b)	Kansas Air Quality Act; Fail to pay any fee required by this act/rules/regulations under this act	10	10	10	10	Nonperson
65-3025(g)	65-3026(b)	Kansas Air Quality Act; Make any false material statement, representation or certification in any application, record, report, permit or other document filed, maintained or used for purposes of compliance with this act	10	10	10	10	Nonperson
65-3025(h)	65-3026(b)	Kansas Air Quality Act; Destroy, alter or conceal any record required to be maintained under this act.	10	10	10	10	Nonperson
65-3026(b)	same	Kansas Air Quality Act; Penalty for knowingly violating provisions of K.S.A. 65-3025	10	10	10	10	Nonperson
65-3235(a)	(a)	Uniform Anatomical Gift Act; Knowingly purchase or sell a body part for transplantation or therapy	5	7	7	8	Nonperson
65-3236	Same	Uniform Anatomical Gift Act; Intentionally falsify, forge, conceal, deface or obliterate a document of gift or amendment or revocation of such,or refusal, for financial gain	10	10	10	10	Nonperson
65-3441(a)(1)	(c)	Solid & Hazardous Wastes; Knowingly dump or deposit, or permit such, any hazardous waste regulated by this act into any unauthorized facility	6	8	8	9	Nonperson
65-3441(a)(10)	(c)	Solid & Hazardous Wastes; Knowingly add, mix or blend any hazardous waste with fuel oil or any other fuel intended for use by residential consumers or sell such blended fuel to a residential consumer	6	8	8	9	Nonperson
65-3441(a)(11)	(b)	Solid & Hazardous Wastes; Transport and dispose of, or cause the transportation and disposition of, hazardous waste in a manner contrary to the rules and regulations, standards or orders of the secretary	10	10	10	10	Nonperson
65-3441(a)(11)	(c)	Solid & Hazardous Wastes; Knowingly transport and dispose of, or cause the transportation and disposition of, hazardous waste in a manner contrary to the rules and regulations, standards or orders of the secretary	6	8	8	9	Nonperson
65-3441(a)(12)	(b)	Solid & Hazardous Wastes; Operate a hazardous waste transfer facility at which hazardous waste is transferred from one or more containers to one or more different containers	10	10	10	10	Nonperson
65-3441(a)(12)	(c)	Solid & Hazardous Wastes; Knowingly operate a hazardous waste transfer facility at which hazardous waste is transferred from one or more containers to one or more different containers	6	8	8	9	Nonperson
65-3441(a)(2)	(c)	Solid & Hazardous Wastes; Knowingly construct, modify or operate a hazardous waste facility without a permit or other required written approval	6	8	8	9	Nonperson
65-3441(a)(3)	(c)	Solid & Hazardous Wastes; Knowingly violate any condition of any permit issued by the secretary	6	8	8	9	Nonperson
65-3441(a)(4)	(c)	Solid & Hazardous Wastes; Knowingly store, collect, treat or dispose of hazardous waste contrary to the rules and regulations, standards or orders of the secretary	6	8	8	9	Nonperson
65-3441(a)(5)	(c)	Solid & Hazardous Wastes; Knowingly refuse or hinder entry, inspection, sampling and the examination or copying of records related to this act by an agent/employee of the secretary after identification of such agent/employee and gives notice of their purpose	6	8	8	9	Nonperson
65-3441(a)(6)	(c)	Solid & Hazardous Wastes; Knowingly make false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used in compliance w/ this act	6	8	8	9	Nonperson
65-3441(a)(7)	(c)	Solid & Hazardous Wastes; Knowingly destroy, alter or conceal any record required to be maintained under this act	6	8	8	9	Nonperson
65-3441(a)(8)	(c)	Solid & Hazardous Wastes; Knowingly fail to designate on a manifest a facility authorized to operate under the federal hazardous waste program or under an approved state hazardous waste program	6	8	8	9	Nonperson
65-3441(a)(9)	(c)	Solid & Hazardous Wastes; Knowingly transport hazardous waste to a facility not authorized to operate under the federal hazardous waste program or under an approved state hazardous waste program	6	8	8	9	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
65-4141(a)(1)	(c)	Drugs; Knowingly or intentionally use any communication facility to commit or facilitate sales or purchases of controlled substances	8	10	10	10	Nonperson
65-4141(a)(2)	(c)	Drugs; Knowingly or intentionally use any communication facility to attempt to commit, conspire to commit or solicit sales or purchases of controlled substances	8	10	10	10	Nonperson
65-4142(a)	(e)(1)	Drugs; Receive/acquire proceeds from violation of controlled substance act; Less than $5,000	d 4				Nonperson
65-4142(a)	(e)(2)	Drugs; Receive/acquire proceeds from violation of controlled substance act; $5,000 to $100,000	d 3				Nonperson
65-4142(a)	(e)(3)	Drugs; Receive/acquire proceeds from violation of controlled substance act $100,000 to $500,000	d 2				Nonperson
65-4142(a)	(e)(4)	Drugs; Receive/acquire proceeds from violation of controlled substance act; $500,000 or more	d 1				Nonperson
65-4142(b)	(e)(1)	Drugs; Give/sell anything of value for violation of the uniform controlled substances act; Less than $5,000	d 4				Nonperson
65-4142(b)	(e)(2)	Drugs; Give/sell anything of value for violation of the uniform controlled substances act; $5,000 to $100,000	d 3				Nonperson
65-4142(b)	(e)(3)	Drugs; Give/sell anything of value for violation of the uniform controlled substances act; $100,000 to $500,000	d 2				Nonperson
65-4142(b)	(e)(4)	Drugs; Give/sell anything of value for violation of the uniform controlled substances act; $500,000 or more	d 1				Nonperson
65-4142(c)	(e)(1)	Drugs; Direct/plan/organize/ finance transportation or transfer of proceeds from violation of the uniform controlled substances act; Less than $5,000	d 4				Nonperson
65-4142(c)	(e)(2)	Drugs; Direct/plan/organize/ finance transportation or transfer of proceeds from violation of the uniform controlled substances act; $5,000 to $100,000	d 3				Nonperson
65-4142(c)	(e)(3)	Drugs; Direct/plan/organize/ finance transportation or transfer of proceeds from violation of the uniform controlled substances act; $100,000 to $500,000	d 2				Nonperson
65-4142(c)	(e)(4)	Drugs; Direct/plan/organize/ finance transportation or transfer of proceeds from violation of the uniform controlled substances act; $500,000 or more	d 1				Nonperson
65-4142(d)	(e)(1)	Drugs; Conduct financial transaction w/proceeds to conceal/disguise nature, location, source, ownership or control of proceeds or to avoid reporting; Less than $5,000	d 4				Nonperson
65-4142(d)	(e)(2)	Drugs; Conduct financial transaction w/proceeds to conceal/disguise nature, location, source, ownership or control of proceeds or to avoid reporting; $5,000 to $100,000	d 3				Nonperson
65-4142(d)	(e)(3)	Drugs; Conduct financial transaction w/proceeds to conceal/disguise nature, location, source, ownership or control of proceeds or to avoid reporting; $100,000 to $500,000	d 2				Nonperson
65-4142(d)	(e)(4)	Drugs; Conduct financial transaction w/proceeds to conceal/disguise nature, location, source, ownership or control of proceeds or to avoid reporting; $500,000 or more	d 1				Nonperson
65-4152(a)(3)	(c)	Drugs; Possession of paraphernalia w/ intent to plant/grow/manufacture/convert/produce/analyze/pack/sell or distribute a controlled substance	d 4				Nonperson
65-4152(a)(4)	(c)	Drugs; Possession of anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture	d 4				Nonperson
65-4153(a)(1)	(b)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any simulated controlled substances	9	10	10	10	Nonperson
65-4153(a)(1)	(f)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any simulated controlled substances; within 1000 ft. of school	7	9	9	10	Nonperson
65-4153(a)(2)	(c)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of K.S.A. 65-4162; Deliver to person under 18 years	9	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
65-4153(a)(2)	(g)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of K.S.A. 65-4162; Deliver to person under 18 years; within 1000 ft. of school	9	10	10	10	Nonperson
65-4153(a)(3)	(d)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of uniform controlled substance act, except K.S.A. 65-4162	9	10	10	10	Nonperson
65-4153(a)(3)	(d)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of uniform controlled substance act, except K.S.A. 65-4162; Deliver to person under 18 years of age.	d 4				Nonperson
65-4153(a)(3)	(h)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of uniform controlled substance act, except K.S.A. 65-4162; within 1000 ft. of school	d4				Nonperson
65-4153(a)(3)	(h)	Drugs; Deliver, possess or manufacture w/ intent to deliver, any drug paraphernalia, knowing it will be used to introduce a controlled substance into the human body in violation of uniform controlled substance act, except K.S.A. 65-4162; Deliver to person under 18 years of age; within 1000 ft. of school	d4				Nonperson
65-4153(a)(4)	(e)	Drugs; Deliver, possess or manufacture with intent to deliver, any drug paraphernalia, knowing it will be used to plant, cultivate, grow, manufacture…a controlled substance	d 4				Nonperson
65-4153(a)(4)	(i)	Drugs; Deliver, possess or manufacture with intent to deliver, any drug paraphernalia, knowing it will be used to plant, cultivate, grow, manufacture…a controlled substance; within 1000 ft. of school	d3				Nonperson
65-4155(a)(1)	(d)	Drugs; Delivering noncontrolled substance to child under 18 by a person at least three years older than child and over 18 w/ express representation that the substance is a controlled substance	9	10	10	10	Nonperson
65-4155(a)(2)	(d)	Drugs; Delivering noncontrolled substance to child under 18 by a person at least three years older than child and over 18 under circumstances inducing reasonable belief it is a controlled substance	9	10	10	10	Nonperson
65-4159(a)	(b)	Drugs; Unlawful manufacture or attempted unlawful manufacture of a controlled substance	d 1				Nonperson
65-4159a	same	Drugs; Unlawful manufacture of a controlled substance; On or before effective date of act	d 1				Nonperson
65-4160(a)	same	Drugs; Possession of opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107	d 4				Nonperson
65-4161(a)	(b)	Drugs; Possess w/ intent to sell; Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; One prior conviction	d 2				Nonperson
65-4161(a)	(c)	Drugs; Possess w/ intent to sell; Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; Two or more prior convictions	d 1				Nonperson
65-4161(a)	(d)	Drugs; Possess w/ intent to sell; Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; First offense; Within 1,000 feet of school property	d 2				Nonperson
65-4161(a)	same	Drugs; Possess w/ intent to sell; Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; 1st offense	d 3				Nonperson
65-4162(a)(1)	same	Drugs; Possession of depressants; 2nd offense	d 4				Nonperson
65-4162(a)(2)	same	Drugs; Possession of stimulants; 2nd offense	d 4				Nonperson
65-4162(a)(3)	same	Drugs; Possession of hallucinogenic; 2nd offense	d 4				Nonperson
65-4162(a)(5)	same	Drugs; Possession of anabolic steroids; 2nd offense	d 4				Nonperson
65-4162(a)(5)	same	Drugs; Possession of sub. in (g) of K.S.A. 65-4105 and (c), (d), (e), (f) or (g) of K.S.A. 65-4111; 2nd offense	d 4				Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
65-4163(a)(1)	(b)	Drugs; Sell or possess w/ intent to sell or deliver; Depressant; Within 1,000 feet of school	d 2				Nonperson
65-4163(a)(1)	same	Drugs; Sell or possess w/ intent to sell or deliver; Depressants	d 3				Nonperson
65-4163(a)(2)	(b)	Drugs; Sell or possess w/ intent to sell or deliver; Stimulant; Within 1,000 feet of school	d 2				Nonperson
65-4163(a)(2)	same	Drugs; Sell or possess w/ intent to sell or deliver; Stimulants	d 3				Nonperson
65-4163(a)(3)	(b)	Drugs; Sell or possess w/ intent to sell or deliver; Hallucinogenic; Within 1,000 feet of school	d 2				Nonperson
65-4163(a)(3)	same	Drugs; Sell or possess w/ intent to sell or deliver; Hallucinogenic	d 3				Nonperson
65-4163(a)(4)	(b)	Drugs; Sell or possess w/ intent to sell or deliver; Substance in (g) of K.S.A. 65-4105 and (c), (d), (e), (f) or (g) of K.S.A. 65-4111; Within 1,000 feet of school	d 2				Nonperson
65-4163(a)(4)	same	Drugs; Sell or possess w/ intent to sell or deliver; Substance in (g) of K.S.A. 65-4105 and (c), (d), (e), (f) or (g) of K.S.A. 65-4111	d 3				Nonperson
65-4163(a)(5)	(b)	Drugs; Sell or possess w/ intent to sell or deliver; Anabolic steroids; Within 1,000 feet of school	d 2				Nonperson
65-4163(a)(5)	same	Drugs; Sell or possess w/ intent to sell or deliver; Anabolic steroids	d 3				Nonperson
65-4164(a)	same	Drugs; Possess or possess w/ intent to sell or deliver; Substances in K.S.A. 65-4113 to child under 18	d 4				Nonperson
65-4167(a)	(b)	Trafficking; Counterfeit Drugs; value $25,000 or more	7	9	9	10	Nonperson
65-4167(a)	(b)	Trafficking; Counterfeit Drugs; value at least $500 but less than $25,000	9	10	10	10	Nonperson
65-5707	65-5709	Emergency Planning & Community Right-To-Know; Fail to submit lists of chemicals and M.S.D.S sheets	***Unc/10	10	10	10	Nonperson
65-5709	same	Emergency Planning & Community Right-To-Know; Violation of section 304 of the federal act, as adopted by K.S.A. 65-5707	***Unc/10	10	10	10	Nonperson
65-6703(a)	(g)	Abortion; Abortion of viable fetus; Second or subsequent conviction	10	10	10	10	Nonperson
65-6721(a)	(f)	Abortion; Partial birth abortion on viable fetus prohibited unless exceptions apply	10	10	10	10	Nonperson
65-67a04(a)	(c)	Fetal Organs & Tissue; Solicit, offer, knowingly acquire or accept or transfer any fetal tissue for consideration	2	4	4	5	Nonperson
65-67a04(b)	(c)	Fetal Organs & Tissue; Solicit, offer, knowingly acquire or accept or transfer any fetal tissue for the purpose of transplanting such into another where tissue was obtained from abortion w/ promise that the donated tissue will be transplanted into a recipient specified by the donating individual	2	4	4	5	Nonperson
65-67a06(a)	(c)	Fetal Organs & Tissue; Offer any monetary or other inducement to person for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of fetal organs or tissue	2	4	4	5	Nonperson
65-67a06(b)	(c)	Fetal Organs & Tissue; Offer or accept any valuable consideration for the fetal organs or tissue resulting from an abortion	2	4	4	5	Nonperson
65-67a07(a)	(b)	Fetal Organs & Tissue; Intentional, knowing or reckless use of fetal organs or tissue for medical, scientific, experimental or therapeutic use w/o voluntary and informed consent of the woman donating such tissue	2	4	4	5	Nonperson
65-67a09(c)	(e)(2)	Child Rape Protection Act; Failure of a physician to comply with any provision of this section or any rule or regulation adopted hereunder; Second or subsequent conviction	10	10	10	10	Nonperson
65-6a40	same	Meat & Poultry; Violation of act involving intent to defraud, or any transportation or distribution or attempted transportation or distribution of an article that is adulterated	***Unc/10	10	10	10	Nonperson
65-7006(a)	(e)	Drugs; Possess precursors w/ intent to use such to manufacture a controlled substance	d 2				Nonperson
65-7006(b)	(e)	Drugs; Market, sell, distribute, advertise, or label precursors to a person w/knowledge that such person intends to use precursors to manufacture a controlled substance	d 2				Nonperson
65-7006(c)	(e)	Drugs; Market, sell, distribute, advertise, or label precursors for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved	d 2				Nonperson
66-137	same	Public Utilities; Powers of State Corporation Commission; Falsifying or destroying accounts/records	7	9	9	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
66-2303(a)(1)	(b)	Criminal Trespass on a Nuclear Generating Facility; Entering/remaining unlawfully in or on facility	6	8	8	9	Person
66-2303(a)(2)	(b)	Criminal Trespass on a Nuclear Generating Facility; Entering/remaining unlawfully within a structure or fenced yard of a facility.	6	8	8	9	Person
74-8717(a)	(b)	State Lottery; Forgery of lottery ticket	8	10	10	10	Nonperson
74-8718(a)(1)	(b)(2)	State Lottery; Sell a lottery ticket or share at a price other than that fixed by rules and regulations adopted pursuant to this act; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8718(a)(2)	(b)(2)	State Lottery; Sell a lottery ticket or share by any person other than a lottery retailer authorized by the Kansas lottery; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8718(a)(3)	(b)(2)	State Lottery; Sell a lottery ticket or share to any person known to be under 18 years of age; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8718(a)(4)	(b)(2)	State Lottery; Sell a lottery ticket at retail by electronic mail, the internet or telephone; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8719(a)(1)	(b)(2)	State Lottery; Unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to purchase lottery ticket or share in winnings; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8719(a)(2)	(b)(2)	State Lottery; Unlawful for an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery to purchase lottery ticket or share in winnings; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8719(a)(3)	(b)(2)	State Lottery; Unlawful for certain relatives of persons described by subsection (a)(1) or (2) of K.S.A. 74-8719 to purchase lottery ticket or share in winnings; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8719(a)(4)	(b)(2)	State Lottery; Unlawful for a person who resides in the same household as persons described by subsection (a)(1) or (2) of K.S.A. 74-8719 to purchase lottery ticket or share in winnings; 2nd or subsequent offense	9	10	10	10	Nonperson
74-8756	(d)	Expanded Lottery Act; Wager and loan violations; Second or subsequent offense	9	10	10	10	Nonperson
74-8758(a)	(a)	Expanded Lottery Act; Unauthorized playing of an electronic gaming machine at racetrack gaming facility; Second or subsequent offense	9	10	10	10	Nonperson
74-8758(b)	(b)	Expanded Lottery Act; Unauthorized playing of an electronic gaming machine at lottery gaming facility; Second or subsequent offense	9	10	10	10	Nonperson
74-8759	Same	Expanded Lottery Act; Manipulation of an electronic gaming machine or lottery faciltiy game with intent to change the outcome, pay out or operation thereof	8	10	10	10	Nonperson
74-8760(c)	(c)	Expanded Lottery Act; Knowingly cheating including possession of or use of cheating device	8	10	10	10	Nonperson
74-8761	Same	Expanded Lottery Act; Place in operation, continue to operate any gray machine for use by the public	9	10	10	10	Nonperson
74-8810(j)(1)	(i)	Parimutuel Racing; Selling a parimutuel ticket or an interest in such a ticket to a person known to be under 21; 2nd or subsequent offense	8	10	10	10	Nonperson
74-8810(j)(2)	(i)	Parimutuel Racing; Accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility; 2nd or subsequent offense	8	10	10	10	Nonperson
74-8810(j)(3)	(i)	Parimutuel Racing; Conduct or assist in the conduct of a horse or greyhound race, or the display of a simulcast race, where the parimutuel system of wagering is used or is intended to be used w/o a license	8	10	10	10	Nonperson
74-8810(j)(4)	(i)	Parimutuel Racing; Enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade entered is not the true class or grade or knowing that the name under which entered is not the registered name	8	10	10	10	Nonperson
74-8810(j)(5)	(i)	Parimutuel Racing; Use or conspire to use any unusual device or lure for the purpose of affecting the speed of any horse or greyhound during a race	8	10	10	10	Nonperson
74-8810(j)(6)	(i)	Parimutuel Racing; Possess any unusual device or lure designed or intended to affect the speed of a horse or greyhound	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
74-8810(j)(7)	(i)	Parimutuel Racing; Administer or conspire to administer, any drug or medication to a horse or greyhound in violation of rules and regulations of the commission; 2nd or subsequent offense	8	10	10	10	Nonperson
74-8810(j)(8)	(i)	Parimutuel Racing; Possess or conspire to possess, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission; 2nd or subsequent offense	8	10	10	10	Nonperson
74-8810(j)(9)	(i)	Parimutuel Racing; Possess or conspire to possess, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission; 2nd or subsequent offense	8	10	10	10	Nonperson
74-8810(j)(10)	(i)	Parimutuel Racing; Sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting	8	10	10	10	Nonperson
74-8810(j)(11)	(i)	Parimutuel Racing; Alter, or attempt to alter, the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee or transmit or receive an altered race or delayed broadcast race if parimutuel wagering is conducted or solicited after off time of the race	8	10	10	10	Nonperson
74-8810(j)(12)	(i)	Parimutuel Racing; Influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee	8	10	10	10	Nonperson
74-8810(j)(13)	(i)	Parimutuel Racing; Influence or attempt to influence any member, employee or appointee of the commission, by payment, in the performance of any official duty of that member, employee or appointee	8	10	10	10	Nonperson
74-8810(j)(14)	(i)	Parimutuel Racing; Fail to report knowledge of any violation of this act by another person for the purpose of stimulating or depressing any horse or greyhound, or affecting its speed	8	10	10	10	Nonperson
74-8810(j)(15)(A)	(i)	Parimutuel Racing; Falsify, conceal or cover up, by any trick, scheme or device, a material fact related to breeding, buying, selling or racing or prior racing record, pedigree, identity or ownership of a registered horse or greyhound	8	10	10	10	Nonperson
74-8810(j)(15)(B)	(i)	Parimutuel Racing; Make any false, fictitious or fraudulent statement or representation related to breeding, buying, selling or racing or prior racing record, pedigree, identity or ownership of a registered horse or greyhound	8	10	10	10	Nonperson
74-8810(j)(15)(C)	(i)	Parimutuel Racing; Knowingly make or use any false writing related to breeding, buying, selling or racing or prior racing record, pedigree, identity or ownership of a registered horse or greyhound	8	10	10	10	Nonperson
74-8810(j)(16)	(i)	Parimutuel Racing; Pass or attempt to pass, cash or attempt to cash any altered or forged parimutuel ticket knowing it to have been altered or forged	8	10	10	10	Nonperson
74-8810(k)(1)	(k)(3)	Parimutuel racing; Illegal purchase of a parimutuel ticket by person 18 or over but less than 21; second or subsequent offense	8	10	10	10	Nonperson
74-9809(e)	same	Tribal Gaming Oversight; Use or conspire to use any device for the purpose of effecting the outcome of game	8	10	10	10	Nonperson
74-9809(h)(1)	(h)	Tribal Gaming Oversight; Knowingly use bogus or counterfeit chips or gaming billets; Knowingly substitute and use in any game, cards or dice that have been marked, loaded or tampered with	8	10	10	10	Nonperson
74-9809(h)(2)	(h)	Tribal Gaming Oversight; Knowingly use other than a lawful coin or legal tender of the U.S.A., or one of a denomination not intended to be used in an electronic game of chance	8	10	10	10	Nonperson
74-9809(h)(3)	(h)	Tribal Gaming Oversight; Win or attempt to win by any trick or sleight of hand performance, or by a fraud or fraudulent scheme, cards, dice or device, money or property or a representative of either, or reduce or attempt to reduce a losing wager, in connection with tribal gaming in a value of $100 or greater	8	10	10	10	Nonperson
74-9809(i)	same	Tribal Gaming Oversight; Unauthorized possession or use of any cheating or thieving device	8	10	10	10	Nonperson
74-9809(j)	same	Tribal Gaming Oversight; Unauthorized possession or use of any key or device designed for the purpose of or suitable for opening or entering any electronic game of chance or similar gaming device or drop box	8	10	10	10	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	
74-9809(k)(1)	(k)	Tribal Gaming Oversight; Knowingly conduct, carry on, operate, deal or allow to be conducted, carried on or dealt, any cheating or thieving class III game or device	8	10	10	10	Nonperson
74-9809(k)(2)	(k)	Tribal Gaming Oversight; Knowingly deal, conduct, carry on, operate or expose for play, any class III game or games played with cards, dice or any mechanical or electronic device, or any combination of such, which have been marked or tampered with, placed in a condition, or operated in a manner, which results in public deception, or alters normal chance or results of the game	8	10	10	10	Nonperson
74-9809(l)	same	Tribal Gaming Oversight; Knowingly use or possess any marked cards, loaded dice, plugged or tampered with machines or devices	8	10	10	10	Nonperson
74-9809(m)	same	Tribal Gaming Oversight; Possess any device, equipment or material known to have been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of a tribal-state gaming compact	8	10	10	10	Nonperson
75-7b19	Repealed 2007	State Departments; Public Officers & Employees; Private Investigative or Security Operations; Knowingly falsify fingerprints or photographs	E				
79-15,137(e)	Repealed 2006	Taxation; Death Tax; Intentionally sign a fraudulent return	***Unc/10	10	10	10	Nonperson
79-15,235(e)	same	Kansas Estate Tax Act; Representative intentionally signing a fraudulent return	***Unc/10	10	10	10	Nonperson
75-4228	same	State Departments; Liability of Treasurer and Director of Accounts and Reports	***Unc/10	10	10	10	Nonperson
75-4314	same	State Departments; Public Officers & Employees; Unlawful receipt of funds by a public official	***Unc/10	10	10	10	Nonperson
79-3228(f)	same	Taxation; Income Tax; Willfully sign a fraudulent return	***Unc/10	10	10	10	Nonperson
79-3333(a)	(i)	Taxation; Cigarettes & Tobacco Products; Retailer; Unlicensed sale of cigarette and tobacco products act.	8	10	10	10	Nonperson
79-3333(d)	(i)	Taxation; Cigarettes & Tobacco Products; Retailer; Sale of cigarettes via internet, telephone or mail w/o proper certification	8	10	10	10	Nonperson
79-3333(e)	(i)	Taxation; Cigarettes & Tobacco Products; Retailer; Failure to verify date of birth or age of the purchaser.	8	10	10	10	Nonperson
79-3464e(a)(10)	(c)	Taxation; Motor Vehicle Fuel Taxes; Falsify, forge or willfully conceal any required books, papers, or records	10	10	10	10	Nonperson
79-3464e(a)(11)	(c)	Taxation; Motor Vehicle Fuel Taxes; Knowingly submit a false or forged application for licensure	10	10	10	10	Nonperson
79-3464e(a)(12)	(c)	Taxation; Motor Vehicle Fuel Taxes; Knowingly make any false/forged application for a refund permit or claim for refund; Knowingly make any false statement in application for a refund permit, or in any claim for a refund	10	10	10	10	Nonperson
79-3464e(a)(13)	(c)	Taxation; Motor Vehicle Fuel Taxes; Present, or cause to be presented, to the director for credit, or for refund, any false, forged or altered invoice of refund	10	10	10	10	Nonperson
79-3464e(a)(14)	(c)	Taxation; Motor Vehicle Fuel Taxes; Falsify, forge or alter any documents associated with the use, sale, manufacture or delivery of any motor fuels	10	10	10	10	Nonperson
79-3464e(a)(15)	(c)	Taxation; Motor Vehicle Fuel Taxes; Deliver or accept delivery of any motor fuel w/ intent to evade the obligation of collecting, remitting or accounting for motor fuel tax to this state, knowing that such fuel was intended to be delivered to a tax exempt entity or to a location outside the state of Kansas	10	10	10	10	Nonperson
79-3464e(a)(16)	(c)	Taxation; Motor Vehicle Fuel Taxes; Use dyed fuel other than for a nontaxable use	10	10	10	10	Nonperson
79-3464e(a)(17)	(c)	Taxation; Motor Vehicle Fuel Taxes; Willfully alter/attempt to alter, the strength or composition of any dye in any dyed fuel	10	10	10	10	Nonperson
79-3464e(a)(18)	(c)	Taxation; Motor Vehicle Fuel Taxes; Aid and abet in violations contained in paragraphs (10) through (17).	10	10	10	10	Nonperson
79-5208	same	Taxation; Marijuana & Controlled substances; Dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels or other indicia	10	10	10	10	Nonperson

*Crime was created, amended or the severity level was changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Severity Level	Attempt, Conspiracy, & Solicitation			Person Nonperson
				A	C	S	

** Nongrid crime, the sentence for which is included in the statute defining the crime. See K.S.A. 21-4704(i).
*** Unclassified felony, the sentence for which *if not provided in the statute defining the crime* , shall be in accordance with a comparable offense on the crime severity scale. All Unclassified felonies shall be considered and scored as SL 10 Nonperson crimes for criminal history purposes. See K.S.A. 21-4707(c)(3) and 21-4710(d)(8).

*Crime was created, amended
or the severity level was changed
during the 2008 Legislative Session.

Kansas Criminal Code
MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
NEW STATUTES OR SUBSECTIONS PASSED BY 2008 LEGISLATURE						
*59-2123(a)(1)	(d)	Adoption; Advertise that one will adopt, find an adoptive home for a child or otherwise place a child for adoption, if not a licensed child placement agency	U	U	C	Not Scored
*59-2123(a)(2)	(d)	Adoption; Offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery	U	U	C	Not Scored
*59-2123(a)(3)	(d)	Adoption; Offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment	U	U	C	Not Scored
*House Bill 2504	Sec. 10(a)	Amusement Ride Inspection; Knowing violation of safety rules by owner or operator	B	C	C	Nonperson
*House Bill 2504	Sec. 10(b)	Amusement Ride Inspection; Violate availabilitiy of inspection records and safety instructions	C	C	C	Nonperson
*H Sub for SB 21	(g)	Appointments; unauthorized intentional disclosure of personal information of appointees	A	B	C	Nonperson
*21-3705(a)	(b)(1)	Criminal Deprivation of Property; Motor vehicle; first or second conviction	A	B	C	Nonperson
*25-2430(a)	(c)	Elections; Electioneering	C	C	C	Not Scored
*Senate Bill 267	(a)	Failure to Comply with a Wildlife and Parks Citation	C	C	C	Not Scored
*House Bill 2315	Sec. 13	Home inspectors; Conducting home inspections for compensation without registration	A	B	C	Nonperson
*H Sub for SB 226	(f)	Kansas Funeral Privacy Act prohibiting a public demonstration within 150 feet of any entrance to any cemetery, church, mortuary, or other location where a funeral is held or conducted. The prohibition would commence within one hour prior to the scheduled commencement of the funeral. In addition, the act prohibits knowingly obstructing, hindering, impeding or blocking a person's entry to or exit from a funeral or knowingly impeding vehicles which are part of the funeral procession; each day counts as a separate offense	B	C	C	Person
*39-759(a)	same	Mentally Ill, Incapacitated & Dependent Persons; Unlawful acts relating to information concerning absent parents; Unauthorized requesting, obtaining, or seeking out confidential information obtained by the secretary under K.S.A. 39-758 or K.S.A. 39-7,136, 39-7,143 and 39-7,150	B	C	C	Not Scored
*32-1120(a)	(c)	Motorboat Exhaust Noise Emissions in Violation of Limits	C	C	C	Not Scored
*32-1120(c)	same	Motorboat Exhaust Noise Emissions in Violation of Limits; Failure to comply with a request or direction of officer	C	C	C	Not Scored
*65-1942(c)	(c)	Produce indelable mark using scalpel, hot iron, or any instrument other than a needle	A	B	C	Nonperson
*58-4103(a)(3)	(c)	Real Estate Appraisers; Advertise of otherwise represent that such person is a state certified or license appraiser	A	B	B	Nonperson
*58-4103(a)(2)	(c)	Real Estate Appraisers; Assume or use the title of state certified or licensed appraiser w/o certification or licensure	A	B	B	Nonperson
*58-4103(a)(1)	(c)	Real Estate Appraisers; Engage in any written appraisal in connection with a federally related transaction w/o certification or licensure	A	B	B	Nonperson
* 21-3438(a)(2)	(b)(2)	Stalking; Intentional or reckless engaging in targeted at specific person which individual knows will place targeted person in fear for such person's or immediate family member's safety; first conviction	A	B	C	Person
* 21-3438(a)(1)	(b)(1)	Stalking; Intentional or reckless engaging in targeted at specific person which would cause a reasonable person targeted person's circumstances to fear for such person's or immediate family member's safety and targeted person actually placed in such fear; first conviction	A	B	C	Person

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Kansas Criminal Code
MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
STATUTES EFFECTIVE PRIOR TO THE 2008 LEGISLATIVE SESSION						
65-6703(a)	(g)	Abortion; Abortion of a viable fetus; first conviction	A	B	C	Nonperson
65-6705(k)	same	Abortion; Intentional and knowing or reckless abortion on unemancipated minor	A	B	C	Person
65-6705(l)(1)	same	Abortion; Willful or knowing disclosure of the identity of a minor petitioning the court pursuant to this section or disclosure of any court record relating to such proceeding	B	C	C	Person
65-6705(l)(2)	same	Abortion; Willfully/knowingly permit or encourage disclosure of minor's identity or record	B	C	C	Person
1-316(b)	(f)	Accountants; Firm practicing certified public accountancy as a certified public accounting firm or C.P.A. firm w/o registering	U	U	C	Not Scored
1-316(a)	(f)	Accountants; Individual practicing certified public accountancy w/o a valid permit	U	U	C	Not Scored
1-316(e)	(f)	Accountants; Issue a report or financial statements that references the American institute of certified public accountants w/o holding a permit to practice	U	U	C	Not Scored
1-316(c)	(f)	Accountants; Use or assume title, abbreviation, designation, words, letters, sign, card or device likely to be confused with "certified public accountant." w/o valid Kansas certificate	U	U	C	Not Scored
1-316(d)(3)	(f)	Accountants; Use professional or firm name or designation that is misleading as to any other matter	U	U	C	Not Scored
1-316(d)(1)	(f)	Accountants; Use professional or firm name or designation that is misleading as to the legal form of the firm	U	U	C	Not Scored
1-316(d)(2)	(f)	Accountants; Use professional or firm name or designation that is misleading as to the persons who are partners, officers, members, managers or shareholders of the firm	U	U	C	Not Scored
*59-2123(a)(1)	(d)	Adoption; Advertise that one will adopt, find an adoptive home for a child or otherwise place a child for adoption, if not a licensed child placement agency	U	U	C	Not Scored
59-2130(e)	same	Adoption; Employee or agent of the department of social and rehabilitation services, a child-placing agency or a district court who intentionally destroys any information required to be filed under this section	C	C	C	Not Scored
59-2120	same	Adoption; Failure of professional providing services related to the placement of children to comply with the provisions of the interstate compact for the placement of children	C	C	C	Not Scored
59-2121(b)	(c)	Adoption; Knowingly failing to list all consideration or disbursements	B	C	C	Not Scored
*59-2123(a)(2)	(d)	Adoption; Offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery	U	U	C	Not Scored
*59-2123(a)(3)	(d)	Adoption; Offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment	U	U	C	Not Scored
39-939(b)	39-943	Adult Care Home Licensure Act; Abuse, neglect, or cruel treatment of any resident	U	U	C	Not Scored
39-939(c)	39-943	Adult Care Home Licensure Act; Admit to resident status, any person who is known to suffer from any disease or condition for which the home is not authorized to provide care	U	U	C	Not Scored
39-939(a)	39-943	Adult Care Home Licensure Act; House, care for or permit any resident to stay in any unapproved room, area, or detached building	U	U	C	Not Scored
39-940(b)(3)	39-943	Adult Care Home Licensure Act; Knowingly file false or incomplete records or reports	U	U	C	Not Scored
39-940(b)(1)	39-943	Adult Care Home Licensure Act; Make false entries in forms for application, reports, records or inspections	U	U	C	Not Scored
39-940(b)(2)	39-943	Adult Care Home Licensure Act; Omit information required or make false report concerning adult care home	U	U	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
39-970(f)(5)	same	Adult Care Home Licensure Act; Unauthorized disclosure of criminal history record	U	U	C	Not Scored
21-3507(1)(a)	(2)	Adultery; When offender is married	C	C	C	Not Scored
21-3507(1)(b)	(2)	Adultery; When other person is married	C	C	C	Not Scored
2-2203(b)(1)	2-2208(b)	Ag. Chemical Act of 1947; Detach, alter, deface, or destroy, any label or labeling required; Add substance to, or take substance from, an agricultural chemical which may defeat the purposes of this act.	U	U	C	Not Scored
2-2203(a)(7)	2-2208(b)	Ag. Chemical Act of 1947; Distribution/sale of any agricultural chemical which is adulterated or misbranded	U	U	C	Not Scored
2-2203(a)(3)	2-2208(b)	Ag. Chemical Act of 1947; Distribution/sale of any agricultural chemical with different composition from what is represented in connection with its registration, unless authorized by the secretary	U	U	C	Not Scored
2-2203(a)(4)	2-2208(b)	Ag. Chemical Act of 1947; Distribution/sale of any agricultural chemical, not in the registrant's or manufacturer's unbroken immediate container and properly labeled	U	U	C	Not Scored
2-2203(a)(5)	2-2208(b)	Ag. Chemical Act of 1947; Distribution/sale of any improperly labeled agricultural chemical which contains any substance or substances in quantities highly toxic to man	U	U	C	Not Scored
2-2203(a)(6)	2-2208(b)	Ag. Chemical Act of 1947; Distribution/sale of certain chemicals w/o distinctly coloring such as required	U	U	C	Not Scored
2-2203(a)(2)	2-2208(b)	Ag. chemical act of 1947; Distribution/sale; Agricultural chemical, w/claims or directions differing in substance from representations made in its registration	U	U	C	Not Scored
2-2203(a)(1)	2-2208(a)	Ag. chemical act of 1947; Distribution/sale; Unregistered agricultural chemical	U	U	C	Not Scored
2-2203(b)(2)	2-2208(b)	Ag. Chemical Act of 1947; Use for his or her own advantage or to reveal, other than to authorized persons, any information relative to formulas of products acquired by authority of K.S.A. 2-2204	U	U	C	Not Scored
17-5902(b)	same	Agricultural Corporations; Knowingly submit false or materially misleading information or statements; Fail or refuse to submit information and statements as required	A	B	C	Nonperson
2-2904(b)	2-2909	Agricultural Liming Materials Act; Sale of agricultural liming material containing toxic materials in quantities injurious to plants or animals	U	U	C	Not Scored
2-2904(a)	2-2909	Agricultural Liming Materials Act; Sale of noncompliant agricultural liming material	U	U	C	Not Scored
2-1421(b)(1)	2-1422	Agricultural Seeds; Sale/Distribution of; Alter or deface any label so that the information is false or misleading or to mutilate any label	U	U	C	Not Scored
2-1438	same	Agricultural Seeds; Sale/Distribution of; Certification of Seeds/Plant Parts; Issue, make, use or circulate any certification, or evidence of certification, w/o authority and approval	U	U	C	Not Scored
2-1421(b)(2)	2-1422	Agricultural Seeds; Sale/Distribution of; Disseminate any false or misleading advertisements concerning agricultural seed	U	U	C	Not Scored
2-1421(b)(5)	2-1422	Agricultural Seeds; Sale/Distribution of; Fail to comply with a stop sale order, or to move or otherwise handle or dispose of any quantity of seed held under a stop sale order, or a stop sale tag attached	U	U	C	Not Scored
2-1421(b)(4)	2-1422	Agricultural Seeds; Sale/Distribution of; Hinder or obstruct the secretary or an authorized representative of the secretary in the performance of official duties	U	U	C	Not Scored
2-1421(b)(3)	2-1422	Agricultural Seeds; Sale/Distribution of; Issue any statement, invoice or declaration as to the variety of any agricultural seed which is false or misleading	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-1421(a)(8)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds by variety name not certified by an official seed certifying agency, if such certification is required.	U	U	C	Not Scored
2-1421(a)(6)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds containing more than 1% of weed seeds by weight, unless an exception herein applies	U	U	C	Not Scored
2-1421(a)(4)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds containing noxious weed seeds	U	U	C	Not Scored
2-1421(a)(5)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds containing restricted weed seeds in excess of the quantity prescribed by subsection (k) of K.S.A. 2-1415	U	U	C	Not Scored
2-1421(a)(3)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds having a false, misleading or incomplete label	U	U	C	Not Scored
2-1421(a)(7)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds labeled, advertised or represented to be certified or registered unless so certified or registered	U	U	C	Not Scored
2-1421(a)(2)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds not properly labeled	U	U	C	Not Scored
2-1421(a)(9)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds w/o having registered with the secretary as required by K.S.A. 2-1421a	U	U	C	Not Scored
2-1421(a)(1)	2-1422	Agricultural Seeds; Sale/Distribution of; Sale, offer for sale or advertise ag. seeds w/o testing to determine percentage of germination completed w/in a nine-month period immediately prior	U	U	C	Not Scored
2-1416	2-1422	Agricultural Seeds; Sale/Distribution of; Sale/exchange of untested or unlabeled agricultural seeds	U	U	C	Not Scored
2-1421(b)(6)	2-1422	Agricultural Seeds; Sale/Distribution of; Use the word "trace" as a substitute for any statement which is required	U	U	C	Not Scored
2-1421(b)(7)	2-1422	Agricultural Seeds; Sale/Distribution of; Use the word "type" in any labeling in connection with the name of any agricultural seed variety	U	U	C	Not Scored
21-3812(c)	same	Aiding a Person Charged or Convicted of a Misdemeanor	C	C	C	Not Scored
65-6017(e)	same	AIDS & Hepatitis B; Breach in confidentiality of Court ordered testing of certain offenders in custody of secretary of corrections or commissioner of juvenile justice authority	C	C	C	Not Scored
65-6005	same	AIDS & Hepatitis B; Disclosure of information made confidential and prohibited from disclosure under K.S.A. 65-6002 through 65-6004	U	U	C	Not Scored
65-6016(a)	same	AIDS & Hepatitis B; Unauthorized disclosure by corrections employees, of confidential information pertaining to infectious disease	C	C	C	Not Scored
65-6010(b)	same	AIDS & Hepatitis B; Unauthorized disclosure of confidential results of tests or reports, or information therein, obtained under this act	C	C	C	Not Scored
65-6005	same	AIDS & Hepatitis B; Violate, refuse or neglect to obey any provision of K.S.A. 65-6001 through 65-6004	C	C	C	Not Scored
65-3025(d)	65-3026(a)	Air Quality Act; Construct, modify, alter, use or operate an air contaminant emission stationary source without approval or permit.	A	B	C	Nonperson
65-3025(f)	65-3026(a)	Air Quality Act; Fail to pay any fee required by this act/rules/regulations under this act	A	B	C	Nonperson
65-3025(e)	65-3026(a)	Air Quality Act; Refuse or hinder entry, inspection, sampling or examination or copying of records related to this act by an identified agent/employee of the secretary after receiving notice of the agent/employee purpose	A	B	C	Nonperson
65-3025(c)	65-3026(a)	Air Quality Act; Violate of any provision of this act or any rule and regulation promulgated under this act, unless authorized by the secretary	A	B	C	Nonperson
65-3025(b)	65-3026(a)	Air Quality Act; Violation of any provision of an approval or permit issued under this act	A	B	C	Nonperson

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Kansas Criminal Code
MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-3025(a)	65-3026(a)	Air Quality Act; Violation of any provision of an order issued under this act	A	B	C	Nonperson
3-202	3-205	Aircraft & Airfields; Navigate any aircraft or use any aircraft for instruction in the art of navigation, without a pilot's certificate	U	U	C	Not Scored
3-1004	same	Aircraft & Airfields; Operation Under Influence of Alcohol of Drugs; Unreasonable refusal to consent to a chemical test of blood, breath or urine,	C	C	C	Not Scored
3-204	3-205	Aircraft & Airfields; Pilot to present license on demand	U	U	C	Not Scored
3-203	3-205	Aircraft & Airfields; Violation of air commerce regulations	U	U	C	Not Scored
65-6602(a)	same	Alcohol & Other Drug Abuse Counselor Registration Act; Represent oneself as alcohol and other drug abuse counselors when not registered as such	C	C	C	Not Scored
21-4224(a)(2)	(b)	Alcohol Without Liquid Machine; Purchase, sell or offer for sale an alcohol without liquid machine	A	B	C	Nonperson
21-4224(a)(1)	(b)	Alcohol Without Liquid Machine; Use any alcohol without liquid machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body	A	B	C	Nonperson
65-4012	same	Alcoholism & Intoxication Treatment; Establish or operate a public or private treatment facility withouth a license	C	C	C	Not Scored
65-4023(a)	Penalty deleted 2007	Alcoholism & Intoxication Treatment; Establish, conduct, manage or operate a treatment facility for alcoholics without a license	C	C	C	Not Scored
65-4022	Repealed 2007	Alcoholism & Intoxication Treatment; Establish, conduct, manage, or operate any treatment facility without a license	C	C	C	Not Scored
21-1213(a)(7)	21-1214	Animals & Nuisances; Sale of live bruecella abortus to unauthorized person	U	U	C	Not Scored
21-1213(a)(8)	21-1214	Animals & Nuisances; Sale of live bruecella abortus to unauthorized vendor	U	U	C	Not Scored
21-1213(a)(4)	21-1214	Animals & Nuisances; Sale of rabies vaccine to unauthorized person	U	U	C	Not Scored
21-1213(a)(5)	21-1214	Animals & Nuisances; Sale of rabies vaccine to unauthorized vendor	U	U	C	Not Scored
21-1213(a)(1)	21-1214	Animals & Nuisances; Unlawful injection of live bruecella abortus	U	U	C	Not Scored
21-1213(a)(2)	21-1214	Animals & Nuisances; Unlawful injection of rabies vaccine	U	U	C	Not Scored
21-1213(a)(6)	21-1214	Animals & Nuisances; Unlawful purchase of live bruecella abortus	U	U	C	Not Scored
21-1213(a)(3)	21-1214	Animals & Nuisances; Unlawful purchase of rabies vaccine	U	U	C	Not Scored
21-3301(e)	same	Anticipatory Crimes; Attempt to commit a class A misdemeanor	B	N/A	N/A	Not Scored
21-3301(f)	same	Anticipatory Crimes; Attempt to commit a class B or C misdemeanor	C	N/A	N/A	Not Scored
21-3302(e)	same	Anticipatory Crimes; Conspiracy to commit a misdemeanor	C	N/A	N/A	Not Scored
74-5408	same	Antiquities Commission; Penalties for violations of act	U	U	C	Not Scored
12-4301	same	Appearance Bonds; Apply for replacement or new driver's license prior to return of original one which was posted as bond; punished in accordance with 8-2116; 2nd offense	B	C	C	Not Scored
12-4301	same	Appearance Bonds; Apply for replacement or new driver's license prior to return of original one which was posted as bond; punished in accordance with 8-2116; 3rd offense	A	B	C	Nonperson
12-4301	same	Appearance Bonds; Apply for replacement or new driver's license prior to return of original one which was posted as bond; punished in accordance with 8-2116; first offense	C	C	C	Not Scored
48-222	same	Army & Air National Guard; Employer refusing to permit employee/member of Guard to attend drill or annual muster, or perform active service, when so ordered by the commander in chief	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
48-219	same	Army & Air National Guard; Penalty for unlawful acts affecting property	U	U	C	Not Scored
31-406	same	Arson Reporting; Fail to release information or evidence per K.S.A. 31-403(a) or to give notice and provide material developed from an inquiry into a fire loss as provided in K.S.A. 31-403(b)	C	C	C	Not Scored
65-5302(a)	65-5313(a)(1)	Asbestos Control; Asbestos projects; license required; first offense	C	C	C	Not Scored
65-5302(a)	65-5313(a)(2)	Asbestos Control; Asbestos projects; license required; second offense	B	C	C	Not Scored
65-5308(a)	65-5313(a)(1)	Asbestos Control; Certification of individuals required; first offense	C	C	C	Not Scored
65-5308(a)	65-5313(a)(2)	Asbestos Control; Certification of individuals required; second offense	B	C	C	Not Scored
65-5307(a)	65-5313(a)(1)	Asbestos Control; Records of asbestos projects required; contents; first offense	C	C	C	Not Scored
65-5307(a)	65-5313(a)(2)	Asbestos Control; Records of asbestos projects required; contents; second offense	B	C	C	Not Scored
65-5307(b)	65-5313(a)(1)	Asbestos Control; Required notification of secretary of project date; first offense	C	C	C	Not Scored
65-5307(b)	65-5313(a)(2)	Asbestos Control; Required notification of secretary of project date; second offense	B	C	C	Not Scored
21-3408	same	Assault; Intentionally placing another person in reasonable apprehension of immediate bodily harm	C	C	C	Person
21-3409(a)(1)	(b)	Assault; Uniformed or properly identified state, county or city law enforcement officer	A	B	C	Person
21-3409(a)(2)	(b)	Assault; Uniformed or properly identified university or campus police officer	A	B	C	Person
60-4109(b)(6)	same	Asset Seizure & Forfeiture; Commencement of forfeiture proceedings; Knowing failure of a trustee to comply with the provisions of this subsection	B	C	C	Not Scored
60-4109(b)(10)	same	Asset Seizure & Forfeiture; Commencement of forfeiture proceedings; Unauthorized disclosure of certain information by an employee of the seizing agency or the plaintiff's attorney	B	C	C	Not Scored
60-4118(d)	same	Asset Seizure & Forfeiture; Knowingly remove, conceal, withhold, destroy, or mutilate any subpoenaed documentary material w/intent to avoid, evade, prevent, or obstruct compliance w/subpoena	B	C	C	Not Scored
44-1529(a)(1)(B)	(b)	Athlete Agent Act; Furnish anything of value to a student-athlete before the student-athlete enters into the agency contract, with the intent to induce a student-athlete to enter into an agency contract	A	B	C	Nonperson
44-1529(a)(1)(C)	(b)	Athlete Agent Act; Furnish anything of value to any individual other than the student-athlete or another registered athlete agent, with the intent to induce a student-athlete to enter into an agency contract	A	B	C	Nonperson
44-1529(a)(1)(A)	(b)	Athlete Agent Act; Give any materially false or misleading information or makes a materially false promise or representation, with the intent to induce a student-athlete to enter into an agency contract	A	B	C	Nonperson
44-1529(a)(2)(F)	(b)	Athlete Agent Act; Intentionally fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.	A	B	C	Nonperson
44-1529(a)(2)(C)	(b)	Athlete Agent Act; Intentionally fail to register when required by K.S.A. 2005 Supp. 44-1519	A	B	C	Nonperson
44-1529(a)(2)(A)	(b)	Athlete Agent Act; Intentionally initiates contact with a student-athlete while not registered under this act	A	B	C	Nonperson
44-1529(a)(2)(E)	(b)	Athlete Agent Act; Intentionally predate or postdate an agency contract	A	B	C	Nonperson
44-1529(a)(2)(D)	(b)	Athlete Agent Act; Intentionally provide materially false or misleading information in an application for registration or renewal of registration	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
44-1529(a)(2)(B)	(b)	Athlete Agent Act; Intentionally refuse or fail to retain or permit inspection of the records required to be retained by K.S.A. 2005 Supp. 44-1528	A	B	C	Nonperson
65-6903(a)	(b)	Athletic Trainers Licensure Act; Unlawful representation of oneself as an athletic trainer	B	C	C	Not Scored
40-3104(d)	(g)(1)	Automobile Injury Reparations Act; Failure to display evidence of financial security upon demand by law enforcement; first violation	B	C	C	Not Scored
40-3104(d)	(g)(2)	Automobile Injury Reparations Act; Failure to display evidence of financial security upon demand by law enforcement; second/subsequent conviction w/in 3 years	A	B	C	Nonperson
40-3118(i)	same	Automobile Injury Reparations Act; Financial security for motor vehicle registration; False certification	A	B	C	Nonperson
40-3104(c)	(g)(1)	Automobile Injury Reparations Act; Knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public; first violation	B	C	C	Not Scored
40-3104(c)	(g)(2)	Automobile Injury Reparations Act; Knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public; second/subsequent conviction w/in 3 years	A	B	C	Nonperson
40-3104(a)	(g)(1)	Automobile Injury Reparations Act; Motor vehicle liability insurance coverage required	B	C	C	Not Scored
40-3104(a)	(g)(2)	Automobile Injury Reparations Act; Motor vehicle liability insurance coverage required; second/subsequent conviction w/in 3 years	A	B	C	Nonperson
40-3104(b)	(g)(1)	Automobile Injury Reparations Act; Permitting uninsured motor vehicle to be operated upon a highway or upon property open to use by the public; first violation	B	C	C	Not Scored
40-3104(b)	(g)(2)	Automobile Injury Reparations Act; Permitting uninsured motor vehicle to be operated upon a highway or upon property open to use by the public; second/subsequent conviction w/in 3 years	A	B	C	Nonperson
21-3738(1)(a)	(3)	Automobile Master Key Violation; Selling or offering to sell a motor vehicle master key knowingly designed to fit the ignition switch of more than one motor vehicle to an unauthorized person	C	C	C	Not Scored
21-3738(1)(b)	(3)	Automobile Master Key Violation; Unauthorized possession of a motor vehicle master key designed to fit the ignition switch of more than one motor vehicle	C	C	C	Not Scored
8-135(c)(7)	8-149	Automobiles/Vehicles; Buying/selling a vehicle required to be registered, w/o passing of the certificate of title either at delivery or another agreed time not to exceed 30 days	U	U	C	Not Scored
8-142(Second)	same	Automobiles/Vehicles; Display/possession of fictitious, canceled, revoked, suspended or altered registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card	U	U	C	Not Scored
8-142(Fourth)	8-149	Automobiles/Vehicles; Fail or refuse to surrender any suspended, canceled or revoked registration receipt, certificate of title, registration license plate or registration decal upon demand	U	U	C	Not Scored
8-135c(c)(7)	8-149	Automobiles/Vehicles; Failure to apply for a nonrepairable vehicle certificate	C	C	C	Not Scored
8-142(Tenth)	8-149	Automobiles/Vehicles; Failure to comply with requirements pertaining to gross weight and operation of farm truck or truck tractor used with a trailer or semitrailer; Signage required for farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds	U	U	C	Not Scored
8-198(f)(3)(C)	same	Automobiles/Vehicles; Failure to get rebuilt salvage title as required herein	C	C	C	Not Scored
8-198(d)(8)	same	Automobiles/Vehicles; Failure to get salvage title as required herein	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-142(Fifteenth)	8-149	Automobiles/Vehicles; Failure to keep required records and comply with rules when registering a truck or truck tractor on the basis of operating not more than 6,000 miles	U	U	C	Not Scored
8-143(c)	same	Automobiles/Vehicles; Failure to pay registration fee or fees when due	U	U	C	Not Scored
8-1,125(f)	(g)	Automobiles/Vehicles; Failure to return disabled placards to department of revenue or disabled license plates to the county treasurer as required	U	U	C	Not Scored
8-1,130(b)	same	Automobiles/Vehicles; False certification that one is qualified for disabled plate, placard, or identification card	C	C	C	Not Scored
8-1,130(a)	same	Automobiles/Vehicles; False representation that one is qualified for disabled plate, placard or identification card	C	C	C	Not Scored
8-198(h)	same	Automobiles/Vehicles; Knowingly make false statement concerning financial security in obtaining a permit to operate a salvage vehicle on the highways; Failure to obtain permit as required by law	C	C	C	Not Scored
8-142(Third)	8-149	Automobiles/Vehicles; Lend or permit use of a registration receipt, certificate of title, registration license plate or registration decal by one not so entitled	U	U	C	Not Scored
8-2434	same	Automobiles/Vehicles; Licensure of Vehicle Sales & Manufacture; Selling motor vehicles without a license	U	U	C	Not Scored
8-142(Fourteenth)	8-149	Automobiles/Vehicles; Operate more than 6,000 miles in any calendar year any truck or truck tractor registered and licensed to operate no more than 6,000 miles in such calendar year	U	U	C	Not Scored
8-142(Thirteenth)	8-149	Automobiles/Vehicles; Operation of a farm trailer carrying more than 6,000 pounds w/o being registered and the registration fees paid	U	U	C	Not Scored
8-142(Eighth)	8-149	Automobiles/Vehicles; Operation of a truck or truck tractor registered for a g/w > 12,000 lbs. outside approved locations	U	U	C	Not Scored
8-142(Twelfth)	8-149	Automobiles/Vehicles; Operation of a truck or truck tractor w/o carrying proper registration receipt or w/o having marked said vehicle as required	U	U	C	Not Scored
8-142(First)	8-149	Automobiles/Vehicles; Operation of a vehicle not properly registered or without certificate of title or without registration decal affixed as required	U	U	C	Not Scored
8-142(Sixteenth)	8-149	Automobiles/Vehicles; Operation of a vehicle or combination of vehicles on the national system of interstate and defense highways with a gross weight greater than permitted by the laws of the United States Congress	U	U	C	Not Scored
8-142(Seventh)	8-149	Automobiles/Vehicles; Operation of a vehicle whose weight with cargo is in excess of the gross weight for which the vehicle is registered	U	U	C	Not Scored
8-142(Eleventh)	8-149	Automobiles/Vehicles; Operation of any truck or truck tractor without the current quarter of license fees being paid	U	U	C	Not Scored
8-1,143(b)	same	Automobiles/Vehicles; Operation of any vehicle w/o registration or a hunter's permit	U	U	C	Not Scored
8-135(c)(6)	8-149	Automobiles/Vehicles; Operation of vehicle required to be registered, or transferring title to any such vehicle, w/o a certificate of title issued as required	U	U	C	Not Scored
8-142(Ninth)	8-149	Automobiles/Vehicles; Operation on the highways of this state a farm truck or farm trailer for purpose of transportation of other than authorized cargo	U	U	C	Not Scored
8-1,130a(a)	same	Automobiles/Vehicles; Possession of accessible parking identification device which is expired or been revoked or suspended by the secretary of revenue; first violation	U	U	C	Not Scored
8-142(Sixth)	8-149	Automobiles/Vehicles; Registering a vehicle in county other than the one in which the owner resides or has a bona fide place of business	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-199a	same	Automobiles/Vehicles; Remove notice required to be attached to rebuilt vehicles	A	B	C	Nonperson
8-113a	same	Automobiles/Vehicles; Reporting requirement; Failure to report unclaimed vehicle as required	U	U	C	Not Scored
8-199(a)	(c)	Automobiles/Vehicles; Sell / transfer ownership of any nonhighway vehicle or salvage vehicle w/o giving purchaser an assigned nonhighway certificate of title or salvage title	C	C	C	Not Scored
8-1,129(a)(5)	(b)	Automobiles/Vehicles; Stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space	U	U	C	Not Scored
8-1,129(a)(3)	(b)	Automobiles/Vehicles; Stop, stand or park a vehicle so that it blocks a disabled parking stall	U	U	C	Not Scored
8-1,129(a)(4)	(b)	Automobiles/Vehicles; Stop, stand or park a vehicle so that it blocks an access aisle	U	U	C	Not Scored
8-1,129(a)(2)	(b)	Automobiles/Vehicles; Stop, stand or park a vehicle so that it blocks an access entrance	U	U	C	Not Scored
8-1,129(a)(1)	(b)	Automobiles/Vehicles; Stop, stand or park a vehicle, in handicap accessible parking w/o displaying required special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard	U	U	C	Not Scored
8-177	same	Automobiles/Vehicles; Swearing falsely to any affidavit required	U	U	C	Not Scored
8-1,130a(b)	same	Automobiles/Vehicles; Unauthorized utilization of any handicapped accessible parking I.D. device, issued to another, to park in any handicapped parking space; first violation	U	U	C	Not Scored
8-135(b)	8-149	Automobiles/Vehicles; Unlawful operation of unregistered vehicle after transfer/sale	U	U	C	Not Scored
8-135(a)	8-149	Automobiles/Vehicles; Unlawful possession of license plate	U	U	C	Not Scored
8-142(First)	same	Automobiles/Vehicles; Unlawfully claiming motor vehicle is exempt from registration as a self-propelled crane	U	U	C	Not Scored
8-142(Fifth)	8-149	Automobiles/Vehicles; Use a false/ fictitious name or address when applying for a certificate of title, registration of a vehicle or for renewal or duplicate; Knowingly making false statement to conceal a material fact or otherwise commit a fraud in an application	U	U	C	Not Scored
8-116(b)	same	Automobiles/Vehicles; Vehicle identification numbers; Custody of vehicle w/VIN destroyed, removed, etc.	C	C	C	Not Scored
8-161	same	Automobiles/Vehicles; Willful and false representation of qualifications to obtain disabled veterans registration and license plates or false use of such parking privilege	U	U	C	Not Scored
8-1,117	same	Automobiles/Vehicles; Willful filing or knowingly presenting a fraudulent proration fleet registration application to gain refund or credit	U	U	C	Not Scored
9-1112(e)	9-512	Banking; Carrying property as a book asset If a commercially reasonable sale cannot occur within one year	U	U	C	Not Scored
9-2008	same	Banking; Certified checks, drafts or orders in excess of amount on deposit	U	U	C	Not Scored
9-1717(a)	(b)	Banking; Commissioner; Prohibition of felon serving as director, officer or employee of bank	U	U	C	Not Scored
9-1712(b)	(f)	Banking; Commissioner; Unauthorized disclosure of confidential information	C	C	C	Not Scored
9-1720	9-512	Banking; Commissioner; Unauthorized person acquiring control of any bank through purchase, assignment, pledge or other disposition of voting shares of such bank	U	U	C	Not Scored
9-2015	same	Banking; Failure to comply with requirements of K.S.A. 9-801, or K.S.A. 9-804, or K.S.A. 9-806, or K.S.A. 9-1804	U	U	C	Not Scored
9-2005	same	Banking; Neglect to perform any duty required; Permit violation of any of the provisions of this act; Make a false statement; or Be guilty of any misconduct or corruption in office	U	U	C	Not Scored
9-2001	same	Banking; Neglect to perform duties required or failure to conform to law	U	U	C	Not Scored
9-804	9-2015	Banking; Organization; Certificate of authority; Examination	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
9-806	9-2015	Banking; Organization; Failure to engage in business	U	U	C	Not Scored
9-2006	9-512	Banking; Receiving deposits after authority revoked	U	U	C	Not Scored
9-2017	same	Banking; Soliciting or advertising performance of legal services	* U / C	U	C	Not Scored
9-2003	same	Banking; Transacting a banking business or trust business, without having first transmitted to the bank commissioner a verified statement of the resources and liabilities of such corporation	U	U	C	Not Scored
9-1112(b)	9-512	Banking; Unapproved selling, giving or purchasing of any instrument, contract, security or other asset to or from any employee or to or from the bank's parent company or a subsidiary of the bank's parent company	U	U	C	Not Scored
9-1112(c)	9-512	Banking; Unauthorized acquisition of or making a loan on its own shares of stock, or the stock of the bank's parent company or a subsidiary of the bank's parent company	U	U	C	Not Scored
9-1112(a)	9-512	Banking; Unauthorized buying, selling or trading tangible property as a business or investing in the stock of another bank or corporation	U	U	C	Not Scored
9-1113	9-512	Banking; Unlawful preferences; Give any unauthorized preference to any depositor either by pledging any of its assets as collateral security or in any other manner	U	U	C	Not Scored
9-2013(a)(1)	(b)	Banking; Unlawful to offer anything of value	A	B	C	Nonperson
9-2013(a)(2)	(b)	Banking; Unlawful to solicit anything of value	A	B	C	Nonperson
9-2011	same	Banking; Unlawfully engaging in the banking or trust company business	U	U	C	Not Scored
9-2016	same	Banking; Unlawfully transacting banking or trust business	U	U	C	Not Scored
2-717	same	Barberry Eradication; Penalty for violation of act, KSA 2-712 to 2-716	U	U	C	Not Scored
65-1822(b)	same	Barbers; Obtain or attempt to obtain a license for any other than the required fee, or for any other thing of value or by fraudulent misrepresentations	U	U	C	Not Scored
65-1810(f)	65-1828(a)	Barbers; Operate a barber school or barber college without a license	U	U	C	Not Scored
65-1822(a)	same	Barbers; Penalty for any violation of act	U	U	C	Not Scored
65-1828(a)	same	Barbers; Penalty for any violation of act unless otherwise provided	U	U	C	Not Scored
65-1822(c)	same	Barbers; Practice or attempt to practice by fraudulent misrepresentations	U	U	C	Not Scored
21-3413(a)(1)(A)	(b)	Battery; Campus/university police officer; Intentionally causing physical contact when done in a rude, insulting or angry manner	A	B	C	Person
21-3412(a)(2)	(b)	Battery; Intentionally causing physical contact with another person when done in a rude, insulting or angry manner	B	C	C	Person
21-3412(a)(1)	(b)	Battery; Intentionally or recklessly causing bodily harm to another person	B	C	C	Person
21-3413(a)(1)(B)	(b)	Battery; Law enforcement officer; Intentionally causing physical contact when done in a rude, insulting or angry manner	A	B	C	Person
21-3443(a)	(b)	Battery; School employee	A	B	C	Person
74-5824	same	Board of Examiners In Fitting & Dispensing of Hearing Aids; Penalty for violation of Act - first offense	C	C	C	Not Scored
74-5824	same	Board of Examiners In Fitting & Dispensing of Hearing Aids; Penalty for violation of Act - second or subsequent offense	B	C	C	Not Scored
32-1155	32-1180	Boating; Applications for license of vessels to indicate presence of marine toilets	C	C	C	Not Scored
32-1129(a)	(b)	Boating; Boating without required lifesaving devices	C	C	C	Not Scored
32-1119(e)	32-1180	Boating; Every motorboat of class 2 or 3 shall be provided with an efficient bell	C	C	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
32-1119(i)	32-1180	Boating; Fail to have the carburetor or carburetors of engine using gasoline as fuel, equipped with coast guard approved flame arrester, backfire trap or other similar device, unless exempt	C	C	C	Not Scored
32-1119(g)	32-1180	Boating; Fail to keep readily accessible and in good condition, coast guard approved fire extinguishers, capable of promptly and effectually extinguishing burning gasoline	C	C	C	Not Scored
32-1119(f)	32-1180	Boating; Fail to keep readily accessible one coast guard approved lifesaving device for each person on board	C	C	C	Not Scored
32-1119(j)	32-1180	Boating; Fail to provide means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments, unless exempt	C	C	C	Not Scored
32-1148(b)	32-1180	Boating; Failure of owner of a boat livery ensure that the equipment required pursuant to K.S.A. 32-1119 has been provided prior to permitting operation of any motorboat	C	C	C	Not Scored
32-1148(a)	32-1180	Boating; Failure of owner of a boat livery to keep certain records for at least six months	C	C	C	Not Scored
32-1177(b)	32-1180	Boating; Failure of vessel operator involved in a collision resulting in death or excessive property damage to file full description of the incident	C	C	C	Not Scored
32-1177(a)	32-1180	Boating; Failure of vessel operator involved in a collision, accident or other casualty to render aid and provide contact information	C	C	C	Not Scored
32-1127(b)	32-1180	Boating; Inspection certificate issued by the United States coast guard required for owner of any vessel operating on the waters of this state and carrying more than 20 passengers	C	C	C	Not Scored
32-1115(a)(1)	(f)	Boating; Intentional, unauthorized, defacing, destroying, removing or altering of an identification number required for a vessel	A	B	C	Nonperson
32-1119(b)	32-1180	Boating; Lighting requirements for motorboats	C	C	C	Not Scored
32-1125(b)	32-1180	Boating; Manipulation of any water skis, surfboard or similar device while under the influence of alcohol or drugs, or both	C	C	C	Not Scored
32-1119(d)	32-1180	Boating; Motorboats of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance	C	C	C	Not Scored
32-1119(n)	32-1180	Boating; Operate a motorboat or other vessel close to swimming areas, moored boats or vessels engaged in fishing, servicing buoys or markings, or similar activities, w/o reducing to no wake speed	C	C	C	Not Scored
32-1128(d)	32-1180	Boating; Operate a motorboat towing a person or persons on water skis, surfboard, or similar device, w/o a wide angle rear view mirror properly placed to provide a maximum vision of the person or persons being towed, or an observer at least 12 years of age in the boat in addition to the operator	C	C	C	Not Scored
32-1128(a)	32-1180	Boating; Operate a vessel towing a person or persons on water skis, surfboard, or similar device, or engage in water skiing, surfboarding, or similar activity during prohibited hours	C	C	C	Not Scored
32-1119(m)	32-1180	Boating; Operate or give permission to operate a vessel which is not equipped as required by the laws of Kansas and rules and regulations of the secretary	C	C	C	Not Scored
32-1128(c)	32-1180	Boating; Operate or manipulate a vessel, tow rope or other device, in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person	C	C	C	Not Scored
32-1110	32-1180	Boating; Operate or permit the operation of any motorboat or vessel propelled by sail w/o such vessel being numbered in accordance with this act	C	C	C	Not Scored
32-1125(c)	32-1180	Boating; Operation of any motorboat or vessel for pleasure riding or pull any water skis, surfboard or similar device in prohibited areas	C	C	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
32-1127(a)	32-1180	Boating; Operation of any vessel on the waters of this state carrying more than 20 passengers w/o satisfying the United States coast guard stability test criteria for small passenger vessels in 46 C.F.R. 179	C	C	C	Not Scored
32-1125(d)	32-1180	Boating; Operation of or mooring a vessel in prohibited areas; Operation of a vessel for purposes other than fishing in designated fishing areas; Operation of a vessel for purposes other than hunting in designated hunting areas	C	C	C	Not Scored
32-1125(e)	32-1180	Boating; Permitting a person under 12 years of age to operate a motorboat w/o parental or other adult (over 17 years) direct supervision	C	C	C	Not Scored
32-1115(a)(2)	(f)	Boating; Placing or stamping any serial number upon a vessel other than the one assigned to the vessel	A	B	C	Nonperson
32-1125(a)	32-1180	Boating; Reckless or negligent, operation of or manipulation of any motorboat or vessel, water skis, surfboard or similar device	C	C	C	Not Scored
32-1152	32-1180	Boating; Sanitation; toilet facilities	C	C	C	Not Scored
32-1115(b)	(f)	Boating; Selling, bartering, exchanging or possessing any vessel where the original hull identification number has been destroyed, removed, altered or defaced.	A	B	C	Nonperson
32-1153	32-1180	Boating; Unlawful sewage disposal	C	C	C	Not Scored
32-1126	32-1180	Boating; Violating capacity limits of a vessel	C	C	C	Not Scored
32-1151	32-1180	Boating; Water Activities; Scuba diving; rules and regulations; Buoy required	C	C	C	Not Scored
32-1150	32-1180	Boating; Water Activities; Scuba diving; rules and regulations; Diving in prohibited locations	C	C	C	Not Scored
32-1125(f)	32-1180	Boating; Willfully fail or refuse to stop, or flee or attempt to elude a pursuing law enforcement vehicle or vessel, when given a visual or audible signal to stop	C	C	C	Not Scored
10-1114	10-1121	Bonds & Warrants; Cash-Basis law; Clerks not to issue or sign orders	U	U	C	Not Scored
10-1113	10-1121	Bonds & Warrants; Cash-Basis law; Creating indebtedness in excess of funds unlawful	U	U	C	Not Scored
10-1116(c)	10-1121	Bonds & Warrants; Cash-Basis law; Member of governing body of any municipality, knowingly voting for or in any manner aid or promote the entering into of any contract or the creation of any other indebtedness	U	U	C	Not Scored
10-1115	10-1121	Bonds & Warrants; Cash-Basis law; Treasurers not to pay orders	U	U	C	Not Scored
10-118a	same	Bonds & Warrants; Diversion of interest and sinking funds for refunding bonds; Misappropriation of such	U	U	C	Not Scored
10-810	same	Bonds & Warrants; Execution of unlawful or irregular warrants or warrant checks	U	U	C	Not Scored
10-130(d)(1)	same	Bonds & Warrants; Failure of a county treasurer to forward moneys in the county treasury when requested	C	C	C	Not Scored
10-130a	same	Bonds & Warrants; Failure of state treasurer to pay certain funds or moneys as provided by law	U	U	C	Not Scored
10-130(d)(2)	same	Bonds & Warrants; Failure of the treasurer of a municipality or any county treasurer to make timely request for moneys	C	C	C	Not Scored
10-130(d)(3)	same	Bonds & Warrants; Failure of the treasurer of a municipality to make timely remittance of moneys for redemption of bonds or to pay the interest thereon	C	C	C	Not Scored
10-110(a)	(d)	Bonds & Warrants; Failure to furnish statement	C	C	C	Not Scored
10-113	same	Bonds & Warrants; Failure to levy a sum sufficient to pay the interest on bonds as required	U	U	C	Not Scored
10-110(a)	(d)	Bonds & Warrants; Failure to make cancellation	C	C	C	Not Scored
10-117	same	Bonds & Warrants; Unlawful issue, diversion or misuse of bond proceeds or tax funds	U	U	C	Not Scored
21-4002(a)(2)	(c)	Breach of Privacy; Divulging, w/o consent, the existence or contents of intercepted message	A	B	C	Nonperson

* Crime was created, amended or the class changed during the 2008 Legislative Session.

MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4002(a)(1)	(c)	Breach of Privacy; Intercepting, w/o consent, a message by telephone, telegraph, letter or other means of private communication	A	B	C	Nonperson
32-1131(a)(1)	(e)	BUI; Alcohol concentration, blood or breath, is .08 or more, at the time or w/in two hours after one operated or attempted to operate the vessel	U	U	C	Not Scored
32-1131(a)(2)	(e)	BUI; Alcohol concentration, blood or breath, is .08 or more, at the time or w/in two hours after one operated or attempted to operate the vessel; person < 21 years	U	U	C	Not Scored
32-1131(d)	(e)	BUI; Boating w/in three months after the date of refusing to submit to a test pursuant to K.S.A. 32-1132	U	U	C	Not Scored
32-1131(b)	(e)	BUI; Habitual user of any narcotic, hypnotic, somnifacient or stimulating drug	U	U	C	Not Scored
32-1131(a)(5)	(e)	BUI; Under the influence of a combination of alcohol and any drug or drugs; rendering one incapable of safely operating a vessel	U	U	C	Not Scored
32-1131(a)(3)	(e)	BUI; Under the influence of alcohol	U	U	C	Not Scored
32-1131(a)(4)	(e)	BUI; Under the influence of any drug or combination of drugs rendering the person incapable of safely operating a vessel	U	U	C	Not Scored
21-4402(a)	(c)	Business Crimes; Debt adjusting	B	C	C	Not Scored
21-4403(a)	(d)	Business Crimes; Deceptive commercial practices	B	C	C	Not Scored
21-4410(a)	(b)	Business Crimes; Equity skimming	A	B	C	Nonperson
21-4409(a)	(c)	Business Crimes; Knowingly employing an illegal alien w/in the US	C	C	C	Not Scored
21-4407(b)	same	Business Crimes; Receiving a sports bribe; Sport officials	A	B	C	Nonperson
21-4407(a)	same	Business Crimes; Receiving a sports bribe; Sport participants	A	B	C	Nonperson
21-4404(a)	(c)	Business Crimes; Tie-in magazine sale	B	C	C	Not Scored
59-2980	same	Care & Treatment; Mentally Ill Persons; Make any false petition, report or order provided for in this act for a corrupt consideration or advantage, or through malice	A	B	C	Nonperson
59-2979(a)	(c)	Care & Treatment; Mentally Ill Persons; Unauthorized and willful disclosure of privileged records	C	C	C	Not Scored
59-2978(a)	(c)	Care & Treatment; Mentally Ill Persons; Willful, unauthorized deprivation of any patient's rights	C	C	C	Not Scored
59-29b80	same	Care & Treatment; Persons w/Addiction Problems; Make any false petition, report or order provided for in this act for a corrupt consideration or advantage, or through malice	A	B	C	Nonperson
59-29b79(a)	(c)	Care & Treatment; Persons w/Addiction Problems; Unauthorized and willful disclosure of privileged records	C	C	C	Not Scored
59-29b78(a)	(c)	Care & Treatment; Persons w/Addiction Problems; Willful, unauthorized deprivation of any patient's rights	C	C	C	Not Scored
21-4210	same	Carrying Concealed Explosives	C	C	C	Not Scored
21-3709	same	Causing Unlawful Prosecution for Worthless Check	A	B	C	Nonperson
11-307	same	Census; Any interference with one carrying out the provisions of this act	A	B	C	Nonperson
11-208(a)	same	Census; Employee knowingly failing to perform the duties or submitting false report	A	B	C	Nonperson
41-2705(a)(1)	41-2711	Cereal Malt Beverages; Accept, receive or borrow money or anything else of value, or accept or receive credit, from any manufacturer or distributor	U	U	C	Not Scored
41-2705(a)(4)	41-2711	Cereal Malt Beverages; Accept, receive or borrow money or anything else of value, or accept or receive credit, from any officer, manager, agent or representative of a manufacturer or distributor	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
41-2705(a)(2)	41-2711	Cereal Malt Beverages; Accept, receive or borrow money or anything else of value, or accept or receive credit, from any person connected with, in any way representing or a member of the family of a manufacturer or distributor	U	U	C	Not Scored
41-2705(a)(3)	41-2711	Cereal Malt Beverages; Accept, receive or borrow money or anything else of value, or accept or receive credit, from any stockholders in a manufacturer or distributor	U	U	C	Not Scored
41-2725(a)	(b)	Cereal Malt Beverages; Cereal malt beverage prohibited at state capitol	U	U	C	Not Scored
41-2706(a)	41-2711	Cereal Malt Beverages; Certain sales on credit or in trade prohibited	U	U	C	Not Scored
41-2722(a)(1-7)	(c)	Cereal Malt Beverages; Certain sales practices prohibited; punished per 41-2711	U	U	C	Not Scored
41-2726(a)	(b)	Cereal Malt Beverages; CMB; Sales below cost prohibited; punished per 41-2711	U	U	C	Not Scored
41-2705(b)	41-2711	Cereal Malt Beverages; Licensee permitting or assenting, or being a party to any violation or infringement of the provisions of this section or of K.S.A. 41-702 or 41-703	U	U	C	Not Scored
41-2702	41-2711	Cereal Malt Beverages; Retailer's license required for sale of CMB	U	U	C	Not Scored
41-2707	41-2711	Cereal Malt Beverages; Sale by distributor to retailer on credit unlawful	U	U	C	Not Scored
65-4516	65-4517	Certification of Operators of Water Supply Systems & Wastewater Treatment Facilities; Fail to supply supervision by a certified operator	U	U	C	Not Scored
2-3308(a)(2)	same	Chemigation Safety Law; Engage in chemigation on a suspended or revoked permit	U	U	C	Not Scored
2-3308(a)(1)	same	Chemigation Safety Law; Engage in chemigation w/o a permit	U	U	C	Not Scored
2-3308(a)(4)	same	Chemigation Safety Law; Failure of permit holder to immediately notify the secretary of any actual or suspected accident resulting from the use of chemigation	U	U	C	Not Scored
2-3313(g)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Aid, abet or conspire with any person to evade any of the provisions of this act; Allow use of a registration or permit by a person not named on the registration or permit	U	U	C	Not Scored
2-3313(h)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Impersonate any state, county or city inspector or official, as acting in their official capacity	U	U	C	Not Scored
2-3313(b)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Knowingly use ineffective or improper equipment or materials	U	U	C	Not Scored
2-3313(a)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Make a pesticide use or application not in accordance with the label directions	U	U	C	Not Scored
2-3313(d)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Make false or fraudulent records or reports	U	U	C	Not Scored
2-3313(f)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Refuse or neglect to comply with any limitations or restrictions on or in a duly issued registration or permit	U	U	C	Not Scored
2-3313(c)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Refuse or neglect to keep and maintain records as required; Refuse or neglect to make records available as required by this act	U	U	C	Not Scored
2-3313(i)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Use any chemigation method or pesticide, fertilizer or other chemical material without regard to public health, safety or welfare	U	U	C	Not Scored
2-3313(e)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Use fraud or misrepresentation in making an application for or renewal of a registration or permit	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-3313(j)	2-3308(b)(2)	Chemigation Safety Law; Person registered or holding permit; Use the chemigation process without proper registration or permit issued under the provisions of this act	U	U	C	Not Scored
2-3308(a)(3)	same	Chemigation Safety Law; Tamper with, or damage equipment specified in this act	U	U	C	Not Scored
38-601	38-612	Child Labor; Employment of children under 14	U	U	C	Not Scored
38-603(a)	38-612	Child Labor; Employment of children under 16	U	U	C	Not Scored
38-602	38-612	Child Labor; Employment of children under 18	U	U	C	Not Scored
38-616(a)	(b)	Child Labor; Employment of infant under one month on motion picture set or location w/o written appropriate certification by licensed physician and surgeon board-certified in pediatrics	B	C	C	Not Scored
65-67a09(c)	(e)(2)	Child Rape Protection Act; first conviction	A	B	C	Nonperson
79-3321(w)	79-3322	Cigarettes & Tobacco Products; Affix a stamp required pursuant to K.S.A. 79-3311 to the package of any cigarettes described in subsection (u) or altered in violation of subsection (v).	U	U	C	Not Scored
79-3321(v)	79-3322	Cigarettes & Tobacco Products; Alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, to remove, conceal or obscure certain labels or health warnings	U	U	C	Not Scored
79-3322(b)(1)(B)	same	Cigarettes & Tobacco Products; Buy cigarettes or tobacco for a person under 18 years of age	B	C	C	Not Scored
79-3321(g)	79-3322	Cigarettes & Tobacco Products; Dealer; fail or refuse to keep and preserve all records as required	U	U	C	Not Scored
79-3321(e)	79-3322	Cigarettes & Tobacco Products; Dealer; Fail to produce records or invoices required to be kept	U	U	C	Not Scored
79-3333(c)	(i)	Cigarettes & Tobacco Products; Fail of retail cigarette dealer to register, file sales tax returns or remit taxes owed for the sale of cigarettes over the internet, telephone or other mail order transaction	U	U	C	Not Scored
79-3321(j)	79-3322	Cigarettes & Tobacco Products; Fail or refuse to permit inspection of a carrier transporting cigarettes	U	U	C	Not Scored
79-3333(f)	(i)	Cigarettes & Tobacco Products; Fail to comply with documentation requirements involving the sale of cigarettes through the internet or other mail order transaction	U	U	C	Not Scored
79-3333(g)	(i)	Cigarettes & Tobacco Products; Fail to comply with packaging requirements when shipping	U	U	C	Not Scored
79-3321(f)	79-3322	Cigarettes & Tobacco Products; Knowingly make, use, or present any falsified invoice or falsely state the nature or quantity of the goods therein invoiced	U	U	C	Not Scored
79-3321(b)	79-3322	Cigarettes & Tobacco Products; Mutilate or attach a mutilated or previously used stamp to any package of cigarettes; Possession of any mutilated stamps	U	U	C	Not Scored
79-3321(i)	79-3322	Cigarettes & Tobacco Products; Possess evidence of tax indicia not purchased from the director	U	U	C	Not Scored
79-3321(n)	79-3322	Cigarettes & Tobacco Products; Possession or attempted possession of cigarettes or tobacco by a person under 18 years of age	U	U	C	Not Scored
79-3321(c)	79-3322	Cigarettes & Tobacco Products; Prevent a full inspection as authorized by this act	U	U	C	Not Scored
79-3321(m)	79-3322	Cigarettes & Tobacco Products; Purchase or attempted purchase of cigarettes or tobacco by a person under 18 years of age	U	U	C	Not Scored
79-3321(r)	79-3322	Cigarettes & Tobacco Products; Retail dealer; Fail to post and maintain notice as required	U	U	C	Not Scored
79-3333(b)	(i)	Cigarettes & Tobacco Products; Sale of cigarettes w/o Kansas cigarette tax stamp affixed to package	U	U	C	Not Scored
79-3321(q)	79-3322	Cigarettes & Tobacco Products; Sell a vending machine w/o a vending machine distributor's license	U	U	C	Not Scored
79-3321(o)	79-3322	Cigarettes & Tobacco Products; Sell cigarettes w/o Kansas tax indicia or w/o paying Kansas cigarette tax, to a retailer or at retail	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
79-3321(p)	79-3322	Cigarettes & Tobacco Products; Sell cigarettes without having a license	U	U	C	Not Scored
79-3321(l)	79-3322	Cigarettes & Tobacco Products; Sell, furnish or distribute cigarettes or tobacco to person under 18	U	U	C	Not Scored
79-3322(b)(1)(A)	same	Cigarettes & Tobacco Products; Sell, give, furnish cigarettes or tobacco to person under 18	B	C	C	Not Scored
79-3321(s)	79-3322	Cigarettes & Tobacco Products; Unauthorized distribution of samples within 500 feet of any school when such facility is being used primarily by persons under 18 years of age	U	U	C	Not Scored
79-3321(a)	79-3322	Cigarettes & Tobacco Products; Unauthorized possession of more than 200 cigarettes w/o the required tax indicia	U	U	C	Not Scored
79-3321(t)	79-3322	Cigarettes & Tobacco Products; Unauthorized sale of cigarettes or tobacco products by means of a vending machine in any establishment, or portion of an establishment, open to minors	U	U	C	Not Scored
79-3321(u)	79-3322	Cigarettes & Tobacco Products; Unauthorized sale, distribution, acquisition, possession, transportation, or importation of certain cigarettes within this state	U	U	C	Not Scored
79-3321(d)	79-3322	Cigarettes & Tobacco Products; Use any artful device or deceptive practice to conceal any violation of this act or to mislead one charged with the enforcement of this act	U	U	C	Not Scored
79-3321(k)	79-3322	Cigarettes & Tobacco Products; Vend small cigars, or a product that can be confused with cigarettes, from a machine vending cigarettes; Build a vending machine to vend cigars or products that may be confused with cigarettes, that may be attached to a cigarette vending machine	U	U	C	Not Scored
79-3321(h)	79-3322	Cigarettes & Tobacco Products; Wholesale cigarettes to any unauthorized person	U	U	C	Not Scored
12-1609	same	Cities & Municipalities; Any city treasurer violating any of the provisions of this act	U	U	C	Not Scored
12-1634	same	Cities & Municipalities; Cities in counties over 90,000; Failure, neglect or refusal of any railroad company or companies or street-railway company to erect, construct, reconstruct or repair any viaduct or tunnel as required	U	U	C	Not Scored
12-1633	same	Cities & Municipalities; Failure, neglect or refusal of any railroad company or companies or street-railway company to erect, construct, reconstruct or repair any viaduct or tunnel as required	U	U	C	Not Scored
12-1,108	same	Cities & Municipalities; Inspection of tax returns; Unlawful to exhibit, disclose or publish	U	U	C	Not Scored
12-853	12-854	Cities & Municipalities; Materially diminish the augmented flow of water due to the use of said stream or streams by such cities in conveying its water to its water system intake	U	U	C	Not Scored
12-189	same	Cities & Municipalities; Officer or employee of a city or county divulging confidential info.	A	B	C	Nonperson
12-761(a)	same	Cities & Municipalities; Planning and Zoning; Penalty for any violation of regulations	U	U	C	Not Scored
12-850	same	Cities & Municipalities; Unauthorized interference with the surface of any street, alleys, public park or grounds of such city	U	U	C	Not Scored
13-1903	same	Cities of the First Class; General Powers of Board of Commissioners; Failure of railroad company or companies or street-railway company, to comply with the duty to erect, construct, reconstruct or repair any viaduct, within the time and in the manner required by the board of commissioners	U	U	C	Not Scored
15-1008	15-1009	Cities of the Third Class; Cemeteries; Unlawful establishment or maintenance	U	U	C	Not Scored
41-2640(a)(7)	(c)	Club/Drinking Establishment Act; Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (6).	U	U	C	Not Scored
41-2604(a)	same	Club/Drinking Establishment Act; Allowing consumption of liquor in violation of Act	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
41-2640(a)(6)	(c)	Club/Drinking Establishment Act; Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes	U	U	C	Not Scored
41-2640(a)(5)	(c)	Club/Drinking Establishment Act; Increase the volume of alcoholic liquor contained in a drink or the size of a drink of cereal malt beverage w/ increasing proportionately the price charged for the drink on that day	U	U	C	Not Scored
41-2632(b)(2)	(c)	Club/Drinking Establishment Act; Influencing purchases from particular retailer by licensees prohibited	U	U	C	Not Scored
41-2632(b)(1)	(c)	Club/Drinking Establishment Act; Influencing purchases of particular brand by licensees prohibited	U	U	C	Not Scored
41-2640(a)(1)	(c)	Club/Drinking Establishment Act; Offer or serve any free cereal malt beverage or alcoholic liquor	U	U	C	Not Scored
41-2640(a)(2)	(c)	Club/Drinking Establishment Act; Offer or serve to any person a drink at a price that is less than the acquisition cost of the drink to the licensee or permit holder	U	U	C	Not Scored
41-2615(a)	(b)	Club/Drinking Establishment Act; Possession or consumption by minor prohibited	U	U	C	Not Scored
41-2640(a)(4)	(c)	Club/Drinking Establishment Act; Sell, offer to sell or serve any drink to any person at any time at a price less than that charged all other purchasers of drinks on that day	U	U	C	Not Scored
41-2640(a)(3)	(c)	Club/Drinking Establishment Act; Sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions or to general membership of a club	U	U	C	Not Scored
38-1525(a)	Repealed Jan. 1, 2007	Code for Care of Children; Employer prohibited from imposing sanctions on employee making report or cooperating in investigation relating to child abuse	B	C	C	Not Scored
38-1522(a)	Repealed Jan. 1, 2007	Code for Care of Children; Failure to report child abuse	B	C	C	Not Scored
38-2223(e)(2)	same	Code for Care of Children; Intentionally preventing or interfering with the making of a report of child abuse	B	C	C	Not Scored
38-1522(a)	Repealed Jan. 1, 2007	Code for Care of Children; Intentionally preventing/interfering with making a report of child abuse	B	C	C	Not Scored
38-2224(a)	(b)	Code for care of Children; Retaliation by employer against one who reports to, or cooperates with an investigation by law enforcement or the secretary relating to suspected abuse of a child	B	C	C	Not Scored
38-1505b(a)	Repealed Jan. 1, 2007	Code for Care of Children; Unauthorized breach in confidentiality of child in need of care records	A	B	C	Nonperson
38-2223(e)(1)	same	Code for Care of Children; Willful and knowing failure to report child abuse as required	B	C	C	Not Scored
38-2228(e)(3)	same	Code for Care of Children; Willful and knowing false report of child abuse, lacking factual foundation	B	C	C	Not Scored
38-1609(a)	Repealed Jan. 1, 2007	Code for Care of Children; Willful unauthorized disclosure of records of diagnostic, treatment or medical records concerning juvenile offenders	C	C	C	Not Scored
48-2713(a)	(b)	Code of Military Justice; Use of any menacing word, sign, or gesture in the presence of the military court, or who disturbs the military courts proceedings by any riot or disorder	C	C	C	Not Scored
48-2712(a)(3)	same	Code of Military Justice; Willfully neglect or refuse to appear, or refuse to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce	C	C	C	Not Scored
8-2,132(c)	(d)	Commercial Drivers' License Act; Driving a commercial vehicle in violation of out-of-service order	B	C	C	Not Scored
8-2,132(a)	(d)	Commercial Drivers' License Act; Driving a commercial vehicle w/o valid DL	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-2,132(b)	(d)	Commercial Drivers' License Act; Driving a commercial vehicle while DL suspended/revoked/cancelled or subject to disqualification	B	C	C	Not Scored
8-2,144(a)(1)	(b)	Commercial DUI; Alcohol concentration in the person's blood or breath is .04 or more; first conviction	B	C	C	Not Scored
8-2,144(a)(1)	(c)	Commercial DUI; Alcohol concentration in the person's blood or breath is .04 or more; second conviction	A	B	C	Nonperson
8-2,144(a)(2)	(b)	Commercial DUI; Alcohol concentration in the person's blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; first conviction	B	C	C	Not Scored
8-2,144(a)(2)	(c)	Commercial DUI; Alcohol concentration in the person's blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; second conviction	A	B	C	Nonperson
8-2,144(a)(3)	(b)	Commercial DUI; Committing a violation of subsection (a) of K.S.A. 8-1567, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder; first conviction	B	C	C	Not Scored
8-2,144(a)(3)	(c)	Commercial DUI; Committing a violation of subsection (a) of K.S.A. 8-1567, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder; second conviction	A	B	C	Nonperson
2-1011(2)(B)	(4)	Commercial Feed Stuffs; Fail or neglect to file the tonnage report and pay the inspection fee due thereon as required	A	B	C	Nonperson
2-1011(2)(C)	(4)	Commercial Feed Stuffs; File a false report of the tonnage of feeding stuffs sold for any period	A	B	C	Nonperson
2-1011(2)(D)	(4)	Commercial Feed Stuffs; Impede, obstruct, hinder or otherwise prevent or attempt to prevent agents charged with the enforcement of the provisions of article 10 of chapter 2 of K.S.A.s	A	B	C	Nonperson
2-1011(2)(A)	(4)	Commercial Feed Stuffs; Mutilate, destroy, obliterate or remove the label or any part thereof, or any act which may result in misbranding or false labeling	A	B	C	Nonperson
2-1011(1)(D)	(4)	Commercial Feed Stuffs; Unlawful sale/distribution; Adulterated or containing substance or substances which may render it injurious to public health or the health of livestock, poultry and pets	A	B	C	Nonperson
2-1011(1)(C)	(4)	Commercial Feed Stuffs; Unlawful sale/distribution; Bearing false/misleading statement on the label or the advertising	A	B	C	Nonperson
2-1011(1)(B)	(4)	Commercial Feed Stuffs; Unlawful sale/distribution; Not labeled as required by law	A	B	C	Nonperson
2-1011(1)(A)	(4)	Commercial Feed Stuffs; Unlawful sale/distribution; Not licensed	A	B	C	Nonperson
2-1208(1)(c)	(3)	Commercial Fertilizers; Sale/distribution of; Fertilizer bears a false or misleading statement on the application for registration, the label or the advertising	U	U	C	Not Scored
2-1208(1)(b)	(3)	Commercial Fertilizers; Sale/distribution of; Fertilizer not labeled as required	U	U	C	Not Scored
2-1208(1)(a)	(3)	Commercial Fertilizers; Sale/distribution of; Fertilizer not registered	U	U	C	Not Scored
21-3759(b)	same	Commercial Fossil Hunting; Without landowners consent	B	C	C	Not Scored
21-3759(c)	same	Commercial Fossil Hunting; Without landowners consent; Removal of fossils from property	A	B	C	Nonperson
21-3760(a)	(b)	Common Nuisance; Maintenance of a Common Nuisance	U	U	C	Not Scored
21-3903(a)	(c)	Compensation for Past Official Acts	B	C	C	Not Scored
21-3807(a)(1)	(c)	Compounding a Misdemeanor Crime; Accept anything of value for a promise not to initiate or aid in the prosecution of a person who has committed a crime	A	B	C	Nonperson
21-3807(a)(2)	(c)	Compounding a Misdemeanor Crime; Accept anything of value for a promise to intentionally conceal or destroy evidence of a crime	A	B	C	Nonperson

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3755(c)(1)	(c)(2)	Computer Password Disclosure	A	B	C	Nonperson
21-3755(d)	same	Computer Trespass	A	B	C	Nonperson
75-7c11(a)	(b)	Concealed Weapons; Carrying concealed weapon into location in violation of restriction or prohibition by owner	B	C	C	Not Scored
75-7c10(a)	(b)	Concealed Weapons; Carrying concealed weapon into statutorily prohibited locations	A	B	C	Nonperson
75-7c12(a)	same	Concealed Weapons; Carrying concealed weapon while under the influence of alcohol or drugs or both	A	B	C	Nonperson
75-7c12(i)(4)	same	Concealed Weapons; False certification by LEO that procedure for determining whether a person carrying a concealed weapon is under the influence has been followed	B	C	C	Not Scored
60-4708(c)	(d)	Construction Defects; Member or officer of an executive board accepting anything of value in exchange for encouraging or discouraging the filing of a claim for damages arising from a construction defect	C	C	C	Not Scored
60-4708(a)	(d)	Construction Defects; Offer anything of value to a property manager of an association or member or officer of an executive board of an association to induce, encourage or discourage the filing of a claim for damages arising from a construction defect	C	C	C	Not Scored
60-4708(b)	(d)	Construction Defects; Property manager accepting anything of value given in exchange for encouraging or discouraging the filing of a claim for damages arising from a construction defect	C	C	C	Not Scored
50-6a04(h)(1)	(h)(2)	Consumer Protection Act; Affixing of cigarette stamps and meter impressions (falsely representing)	A	B	C	Nonperson
50-620	50-622	Consumer Protection Act; Certain information as to ownership of junk required; register	C	C	C	Not Scored
50-626(a)	50-622	Consumer Protection Act; Engaging in any deceptive act or practice in connection with a consumer transaction; Deceptive acts and practices defined in subsection (b)	C	C	C	Not Scored
50-621	50-622	Consumer Protection Act; Junk dealer; Purchasing items of junk w/o receiving information on ownership from seller; Fail to file and maintain a record of ownership as required	C	C	C	Not Scored
50-627(a)	50-622	Consumer Protection Act; Unconscionable acts and practices	C	C	C	Not Scored
46-1014(a)(3)	(b)	Contempt of Legislature; Appear as required by a subpoena but refuse to answer, under oath or affirmation, any question pertinent to the matter under inquiry	A	B	C	Nonperson
46-1014(a)(2)	(b)	Contempt of Legislature; Willfully fail to produce books, papers, documents or other records when required to do so	A	B	C	Nonperson
46-1014(a)(1)	(b)	Contempt of Legislature; Willfully make default when summoned as a witness by subpoena	A	B	C	Nonperson
16-114	same	Contracts & Promises; Penalty for any violation of act	U	U	C	Not Scored
21-3612(a)(2)	(a)	Contributing to a Child's Misconduct; Cause, encourage child under 18 to commit misdemeanor	A	B	C	Nonperson
21-3612(a)(1)	(a)	Contributing to a Child's Misconduct; Cause, encourage child under 18 to remain or become CINC	A	B	C	Nonperson
21-3612(a)(6)	(a)	Contributing to a Child's Misconduct; Encourage probation violation	A	B	C	Nonperson
21-3612(a)(3)	(a)	Contributing to a Child's Misconduct; Fail to reveal information concerning runaway child to law enforcement officer	A	B	C	Nonperson
17-1913	same	Corporations; Fail or neglect to keep station open or deliver messages as required	U	U	C	Not Scored
17-1907	same	Corporations; Intentional / willful injury to telegraph, telephone or power line property	U	U	C	Not Scored
17-1908	same	Corporations; Intentional / willful interference with lines	U	U	C	Not Scored
17-1918	17-1920	Corporations; Unlawful for mover to move or interfere with lines or facilities	U	U	C	Not Scored
65-1942(a)(3)	(b)	Cosmetology; Alter materially a license with fraudulent intent	A	B	C	Nonperson
65-1902(a)(2)	(e)	Cosmetology; Conduct a school for teaching cosmetology w/o holding a valid license to conduct the school	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1902(a)(6)	(e)	Cosmetology; Conduct a school for teaching electrology w/o holding a valid license to conduct the school	C	C	C	Not Scored
65-1902(a)(8)	(e)	Cosmetology; Conduct a school for teaching esthetics w/o holding a valid license to conduct the school	C	C	C	Not Scored
65-1902(a)(4)	(e)	Cosmetology; Conduct a school for teaching nail technology w/o holding a valid license to conduct the school	C	C	C	Not Scored
65-1909(a)(1)	(b)	Cosmetology; Employing an individual to engage in any activity requiring a license pursuant to K.S.A. 65-1902, w/o a such individual holding a currently valid license	U	U	C	Not Scored
65-1909(a)(3)	(b)	Cosmetology; Fail or refuse to comply with rules and regulations prescribed by the board or applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148	U	U	C	Not Scored
65-1902(a)(10)	(e)	Cosmetology; Own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced w/o holding a valid license	C	C	C	Not Scored
65-1902(a)(1)	(e)	Cosmetology; Practice cosmetology, esthetics, nail technology or electrology w/o a valid license for such practice	C	C	C	Not Scored
65-1942(a)(2)	(b)	Cosmetology; Purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice tattooing or body piercing	A	B	C	Nonperson
65-1942(a)(1)	(b)	Cosmetology; Sell, barter, offer to sell or barter a license	A	B	C	Nonperson
65-1926(a)	65-1927	Cosmetology; Tanning facility license required	C	C	C	Not Scored
65-1953	same	Cosmetology; Tattooing or body piercing of persons under 18 w/o parental consent	A	B	C	Nonperson
65-1941(a)	(b)	Cosmetology; Tattooing or body piercing w/o license; Purporting to be a technician w/o a license	A	B	C	Nonperson
65-1902(a)(3)	(e)	Cosmetology; Teach cosmetology in a licensed school w/o holding a valid cosmetology instructor's license	C	C	C	Not Scored
65-1902(a)(7)	(e)	Cosmetology; Teach electrology in a licensed school or clinic w/o holding a valid electrology instructor's license	C	C	C	Not Scored
65-1902(a)(9)	(e)	Cosmetology; Teach esthetics in a licensed school w/o holding a valid cosmetology or esthetics instructor's license	C	C	C	Not Scored
65-1902(a)(5)	(e)	Cosmetology; Teach nail technology in a licensed school w/o holding a valid cosmetology or manicuring instructor's license	C	C	C	Not Scored
65-1902(a)(11)	(e)	Cosmetology; Teaching or practicing cosmetology, esthetics, nail technology or electrology in a school, salon or clinic where the owner or operator of the school, salon or clinic does not hold a valid school, salon or clinic license	C	C	C	Not Scored
65-1942(a)(4)	(b)	Cosmetology; Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered	A	B	C	Nonperson
65-1909(a)(4)	(b)	Cosmetology; Violate any of the provisions of article 19 of chapter 65 of Kansas Statutes Annotated	U	U	C	Not Scored
65-1909(a)(2)	(b)	Cosmetology; Violation of any order or ruling of the state board of cosmetology	U	U	C	Not Scored
65-1942(a)(5)	(b)	Cosmetology; Willfully make a false, material statement in an application for licensure or for renewal of a license	A	B	C	Nonperson
21-3763(a)	(e)(1)	Counterfeiting; less than $1000	A	B	C	Nonperson
19-323	same	Counties/County Clerks; Failure or refusal to file Biennial list of county officers, their signatures and imprint of seals with secretary of state	U	U	C	Not Scored
19-241	19-243	Counties/County Commissioners; County charges and expenses; tax levy, use of proceeds	U	U	C	Not Scored
19-242	19-243	Counties/County Commissioners; Issuance of warrants or warrant checks for more than allowed	U	U	C	Not Scored
19-233	same	Counties/County Commissioners; Violation of law by commissioner	U	U	C	Not Scored
19-1907	same	Counties/County Officers; Jails; Sheriff, jailer or keeper; Intoxicating liquors	U	U	C	Not Scored
19-2202	same	Counties/County Officers; Licenses; Unlicensed itinerant vendors of drugs or appliances; Failure to supply license on demand	U	U	C	Not Scored

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Kansas Criminal Code
MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
19-2207	same	Counties/County Officers; Licenses; Unlicensed peddler or failure of peddler to pay required tax	U	U	C	Not Scored
19-1215	same	Counties/County Officers; Register of Deeds; Penalty for any violation of act	U	U	C	Not Scored
19-2240	same	Counties/County Officers; Transient Merchant licensing act; Penalty for any violation of act	A	B	C	Nonperson
19-2620	19-2622	Counties/County Officers; Unauthorized change or altering of water mains	U	U	C	Not Scored
19-2621	19-2622	Counties/County Officers; Unauthorized interference with water mains	U	U	C	Not Scored
19-537	same	Counties/County Treasurers; Penalty for willful violation of KSA 19-531 to 19-537	U	U	C	Not Scored
20-911	same	Court Reporters; District Courts; False certificate or omission of portion of notes	U	U	C	Not Scored
21-4212(a)(3)	(b)	Creating a Hazard; Exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children	B	C	C	Not Scored
21-4212(a)(2)	(b)	Creating a Hazard; Owner or possessor of property upon which a cistern, well or cesspool is located, knowingly failing to cover the same with protective covering of sufficient strength and quality to exclude human beings and domestic animals therefrom	B	C	C	Not Scored
21-4212(a)(1)	(b)	Creating a Hazard; Storing or abandoning, in a place accessible to children, a container with a compartment of more than 1.5 cubic feet capacity and a door/lid which locks or fastens automatically when closed and cannot be easily opened from the inside, and failing to remove the door, lock, lid or fastening device on such container	B	C	C	Not Scored
50-1131	same	Credit Services Organization Act; Violation act or any rule and regulation promulgated thereunder	B	C	C	Not Scored
17-2261	same	Credit Unions; Penalty for any violation of KSA 17-2252 through 17-2257	C	C	C	Not Scored
17-2203(a)	17-2203(b)	Credit Unions; Unauthorized use of the words "credit union" in any name or title	A	B	C	Nonperson
21-3720(a)(2)	(b)(3)	Criminal Damage to Property; Injure, damage, mutilate, deface, destroy, or substantially impair the use of any property with intent to injure or defraud; value less than $1000 and damaged less than $1000	B	C	C	Not Scored
21-3720(a)(1)	(b)(3)	Criminal Damage to Property; Intentionally injure, damage, mutilate, deface, destroy, or substantially impair the use of any property w/o consent; value less than $1000 and damaged less than $1000	B	C	C	Not Scored
21-4004(a)	(c)	Criminal Defamation	A	B	C	Nonperson
*21-3705(a)	(b)(1)	Criminal Deprivation of Property; Motor vehicle; first or second conviction	A	B	C	Nonperson
21-3705(a)	(c)	Criminal Deprivation of Property; Property other than a motor vehicle	A	B	C	Nonperson
21-4111(a)(2)(D)	(b)(1)(C)	Criminal Desecration; By means other than by fire or explosive; Damaging, defacing or destroying any place of worship; Property damaged less than $1000	A	B	C	Nonperson
21-4111(a)(2)(B)	(b)(1)(C)	Criminal Desecration; By means other than by fire or explosive; Damaging, defacing or destroying any public monument or structure; Property damaged less than $1000	A	B	C	Nonperson
21-4111(a)(2)(C)	(b)(1)(C)	Criminal Desecration; By means other than by fire or explosive; Damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; Property damaged less than $1000	A	B	C	Nonperson
21-4111(a)(2)(A)	(b)(2)	Criminal Desecration; By means other than by fire or explosive; Damaging, destroying or defacing US or state flag or insignia	A	B	C	Nonperson
21-4111(a)(1)	(b)(2)	Criminal Desecration; Obtain or attempt to obtain remains of dead body, urn, etc.	A	B	C	Nonperson
21-4217(a)(1)	(d)	Criminal Discharge of a Firearm; Upon land or nonnavigable body of water w/o permission of the owner or possessor	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4217(a)(2)	(d)	Criminal Discharge of a Firearm; Upon or from any public road, public road right-of-way or railroad right-of-way that adjoins land of another w/o permission	C	C	C	Not Scored
21-3827(a)	(b)	Criminal Disclosure of a Warrant	B	C	C	Not Scored
21-4203(a)(6)	(c)	Criminal Disposal of Firearms; Knowingly selling, giving, or transferring a firearm to a person who is or has been a mentally ill person or, persons with alcohol or substance abuse problems, if subject to involuntary commitment for care and treatment.	A	B	C	Nonperson
21-4203(a)(5)	(c)	Criminal Disposal of Firearms; Transferring any firearm to any person who has been convicted of a felony and who was in possession of a firearm at the time of the commission of the offense	A	B	C	Nonperson
21-4203(a)(4)	(c)	Criminal Disposal of Firearms; Transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned	A	B	C	Nonperson
21-4203(a)(3)	(c)	Criminal Disposal of Firearms; Transferring any firearm to any person who, within the preceding five years, has been convicted of a felony or has been released from imprisonment for a felony	A	B	C	Nonperson
21-4203(a)(1)	(c)	Criminal Disposal of Firearms; Transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age	A	B	C	Nonperson
21-4203(a)(2)	(c)	Criminal Disposal of Firearms; Transferring firearm to any person who is both addicted to and an unlawful user of a controlled substance	A	B	C	Nonperson
21-3728(a)(1)	same	Criminal Hunting; Hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing upon any land or nonnavigable body of water of another w/o consent	C	C	C	Not Scored
21-3728(a)(2)	same	Criminal Hunting; Hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing upon or from any public road, public road right-of-way or railroad right-of-way that adjoins occupied or improved premises w/o consent	C	C	C	Not Scored
21-3728(b)(1)	same	Criminal Hunting; Intentional; Knowing and unauthorized hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing upon any land or nonnavigable body of water of another and in defiance of an order not to enter or to leave	B	C	C	Not Scored
21-3728(b)(2)	same	Criminal Hunting; Intentional; Knowing and unauthorized hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing upon any land or nonnavigable body of water of another where such premises or property are posted in a manner consistent with K.S.A. 32-1013	B	C	C	Not Scored
21-3722(a)(2)	(b)	Criminal Littering; Intentionally or recklessly deposit or cause to be deposited any object or substance into, upon or about: Any private property w/o consent	U	U	C	Not Scored
21-3722(a)(1)	(b)	Criminal Littering; Intentionally or recklessly deposit or cause to be deposited any object or substance into, upon or about: Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water	U	U	C	Not Scored
21-4204a(a)	(b)	Criminal Possession of Firearm; By juvenile (person under 18) - barrel less than 12 inches long	A	B	C	Nonperson
21-4204(a)(1)	(c)	Criminal Possession of Firearm; By person addicted to and unlawful user of a controlled substance	B	C	C	Scored / Select
21-4204(a)(5)	(c)	Criminal Possession of Firearm; By person other than LEO on school property/grounds	B	C	C	Scored / Select
21-4204(a)(6)	(c)	Criminal Possession of Firearm; Possession on school property & refusal to surrender weapon	A	B	C	Nonperson
22-2809a(b)	(d)	Criminal Procedure; Conditions of Release; Surety or agent thereof; 1st conviction	A	B	C	Nonperson

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
22-2525(1)	(3)	Criminal Procedure; Unauthorized installation or use of pen register or a trap and trace device	C	C	C	Not Scored
22-2710	22-2711	Criminal Procedure; Uniform Criminal Extradition Act; Rights of accused person; application for writ of habeas corpus; notice; Failure of officer to comply	B	C	C	Not Scored
22-4710(a)	(b)	Criminal Procedure; Unlawful for employers to require inspection of or challenge to any criminal history record information for the purpose of obtaining criminal history record to qualify for employment	A	B	C	Nonperson
22-4707(a)	(c)	Criminal Procedure; Violation of restrictions on dissemination of criminal history record information	A	B	C	Nonperson
21-3424(a)	same	Criminal Restraint	A	B	C	Person
21-3505(a)(1)	(c)	Criminal Sodomy; Between persons 16 or older or between person and animal	B	C	C	Not Scored
21-3721(a)(1)(C)	(c)(1)	Criminal Trespass; Enter or remain upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft in defiance of a restraining order	B	C	C	Not Scored
21-3721(a)(1)(A)	(c)(1)	Criminal Trespass; Enter or remain upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft in defiance of an order not to enter or to leave	B	C	C	Not Scored
21-3721(a)(1)(B)	(c)(1)	Criminal Trespass; Enter or remain upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft; Premises or property posted, locked, fenced or otherwise secured against passage or entry	B	C	C	Not Scored
21-3721(a)(2)	(c)(1)	Criminal Trespass; Enter or remain upon or in public or private land or structure so as to interfere with access to or from any health care facility in defiance of an order not to enter or to leave	B	C	C	Not Scored
21-3729(a)(2)	(d)(3)	Criminal Use of a Financial Card; Knowingly using a financial card, or the number or description, which has been revoked or canceled; value at less than $1000 w/in 7 days	A	B	C	Nonperson
21-3729(a)(3)	(d)(3)	Criminal Use of a Financial Card; Using a falsified, mutilated, altered or nonexistent financial card or a number or description; value at less than $1000 w/in 7 days	A	B	C	Nonperson
21-3729(a)(1)	(d)(3)	Criminal Use of a Financial Card; Using a financial card without the consent of the cardholder; value at less than $1000 w/in 7 days	A	B	C	Nonperson
21-4201(a)(1)	(i)	Criminal Use of Weapons; Carrying bludgeon, switchblade, throwing stars, metal knuckles	A	B	C	Nonperson
21-4201(a)(2)	(i)	Criminal Use of Weapons; Carrying dagger, dirk, Billy, black jack, dangerous knife	A	B	C	Nonperson
21-4201(a)(4)	(i)	Criminal Use of Weapons; Carrying firearm concealed on ones person	A	B	C	Nonperson
21-4201(a)(3)	(i)	Criminal Use of Weapons; Carrying tear gas, smoke bomb, noxious liquid, etc.	A	B	C	Nonperson
21-4201(a)(5)	(i)	Criminal Use of Weapons; Setting a spring gun	A	B	C	Nonperson
55-610	55-611	Crude Oil or Petroleum; Buying or selling of illegally produced crude oil or petroleum unlawful	U	U	C	Not Scored
55-607	same	Crude Oil or Petroleum; Penalty for violations of 55-601 to 55-609	U	U	C	Not Scored
55-601	55-607	Crude Oil or Petroleum; Waste prohibited	U	U	C	Not Scored
21-4310(a)(2)	(d)(2)	Cruelty to Animals; Intentionally abandoning or leaving any animal in any place without making provisions for its proper care; first offense	A	B	C	Nonperson
21-4310(a)(5)	(d)(2)	Cruelty to Animals; Intentionally causing any physical injury other than the acts described in subsection (a)(1); first offense	A	B	C	Nonperson
21-4310(a)(3)	(d)(2)	Cruelty to Animals; Intentionally failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being; first offense	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4310(a)(4)	(d)(2)	Cruelty to Animals; Intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; first offense	A	B	C	Nonperson
47-2306	same	Dairy Commission; Violation of provisions of act	U	U	C	Not Scored
21-3418	same	Dangerous Animals; Permitting a dangerous animal to be at large	B	C	C	Not Scored
32-1302(a)	32-1312	Dangerous Regulated Animals; Unlawful acts	A	B	C	Nonperson
21-3749(a)	(b)(1)	Dealing in Pirated Recordings; Less than 7 audio-visual or less than 100 sound w/in 180 days	A	B	C	Nonperson
79-15,137(d)	Repealed 2006	Death Taxes; Fail to pay any tax or to make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, if done with fraudulent intent	U	U	C	Not Scored
79-15,118(b)	Repealed 2006	Death Taxes; Unauthorized disclosure of information obtained under the Kansas estate tax act; Unlawful employment for employees administering tax under provisions of the Kansas Estate Tax Act	B	C	C	Not Scored
21-4003(a)(5)	(b)	Denial of Civil Rights; exercise of the right to vote	A	B	C	Nonperson
21-4003(a)(2)	(b)	Denial of Civil Rights; Goods, services, facilities, privileges, advantages and accommodations of any establishment providing lodging to transient guests for hire; of any establishment engaged in selling food or beverage to the public; or of any place of recreation, amusement, exhibition or entertainment which is open to members of the public	A	B	C	Nonperson
21-4003(a)(4)	(b)	Denial of Civil Rights; Services, facilities, privileges and advantages of any establishment which offers personal or professional services to members of the public	A	B	C	Nonperson
21-4003(a)(1)	(b)	Denial of Civil Rights; Services, facilities, privileges and advantages of any institution, department or agency of the state of Kansas or any political subdivision or municipality thereof	A	B	C	Nonperson
21-4003(a)(3)	(b)	Denial of Civil Rights; Services, privileges and advantages of any facility for the public transportation of persons or goods	A	B	C	Nonperson
65-1427(d)	same	Dental Practices Act; Dentist representing practice to be limited, or specially qualified in a particular branch of dentistry without having obtained a certificate or qualification therefor.	U	U	C	Not Scored
65-1438(B)(2)	same	Dental Practices Act; Failure of dentist to retain duplicate copy of prescription for two years	U	U	C	Not Scored
65-1438(C)(2)	same	Dental Practices Act; Failure of out of state dentist to retain the original prescription for two years	U	U	C	Not Scored
65-1421	65-1460	Dental Practices Act; License required to practice dentistry or dental hygiene	U	U	C	Not Scored
65-1457	65-1460	Dental Practices Act; Licensure required to practice dental hygiene	U	U	C	Not Scored
65-1438(C)(3)	same	Dental Practices Act; Out of state dentist's refusing to allow the board, or its agent, to inspect prescription during 2 years' retention period.	U	U	C	Not Scored
65-1455	(e)	Dental Practices Act; Practice dental hygiene in violation of the provisions of this act	U	U	C	Not Scored
65-1460	same	Dental Practices Act; Practice dentistry or dental hygiene without a license from the board; Any other violation of act	U	U	C	Not Scored
65-1438(B)(3)	same	Dental Practices Act; Refuse to allow the board, or its agent, to inspect copy of prescription during 2 years' retention period.	U	U	C	Not Scored
65-1441	same	Dental Practices Act; Sale, offer to sell, procurement or alteration of diploma or license; fraud or cheating	U	U	C	Not Scored
65-1439(b)	same	Dental Practices Act; Sell or offer certain services or products to the general public when not licensed to practice dentistry in this state	U	U	C	Not Scored
65-1438(B)(1)	same	Dental Practices Act; Unlawful for dentist to use any service of an out of state licensed [unlicensed] person w/o having first furnished him a prescription as required	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1438(C)(1)	same	Dental Practices Act; Unlawful for out of state licensed [unlicensed] person to perform services without having first obtained a written prescription for such services	U	U	C	Not Scored
65-1439(a)	same	Dental Practices Act; Unlawfully advertise that one can or will sell, supply, furnish, construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth, or the regulation thereof	U	U	C	Not Scored
74-538	same	Department of Agriculture; Falsely mark any product or container of products to indicate that such has been graded or inspected	U	U	C	Not Scored
74-596(b)	same	Department of Agriculture; Penalty for intentional and reckless violation of act	A	B	C	Nonperson
74-50,184(c)	same	Department of Commerce; Unauthorized disclosure of confidential information	A	B	C	Nonperson
65-5903(a)	(b)	Dietitians Licensing Act; License required to practice dietetics or make certain representations	C	C	C	Not Scored
21-4101(b)	same	Disorderly Conduct; Disturbing a lawful assembly, meeting, or procession	C	C	C	Not Scored
21-4101(a)	same	Disorderly Conduct; Engaging in brawling or fighting	C	C	C	Not Scored
21-4101(c)	same	Disorderly Conduct; Using offensive, obscene, or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others	C	C	C	Not Scored
58-3967(e)	same	Disposition of Unclaimed Property Act; Willful refusal after written demand by the administrator to pay or deliver property to the administrator as required	B	C	C	Not Scored
22a-215(b)	same	District Officers & Employers; District Coroner; Unauthorized disposition of body of deceased	B	C	C	Not Scored
21-4315(c)	same	Dog Fight; Attending unlawful conduct of a dog fight	B	C	C	Not Scored
21-3412a(a)(2)	(b)(1)	Domestic Battery; Intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner; 1st conviction	B	C	C	Person
21-3412a(a)(1)	(b)(2)	Domestic Battery; Intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner; 2nd conviction w/in 5 years of first conviction	A	B	C	Person
21-3412a(a)(1)	(b)(1)	Domestic Battery; Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; 1st conviction	B	C	C	Person
21-3412a(a)(1)	(b)(2)	Domestic Battery; Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; 2nd conviction w/in 5 years of first conviction	A	B	C	Person
24-126(a)	same	Drainage & Levees; Unlawful to construct fills and levees without prior approval of chief engineer	U	C	C	Not Scored
24-455	same	Drainage Districts w/in Counties or Cities; Failure of director to perform duty	U	C	C	Not Scored
24-473	same	Drainage Districts w/in Counties or Cities; Interfering with possession of appropriated property; removal from property	U	C	C	Not Scored
24-456	same	Drainage Districts w/in Counties or Cities; Wrongfully fill up, cut, injure, destroy or in any manner impair the usefulness of any drain, levee or other work constructed under the provisions of this act	U	C	C	Not Scored
24-636	same	Drainage in One or More Counties; Willfully obstruct or injure any ditch, drain, or watercourse, or damage or destroy any dike or other work constructed under the provisions of this act	U	C	C	Not Scored
24-307	same	Drainage of Swamps, Bottoms or Lowlands; obstructing ditch, drain or stream	U	C	C	Not Scored
24-715	same	Drainage on Petition to Court; Willfully obstruct or injure or destroy any ditch or drain constructed under the provisions of this act	U	C	C	Not Scored
8-260(a)(8)	(b)	Drivers' Licenses; Display or possess any duplicated/photographed DL	A	B	C	Nonperson
8-260(a)(1)	(b)	Drivers' Licenses; Display or possess fictitious or fraudulently altered DL	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-260(a)(9)	(b)	Drivers' Licenses; Display/ permit display of canceled/revoked/suspended DL	B	C	C	Not Scored
8-260(c)(4)	(d)(2)	Drivers' Licenses; Display/possess a fictitious/fraudulently altered DL by one < 21 for the purchase of any alcoholic liquor or cereal malt beverage; 2nd conviction	A	B	C	Nonperson
8-260(c)(4)	(d)(1)	Drivers' Licenses; Display/possess a fictitious/fraudulently altered DL by one < 21 for the purchase of any alcoholic liquor or cereal malt beverage; first conviction	B	C	C	Not Scored
8-260(a)(3)	(b)	Drivers' Licenses; Display/represent as one's own, any DL not issued to same person	A	B	C	Nonperson
8-287	same	Drivers' Licenses; Driving while a habitual violator; 3rd and subsequent	A	B	C	Nonperson
8-262(a)(1)	same	Drivers' Licenses; Driving while suspended - 1st conviction	B	C	C	Not Scored
8-262(a)(1)	same	Drivers' Licenses; Driving while suspended - 2nd or subsequent conviction	A	B	C	Nonperson
8-262(a)(1)	(c)	Drivers' Licenses; Driving while suspended - 3rd or subsequent conviction	A	B	C	Nonperson
8-265	8-268	Drivers' Licenses; Employing person to operate a vehicle such person is not licensed to operate	U	U	C	Not Scored
8-260(a)(4)	(b)	Drivers' Licenses; Fail / refuse to surrender any suspended, revoked, or cancelled DL upon lawful demand	A	B	C	Nonperson
8-287	same	Drivers' Licenses; Habitual violators; Driving while a habitual violator	A	B	C	Nonperson
8-260(a)(2)	(b)	Drivers' Licenses; Lend DL to another/knowingly permit use by another	A	B	C	Nonperson
8-260(c)(2)	(d)(2)	Drivers' Licenses; Lend DL to person < 21 to consume/purchase CMB; 2nd conviction	A	B	C	Nonperson
8-260(c)(2)	(d)(1)	Drivers' Licenses; Lend DL to person < 21 to consume/purchase CMB; first conviction	B	C	C	Not Scored
8-260(c)(1)	(d)(2)	Drivers' Licenses; Lend DL to person < 21 to purchase alcohol; 2nd conviction	A	B	C	Nonperson
8-260(c)(1)	(d)(1)	Drivers' Licenses; Lend DL to person < 21 to purchase alcohol; first conviction	B	C	C	Not Scored
8-260(c)(3)	(d)(2)	Drivers' Licenses; Lend DL, nondriver's ID card or other ID to wrongfully obtain a DL for another; 2nd conviction	A	B	C	Nonperson
8-260(c)(3)	(d)(1)	Drivers' Licenses; Lend DL, nondriver's ID card or other ID to wrongfully obtain a DL for another; first conviction	B	C	C	Not Scored
8-235(a)	(e)	Drivers' Licenses; Operating a motor vehicle on highway without driver's license	B	C	C	Not Scored
8-235(c)	(e)	Drivers' Licenses; Operating a motorcycle on highway w/o class M driver's license	B	C	C	Not Scored
8-235(d)	(e)	Drivers' Licenses; Operating a motorized bicycle on highway w/o meeting requirements	B	C	C	Not Scored
8-274	8-281	Drivers' Licenses; Operation of a driver training school or giving driving instruction for hire w/o driver training school or instructor license	U	U	C	Not Scored
8-291(a)	same	Drivers' Licenses; Operation of a motor vehicle in violation of the restrictions on any driver's license or permit imposed pursuant to any statute	U	U	C	Not Scored
8-292(a)	(e)	Drivers' Licenses; Operation of motor vehicle in violation of Court imposed restrictions; Penalized according to 8-291	U	U	C	Not Scored
8-245(a)	(d)	Drivers' Licenses; Operation of motor vehicle in violation of restrictions imposed in a restricted driver's license	* U / C	U	C	Not Scored
8-260(a)(6)	(b)	Drivers' Licenses; Permit any unlawful use of DL issued to any person	A	B	C	Nonperson
8-263	8-268	Drivers' Licenses; Permitting unauthorized minor to drive	U	U	C	Not Scored
8-264	8-268	Drivers' Licenses; Permitting unauthorized person to drive	U	U	C	Not Scored
8-266(a)	8-268	Drivers' Licenses; Renting motor vehicle to person not licensed to operate it	U	U	C	Not Scored
8-266(b)	8-268	Drivers' Licenses; Renting motor vehicle to person w/o inspecting such person's license and verifying signature	U	U	C	Not Scored
8-266(c)	8-268	Drivers' Licenses; Renting motor vehicle w/o keeping proper records	U	U	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Kansas Criminal Code
MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-260(a)(7)	(b)	Drivers' Licenses; Reproduce any DL so that it could be mistaken for a valid DL; Display or possess any such reproduction	A	B	C	Nonperson
65-4601	same	Drug Abuse Treatment Facilities; Establish facility for treatment of drug abuse w/o license	C	C	C	Not Scored
65-4165(a)(a)	(b)	Drugs; Abusing toxic vapors	B	C	C	Not Scored
65-4153(a)(2)	(c)	Drugs; Deliver, possess or manufacture with intent to deliver, any drug paraphernalia, knowing it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body	A	B	C	Nonperson
65-4127c	same	Drugs; Penalty for violation of act, except for K.S.A. 65-4127a and 65-4127b and K.S.A. 65-4160 through 65-4164	A	B	C	Nonperson
65-4164(a)	same	Drugs; Possess or possess w/ intent to sell or deliver; substances in K.S.A. 65-4113	A	B	C	Nonperson
65-4162(a)(5)	same	Drugs; Possession of anabolic steroids; First offense	A	B	C	Nonperson
65-4162(a)(1)	same	Drugs; Possession of depressant; First offense	A	B	C	Nonperson
65-4152(a)(3)	(d)	Drugs; Possession of drug paraphernalia for the planting, propagation, growing or harvesting of less than five marijuana plants	A	B	C	Nonperson
65-4162(a)(3)	same	Drugs; Possession of hallucinogenic; First offense	A	B	C	Nonperson
65-4162(a)(2)	same	Drugs; Possession of stimulant; First offense	A	B	C	Nonperson
65-4162(a)(4)	same	Drugs; Possession of substance designated in subsection (g) of K.S.A. 65-4105 or subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111;First offense	A	B	C	Nonperson
65-7006(d)	(f)	Drugs; Purchase, receive or acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or more than 9 grams within any 30-day period.	A	B	C	Nonperson
65-4116(a)	65-4127c	Drugs; Registration required to manufacture, distribute or dispense any controlled substance	A	B	C	Nonperson
65-4155(a)(1)	(c)	Drugs; Representation that noncontrolled substance is controlled substance; express representation	A	B	C	Nonperson
65-4155(a)(2)	(c)	Drugs; Representation that noncontrolled substance is controlled substance; under circumstances which would give a reasonable person reason to believe; implied	A	B	C	Nonperson
65-4152(a)(2)	(b)	Drugs; Use/possess w/intent to use, drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body	A	B	C	Nonperson
65-4152(a)(1)	(b)	Drugs; Use/possess with intent to use any simulated controlled substance	A	B	C	Nonperson
8-1017(a)(3)	(b)	DUI Provisions; Blow into ignition interlock device to allow person required to operate vehicle w/device to pass	A	B	C	Nonperson
8-1017(a)(4)	(b)	DUI Provisions; Operate vehicle w/no ignition interlock device during restrictive period	A	B	C	Nonperson
8-1022(a)	(b)	DUI Provisions; Permitting operation of vehicle by one whose license is suspended pursuant to 8-1014 (refusal / failure of DUI test); first violation	U	U	C	Not Scored
8-1017(a)(2)	(b)	DUI Provisions; Requesting another to blow into ignition interlock device	A	B	C	Nonperson
8-1017(a)(1)	(b)	DUI Provisions; Tampering with an ignition interlock device	A	B	C	Nonperson
8-1002(b)	same	DUI Provisions; Test Refusal or Failure; Signing a certification submitted to the division knowing it contains a false statement	B	C	C	Not Scored
8-2,145(d)	same	DUI Provisions; Tests for Alcohol or Drugs; Signing a certification submitted to the division knowing it contains a false statement	B	C	C	Not Scored
8-1567(a)(2)	(d)	DUI; Alcohol concentration as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more; 1st conviction	B	C	C	Not Scored
8-1567(a)(2)	(e)	DUI; Alcohol concentration as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more; 2nd conviction	A	B	C	Nonperson

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-1567(a)(1)	(d)	DUI; Alcohol concentration is .08 or more; 1st conviction	B	C	C	Not Scored
8-1567(a)(1)	(e)	DUI; Alcohol concentration is .08 or more; 2nd conviction	A	B	C	Nonperson
8-1567(a)(5)	(d)	DUI; Driving under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle; 1st conviction	B	C	C	Not Scored
8-1567(a)(5)	(e)	DUI; Driving under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle; 2nd conviction	A	B	C	Nonperson
8-1567(a)(3)	(d)	DUI; Driving under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle; 1st conviction	B	C	C	Not Scored
8-1567(a)(3)	(e)	DUI; Driving under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle; 2nd conviction	A	B	C	Nonperson
8-1567(a)(4)	(d)	DUI; Driving under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; 1st conviction	B	C	C	Not Scored
8-1567(a)(4)	(e)	DUI; Driving under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; 2nd conviction	A	B	C	Nonperson
8-1567(b)	(d)	DUI; Driving while habitual user of any narcotic, hypnotic, somnifacient or stimulating drug; 1st conviction	B	C	C	Not Scored
8-1567(b)	(e)	DUI; Driving while habitual user of any narcotic, hypnotic, somnifacient or stimulating drug; 2nd conviction	A	B	C	Nonperson
21-4001(a)(1)	(d)	Eavesdropping; Enter into a private place with intent to listen surreptitiously to private conversations or to observe the personal conduct of any other person	A	B	C	Nonperson
21-4001(a)(4)	(d)	Eavesdropping; Install or use a concealed camcorder, motion picture camera or photographic camera of any type, to secretly videotape, film, photograph or record by electronic means	A	B	C	Nonperson
21-4001(a)(3)	(d)	Eavesdropping; Install or use any device or equipment for the interception of any telephone, telegraph or other wire communication	A	B	C	Nonperson
21-4001(a)(2)	(d)	Eavesdropping; Install or use outside a private place any device for hearing, recording, amplifying or broadcasting sounds	A	B	C	Nonperson
2-2503(e)	2-2506(a)	Egg Law; Advertise eggs in a manner indicating price w/o also indicating the designation of size and quality	U	U	C	Not Scored
2-2503(l)	2-2506(a)	Egg Law; Engage in the business of purchasing eggs w/o conspicuously posting in such place of business the prices which are being paid for each of the various grades of eggs	U	U	C	Not Scored
2-2503(j)	2-2506(a)	Egg Law; Fail or neglect to file the quarterly inspection fee report and pay the inspection fee due; File a false quarterly inspection fee report of the quantity of eggs sold during any period	U	U	C	Not Scored
2-2503(n)	2-2506(a)	Egg Law; Fail to mark all containers with official United States or Kansas grade AA, A or B identification with label to indicate that refrigeration is required	U	U	C	Not Scored
2-2503(d)	2-2506(a)	Egg Law; Falsely or deceptively label, advertise or invoice eggs	U	U	C	Not Scored
2-2503(i)	2-2506(a)	Egg Law; Grade eggs for size and quality for subsequent resale to food purveyors, retailers or consumers w/o registering such purveyor's, retailer's or consumer's place of business	U	U	C	Not Scored
2-2503(f)	2-2506(a)	Egg Law; Hold eggs for human consumption at an ambient temperature higher than 45 degrees Fahrenheit after being received at the point of first purchase or assembly	U	U	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-2503(m)	2-2506(a)	Egg Law; Offer eggs for sale that have not been candled and graded	U	U	C	Not Scored
2-2503(k)	2-2506(a)	Egg Law; Refuse entry to any authorized inspector or employee of the department for the purpose of making inspections under the provisions of this act	U	U	C	Not Scored
2-2503(a)	2-2506(a)	Egg Law; Sale of eggs below the quality of "Grade B" to food purveyors or consumers	U	U	C	Not Scored
2-2503(b)	2-2506(a)	Egg Law; Sale of eggs to food purveyors/ consumers if not labeled to indicate size/quality	U	U	C	Not Scored
2-2503(c)	2-2506(a)	Egg Law; Sell eggs to food purveyors/ consumers w/o indicating on the container, the name of either dealer, retailer, food purveyor or agent by or for whom the eggs were graded or labeled	U	U	C	Not Scored
2-2503(g)	2-2506(a)	Egg Law; Sell to food purveyors/consumers eggs in a container not bearing an inspection fee stamp showing that the inspection fee has been paid thereon, unless exempt	U	U	C	Not Scored
2-2503(h)	2-2506(a)	Egg Law; Use an inspection fee stamp more than once; Use of a counterfeit inspection fee stamp	U	U	C	Not Scored
25-4147(d)	25-4171	Election Campaign Finance; All receipts required to be forwarded to treasurer	A	B	C	Nonperson
25-4144	25-4171	Election Campaign Finance; Appointment of campaign treasurer or candidate committee	A	B	C	Nonperson
25-4156(b)(1)(B)	(b)(2)	Election Campaign Finance; Broadcasting by radio or television any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, w/o "Paid for" or "Sponsored by" the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor	C	C	C	Not Scored
25-4157a(c)	25-4171	Election Campaign Finance; Candidate or candidate committee accepting from another candidate or candidate committee, moneys received by such candidate or candidate committee as a campaign contribution	A	B	C	Nonperson
25-4147(e)	25-4171	Election Campaign Finance; Commingling of campaign and personal funds prohibited	A	B	C	Nonperson
25-4165	25-4171	Election Campaign Finance; Commission records; confidentiality; release to certain persons	A	B	C	Nonperson
25-4147(f)	25-4171	Election Campaign Finance; Contributions from political committees to be accompanied by name or description of interest group with which affiliated	A	B	C	Nonperson
25-4154(d)	25-4171	Election Campaign Finance; Copying any name of a contributor from any report or statement filed under the campaign finance act to use for any commercial purpose; Use of any name for a commercial purpose knowing that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under the campaign finance act	A	B	C	Nonperson
25-4186(f)	(k)	Election Campaign Finance; Copying name of a contributor from any report filed under this section and using such name for any commercial purpose; Using a name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report filed under this section	A	B	C	Nonperson
25-4170(b)	same	Election Campaign Finance; Excessive campaign contributions; Intentionally accepting any contribution made in violation of any provision of K.S.A. 25-4153	A	B	C	Nonperson
25-4170(a)	same	Election Campaign Finance; Excessive campaign contributions; Intentionally making any contribution in violation of any provision of K.S.A. 25-4153	A	B	C	Nonperson
25-4156(a)(1)	(a)(2)	Election Campaign Finance; Excessive charges for space in newspapers/periodicals	A	B	C	Nonperson
25-4177	same	Election Campaign Finance; Fail to file affidavit of intent as required in K.S.A. 25-4173 or 25-4175 or failure to file the reports required after a change in intent as required by K.S.A. 25-4174 or 25-4176	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
25-4167(a)	same	Election Campaign Finance; Fail to file campaign finance report; Intentional failure of any person required to make any report, amended report or statement by the campaign finance act to file the same with the secretary of state or county election officer at the time specified in the campaign finance act	A	B	C	Nonperson
25-4180(a)	(c)	Election Campaign Finance; Fail to file financial reports of constitutional campaigns	A	B	C	Nonperson
25-4147(b)	25-4171	Election Campaign Finance; Fail to preserve accounts of any treasurer for inspection as required	A	B	C	Nonperson
25-4147(a)	25-4171	Election Campaign Finance; Failure of treasurer to keep detailed accounts of all contributions and other receipts received and all expenditures made	A	B	C	Nonperson
25-4157a(d)	25-4171	Election Campaign Finance; Failure to contribute residual funds not otherwise obligated for the payment of expenses incurred in the campaign or the holding of office to appropriate party at termination of any campaign and prior to filing a termination report in accordance with K.S.A. 25-4157	A	B	C	Nonperson
25-4167(b)	same	Election Campaign Finance; Failure to file campaign finance report; intentional failure of any person required by K.S.A. 25-4172, and amendments thereto, to submit a statement to a treasurer to submit the same	A	B	C	Nonperson
25-4168	same	Election Campaign Finance; Fraudulent campaign finance reporting	A	B	C	Nonperson
25-4154(b)	25-4171	Election Campaign Finance; Give or accept any contribution in excess of $10 w/o making the name and address of the contributor known to the individual receiving the contribution	A	B	C	Nonperson
25-4154(a)	25-4171	Election Campaign Finance; Making a contribution in the name of another person; Accepting contribution knowing such to have been made by one person in the name of another	A	B	C	Nonperson
25-4186(h)	(k)	Election Campaign Finance; Moneys received by any inaugural treasurer used or made available for the personal use of the governor-elect or governor; Moneys used by such governor-elect or governor for purposes other than legitimate gubernatorial inauguration expenses	A	B	C	Nonperson
25-4156(b)(1)(D)	(b)(2)	Election Campaign Finance; Publishing any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, w/o the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor	C	C	C	Not Scored
25-4156(b)(1)(A)	(b)(2)	Election Campaign Finance; Publishing in a newspaper or periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, w/o the word "advertisement" or adv." with the name of the chairperson or treasurer of the organization sponsoring the same or the name of the individual who is responsible therefor	C	C	C	Not Scored
25-4146	25-4171	Election Campaign Finance; Removal of treasurer or chairperson; notification to Secretary of State	A	B	C	Nonperson
25-4151	25-4171	Election Campaign Finance; Reports; declaration of correctness; late filing	A	B	C	Nonperson
25-4145	25-4171	Election Campaign Finance; Statements of organization; contents and supplemental statements	A	B	C	Nonperson
25-4156(b)(1)(C)	(b)(2)	Election Campaign Finance; Telephoning or contacting by telephonic means any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, w/o "Paid for" or "Sponsored by" the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
25-4186(e)	(k)	Election Campaign Finance; The aggregate amount contributed, in kind or otherwise, by any person for a gubernatorial inauguration shall not exceed $2,000; Make such a contribution in the name of another person; Knowingly accept a contribution made by one person in the name of another; Give or accept any contribution in excess of $10 w/o knowing the name and address of the contributor; The aggregate of contributions for which the name and address of the contributor is not known shall not exceed 50% of the amount one person may contribute.	A	B	C	Nonperson
25-4154(c)	25-4171	Election Campaign Finance; The aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148 shall not exceed 50% of the amount one individual (other than the candidate or spouse) may contribute to or for a candidate's campaign	A	B	C	Nonperson
25-4161(b)	25-4171	Election Campaign Finance; Unauthorized disclosure of confidential information pertaining to an alleged violation of a provision of the campaign finance act	A	B	C	Nonperson
25-4169a(a)	(b)	Election Campaign Finance; Use of public funds, vehicles, machinery, equipment and supplies and time of certain officers and employees to influence nomination or election of candidate prohibited	C	C	C	Not Scored
25-2316a	same	Elections: Registration of Voters; False swearing to an affidavit given pursuant to K.S.A. 25-2316c.	B	C	C	Not Scored
25-2320a	same	Elections: Registration of Voters; Use of voter registration lists for commercial purposes	C	C	C	Not Scored
25-3005a	(f)	Elections; Authorized poll agent; Any violation of this section	C	C	C	Not Scored
25-2410(b)	same	Elections; Bribery to induce signing of nomination papers; Knowingly accepting any benefit, property or thing of value, as consideration for signing any nomination paper	B	C	C	Not Scored
25-2410(a)	same	Elections; Bribery to induce signing of nomination papers; Knowingly offering any benefit, property or thing of value to any person to induce him to sign any nomination paper	B	C	C	Not Scored
25-904	25-905	Elections; Candidate's receiving and expending less than $500, affidavit of intent; candidates exceeding $500 limit, report; report of contributions exceeding $50 and statement of expenditures and obligations incurred	U	C	C	Not Scored
25-2407(b)	same	Elections; Corrupt political advertising; Broadcast by radio or TV any paid matter designed to aid, injure or defeat any candidate for nomination or election to public office, w/o including that it was an advertisement and the name of the chairman of the organization or the person responsible therefor	C	C	C	Not Scored
25-2407(d)	same	Elections; Corrupt political advertising; Broadcast by radio or TV any paid matter intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, w/o including that it was an advertisement and the name of the chairman of the organization or the person responsible therefor	C	C	C	Not Scored
25-2407(c)	same	Elections; Corrupt political advertising; Publish in a newspaper or other periodical any paid matter intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, w/o including "advertisement" or "adv." with the name of the chairman of the organization or the person responsible therefor	C	C	C	Not Scored
25-2407(a)	same	Elections; Corrupt political advertising; Publish in a newspaper or other periodical, any paid matter designed to aid, injure or defeat any candidate for nomination or election to public office, w/o including "advertisement" or "adv." with the name of the chairman of the organization or the person responsible therefor	C	C	C	Not Scored

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
25-2413(c)	same	Elections; Disorderly conduct; Willfully approach or remain closer than three feet to any voting booth, voting machine or table being used by an election board	B	C	C	Not Scored
25-2413(e)(2)	same	Elections; Disorderly conduct; Willfully conduct advisory elections other than those specifically authorized by law within 250 feet from the entrance of a polling place during the hours the polls are open on election day	B	C	C	Not Scored
25-2413(a)	same	Elections; Disorderly conduct; Willfully disturb the peace in or about any voting place on election day	B	C	C	Not Scored
25-2413(d)	same	Elections; Disorderly conduct; Willfully interrupt / hinder / obstruct a person approaching a voting place to vote	B	C	C	Not Scored
25-2413(b)	same	Elections; Disorderly conduct; Willfully leave or attempt to leave a voting place in possession of any ballot	B	C	C	Not Scored
25-2413(e)(1)	same	Elections; Disorderly conduct; Willfully solicit contributions within 250 feet from the entrance of a polling place during the hours the polls are open on election day	B	C	C	Not Scored
25-4157a(b)	25-4171	Elections; Election Campaign Finance; Candidate or candidate committee of any candidate using moneys received as a contribution to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate	A	B	C	Nonperson
25-4157a(a)	25-4171	Elections; Election Campaign Finance; Contributions; Candidate or candidate committee of any candidate using moneys received as a contribution or be making such available for the personal use of the candidate or the candidate committee of such candidate unless authorized herein	A	B	C	Nonperson
*25-2430(a)	(c)	Elections; Electioneering	C	C	C	Not Scored
25-2424	same	Elections; False impersonation as a party official	A	B	C	Nonperson
25-418	same	Elections; Intentionally obstructing an employee in his or her exercise of voting privilege or imposing a penalty upon an employee exercising his or her voting privilege.	A	B	C	Nonperson
25-1128(d)	(g)	Elections; Intercepting, interfering with, or delaying the transmission of advance voting ballots from the county election officer to the voter	C	C	C	Not Scored
25-1128(b)	(g)	Elections; Interfering with or delaying the transmission of any advance voting ballot application to the county election officer, or mailing, faxing or sending the application to a place other than the county election office	C	C	C	Not Scored
25-2427	same	Elections; Marking ballots to identify	A	B	C	Nonperson
25-1128(a)	(g)	Elections; Marking or transmitting to the county election officer more than one advance voting ballot	C	C	C	Not Scored
25-2419(a)	same	Elections; Misconduct of an election officer; Being grossly neglectful in election duties	B	C	C	Not Scored
25-2419(c)	same	Elections; Misconduct of an election officer; Changing the ballot of a voter	B	C	C	Not Scored
25-2419(b)	same	Elections; Misconduct of an election officer; Furnish a voter with a ballot/informing such voter that any of its contents are different from that which appear thereon with intent to induce such voter to vote contrary to such voter's inclinations	B	C	C	Not Scored
25-2419(e)	same	Elections; Misconduct of an election officer; Preventing a qualified elector from voting	B	C	C	Not Scored
25-2419(f)	same	Elections; Misconduct of an election officer; Refusing to receive vote of a qualified elector when duly offered	B	C	C	Not Scored
25-2419(d)	same	Elections; Misconduct of an election officer; Willfully permit any person to testify as a witness or make an affidavit contrary to law	B	C	C	Not Scored
25-901	25-902	Elections; Organizations promoting or opposing candidates or propositions required to have treasurer and keep accounts of receipts and expenditures and file annual statements	U	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
25-1128(c)	(g)	Elections; Person other than the voter, marking, signing or transmitting any advance voting ballot or advance voting ballot envelope to the county election officer	C	C	C	Not Scored
25-4321	same	Elections; Signing a name other than ones own name to a petition for recall of a local officer, or who knowingly signs more than once for the same proposition at one election, or who signs the petition knowing he or she is not a registered elector	B	C	C	Not Scored
25-4309(b)	same	Elections; Signing a name other than ones own name to a petition for recall of a state officer, or who knowingly signs more than once for the same proposition at one election, or who signs the petition knowing he or she is not a registered elector	B	C	C	Not Scored
25-1806a	same	Elections; Voting by new and former residents in presidential elections; Knowingly and willfully falsely declaring any material fact in a declaration form provided in KSA 25-1806	C	C	C	Not Scored
25-2416(c)	same	Elections; Voting w/o being qualified; Knowingly and willfully induce or aid any person to vote more than once at the same election	A	B	C	Nonperson
25-2416(a)	same	Elections; Voting w/o being qualified; Knowingly and willfully vote or attempt to vote at any election when not a lawfully registered voter	A	B	C	Nonperson
25-2416(b)	same	Elections; Voting w/o being qualified; Knowingly and willfully vote or offer to vote more than once at the same election	A	B	C	Nonperson
25-1128(e)	(g)	Elections; Willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or in a declaration form on an advance voting ballot envelope	C	C	C	Not Scored
65-1705	same	Embalmers & Funeral Directors; Advertise, practice or hold oneself out as practicing the science of embalming without having complied with the provisions of this act	A	B	C	Nonperson
65-1768(a)	65-1766(e)	Embalmers & Funeral Directors; Crematory license required	A	B	C	Nonperson
65-1707	same	Embalmers & Funeral Directors; Embalming without permission of coroner when suspicion of crime in connection with the cause of death	U	U	C	Not Scored
65-1731	same	Embalmers & Funeral Directors; Fail, neglect or refuse to pay establishment fee	B	C	C	Not Scored
65-1714(a)	65-1726	Embalmers & Funeral Directors; Funeral director's license required	A	B	C	Nonperson
65-1768(f)	65-1766(e)	Embalmers & Funeral Directors; Holding oneself out as an operator in charge of a crematory when not so	A	B	C	Nonperson
65-1703	65-1705	Embalmers & Funeral Directors; License required to perform embalming	A	B	C	Nonperson
65-1761(a)	65-1766(e)	Embalmers & Funeral Directors; Licensure of crematory required	A	B	C	Nonperson
65-1729(e)	65-1726	Embalmers & Funeral Directors; Operate, offer to operate, advertise or represent oneself as operating a funeral or branch establishment w/o license to do so	A	B	C	Nonperson
65-1712	same	Embalmers & Funeral Directors; Violate or refuse or neglect to obey rules and regulations pertaining to the practice of embalming and transportation of dead bodies	U	U	C	Not Scored
48-939	same	Emergency Management Act; Violation of act, rules, regulations, orders or proclamations under act	A	B	C	Nonperson
44-714(c)(2)	same	Employment Security Law; Certain political activities prohibited	U	U	C	Not Scored
44-719(a)	same	Employment Security Law; Knowingly make a false statement or representation or knowingly fail to disclose a material fact, to obtain or increase any benefit or other payment under this act; Punished in accordance with K.S.A. 21-3701-Theft; less than $1000	A	B	C	Nonperson
19-4331	same	Employment Systems; Penalty for any violation of act	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
19-4330	same	Employment Systems; Use of one's authority/official influence to compel any officer/employee covered by the this act to apply for membership in or become a member of any organization	U	U	C	Not Scored
65-6150(a)	(b)	EMS; Represent oneself as an attendant or instructor-coordinator w/o holding a valid certificate	B	C	C	Not Scored
65-6125	65-6137	EMS; Unlawful to operate ambulance service without a permit	B	C	C	Not Scored
65-6137	same	EMS; Violation of act, rule or regulation	B	C	C	Not Scored
21-3608(a)	(c)	Endangering a Child; Child less than 18 years of age	A	B	C	Person
21-4221(a)(4)	(d)(1)	Endangering the Food Supply; Expose any raw agricultural commodity, animal feed or processed food to any contaminant or contagious or infectious disease	A	B	C	Nonperson
21-4221(a)(1)	(d)(1)	Endangering the Food Supply; Knowingly bring into this state any domestic animal which is affected with or exposed to any contagious or infectious disease	A	B	C	Nonperson
21-4221(a)(3)	(d)(1)	Endangering the Food Supply; Knowingly bring or release into this state any plant pest or expose any plant to a plant pest	A	B	C	Nonperson
21-4221(a)(2)	(d)(1)	Endangering the Food Supply; Knowingly expose any animal in this state to any contagious or infectious disease	A	B	C	Nonperson
21-3809(a)	(c)	Escape From Custody	A	B	C	Nonperson
79-15,232(c)	(d)	Estate Tax Act; Breach of confidentiality	B	C	C	Not Scored
79-15,235(d)	same	Estate Tax Act; Failure, with fraudulent intent, by representative to pay tax or complete return	U	U	C	Not Scored
79-15,232(b)	(d)	Estate Tax Act; Unauthorized disclosure of estate value; unauthorized employment	B	C	C	Not Scored
58-2810	same	Examination/Registration/Licensing & Bonding of Abstracters; Unlawful for county officers to prevent use of records	C	C	C	Not Scored
58-2809	same	Examination/Registration/Licensing & Bonding of Abstracters; Violation by licensee	C	C	C	Not Scored
74-8758(b)	(b)	Expanded Lottery Act; Unauthorized playing of an electronic gaming machine at lottery gaming facility; First offense	A	B	C	Nonperson
74-8758(a)	(a)	Expanded Lottery Act; Unauthorized playing of an electronic gaming machine at racetrack gaming facility; First offense	A	B	C	Nonperson
74-8760(b)	(b)	Expanded Lottery Act; Unauthorized wagering or playing electronic gaming machine by select persons at racetrack gaming facility	A	B	C	Nonperson
74-8760(a)	(a)	Expanded Lottery Act; Unauthorized wagering or playing electronic gaming machine or lottery facility game by select persons at lottery gaming facility	A	B	C	Nonperson
74-8756	(d)	Expanded Lottery Act; Wager and loan violations; First offense	A	B	C	Nonperson
74-8762	(f)	Expanded Lottery Act; Willful violations of restrictions on officials and affiliated persons	A	B	C	Nonperson
21-3813(a)	(d)	Failure to Appear	B	C	C	Not Scored
21-3848(a)	(b)	Failure to Maintain Adequate Medicaid Records	A	B	C	Nonperson
21-4208	same	Failure to Register; Receipt of explosives	C	C	C	Not Scored
21-4207(a)	(c)	Failure to Register; Sale of explosives	B	C	C	Not Scored
8-1602(a)	(b)(1)	Failure to Remain; At scene of accident resulting in injury to any person	A	B	C	Person
8-1603	8-2116(b)	Failure to Remain; At scene of accident resulting in property or vehicle damage; 1st violation	C	C	C	Not Scored
8-1603	8-2116(b)	Failure to Remain; At scene of accident resulting in property or vehicle damage; 2nd violation w/in 1 yr of first	B	C	C	Not Scored
8-1603	8-2116(b)	Failure to Remain; At scene of accidentresulting in property or vehicle damage; 3rd violation w/in 1 yr of first	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4213(1)	(2)	Failure to Report a Wound; Any bullet wound, gunshot wound, powder burn or other injury caused by a firearm; Any wound potentially resulting in death and apparently inflicted by a knife, ice pick, or other sharp or pointed instrument.	C	C	C	Not Scored
8-1606(a)	(d)(1)	Failure to Report Accident; Driver/occupant of vehicle involved in accident; Failure to report an accident resulting in injury to any person or property damage in excess of $1000	A	B	C	Person
8-1609	8-2116(b)	Failure to Report Accident; Fail to file written report as required; 1st violation	C	C	C	Not Scored
8-1609	8-2116(b)	Failure to Report Accident; Fail to file written report as required; 2nd violation w/in 1 yr of first	B	C	C	Not Scored
8-1609	8-2116(b)	Failure to Report Accident; Fail to file written report as required; 3rd violation w/in 1 yr of first	A	B	C	Nonperson
8-1605	same	Failure to Report Accident; Resulting in damage to unattended vehicle or property	U	U	C	Not Scored
21-3758(a)	(b)	Failure to Show Complete Chain of Title	C	C	C	Not Scored
50-720	same	Fair Credit Reporting Act; Any violation of K.S.A. 50-701 to 50-719, inclusive, unless otherwise provided	C	C	C	Not Scored
21-4110(a)(2)	(b)	False Alarm; Giving a emergency assistance call	A	B	C	Nonperson
21-4110(a)(1)	(b)	False Alarm; Giving a False fire alarm	A	B	C	Nonperson
21-3905(a)	(b)(3)	False Claim; Permitting a False Claim; claim less than $1000	A	B	C	Nonperson
21-3904(a)	(b)(3)	False Claim; Presenting a False Claim; claim less than $1000	A	B	C	Nonperson
21-3824(a)	(b)	False Impersonation	B	C	C	Not Scored
8-1608	same	False Information or Report; Knowingly give false information or report concerning accident	U	U	C	Not Scored
21-4309	same	False Membership Claim; Falsely represent oneself to be a member of a fraternal or veteran's organization	C	C	C	Not Scored
21-3823	same	False Signing of a Petition	C	C	C	Not Scored
21-3818(a)	(b)	Falsely Reporting a Crime	A	B	C	Nonperson
2-1113	2-1115	Farm Produce; Dressed poultry; Increasing weight prohibited	U	U	C	Not Scored
2-1110	2-1111	Farm Produce; Failure to maintain purchase memorandum manifesting the name and address of the seller, the number and kinds or colors of poultry purchased as required	U	U	C	Not Scored
2-1112	same	Farm Produce; Fraudulent examination of records; Penalty for violation	U	U	C	Not Scored
2-1114	2-1115	Farm Produce; Unlawful sale of dressed poultry	U	U	C	Not Scored
2-1117	2-1115	Farm Produce; Unlawful use of end intake air probes; Penalty	U	U	C	Not Scored
28-318	same	Fees & Salaries; Certain Counties over 140,000; Penalties for violation of 1911 act ; Officer, deputy, assistant or clerk, who fails to perform any of the duties prescribed by this act	U	U	C	Not Scored
28-226	same	Fees & Salaries; Counties between 130,000 and 185,000; Officer, deputy, assistant or clerk, who fails to perform any of the duties prescribed by this act	U	U	C	Not Scored
28-1008	same	Fees & Salaries; Counties Designated Urban Areas; Officer, deputy, assistant or clerk, who fails to perform any of the duties prescribed by this act	U	U	C	Not Scored
28-619	same	Fees & Salaries; Counties over 300,000; Officer, deputy, assistant or clerk, who fails to perform any of the duties prescribed by this act	U	U	C	Not Scored
29-107	same	Fences; Legal Enclosures; Interfering with fence described in KSA 29-106 or leaving gates open	U	U	C	Not Scored
2-1208(2)(b)	(3)	Fertilizers; Fail or neglect to file the tonnage reports or affidavit or pay the inspection fee	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-1218(c)	2-1219	Fertilizers; Failure to provide, or have available for use, safety material and effective safety equipment, as required by regulation	U	U	C	Not Scored
2-1230(f)	2-1231	Fertilizers; Handling/Storage/Disposal; Failure to comply with a stop sale order or stop use order issued pursuant to K.S.A. 2-1232.	B	C	C	Not Scored
2-1230(c)	2-1231	Fertilizers; Handling/Storage/Disposal; Failure to provide, or have available for use, safety material and effective safety equipment, as required by regulation	B	C	C	Not Scored
2-1230(e)	2-1231	Fertilizers; Handling/Storage/Disposal; Impede, obstruct or hinder, prevent or to attempt to prevent, authorized personnel/employee in performance of duties in connection w/administration of this act	B	C	C	Not Scored
2-1230(d)	2-1231	Fertilizers; Handling/Storage/Disposal; Penalty for violation of any rule and regulation adopted under K.S.A. 2-1227	B	C	C	Not Scored
2-1230(a)	2-1231	Fertilizers; Handling/Storage/Disposal; Unlawful operation of facilities or equipment	B	C	C	Not Scored
2-1230(b)	2-1231	Fertilizers; Handling/Storage/Disposal; Use of defective/unsafe product container, piping, valve, hose, appurtenances or other equipment for handling/storage of commercial fertilizer and fertilizer materials	B	C	C	Not Scored
2-1218(d)	2-1219	Fertilizers; Impede, obstruct or hinder, or to otherwise prevent or to attempt to prevent, authorized personnel/employee in performance of duties in connection w/administration of this act	U	U	C	Not Scored
2-1208(2)(c)	(3)	Fertilizers; Impede, obstruct, hinder or otherwise prevent or attempt to prevent the secretary/authorized agent in performance of their duty in connection w/administration of provisions of this act	U	U	C	Not Scored
2-1208(2)(a)	(3)	Fertilizers; Mutilate, destroy, obliterate or remove the label or any part thereof; or do any act which may result in the misbranding or false labeling of any commercial fertilizer	U	U	C	Not Scored
2-1201b(a)(2)	2-1208(3)	Fertilizers; Unauthorized failure to comply with the requirements of K.S.A. 2-1201a	U	U	C	Not Scored
2-1218(a)	2-1219	Fertilizers; Unlawful operation of any anhydrous ammonia facility, any transportation equipment, or unlawful sale/offer to sell any anhydrous ammonia	U	U	C	Not Scored
2-1201b(a)(1)	2-1208(3)	Fertilizers; Unlicensed sale or distribution of any custom blended fertilizer	U	U	C	Not Scored
2-1218(b)	2-1219	Fertilizers; Use of any product container, piping, valve, hose, appurtenances or other equipment for handling anhydrous ammonia which is defective or which is otherwise unsafe.	U	U	C	Not Scored
65-67a05(a)	(f)	Fetal Organs & Tissue; Annual written report to the secretary of the department of health and environment required for any transfer of fetal tissue to another person; contents	A	B	C	Nonperson
65-67a05(d)	(f)	Fetal Organs & Tissue; Breach in Confidentiality of information obtained under this section	A	B	C	Nonperson
65-67a05(b)	(f)	Fetal Organs & Tissue; Breach in confidentiality of the donating woman's identity	A	B	C	Nonperson
65-67a05(e)	(f)	Fetal Organs & Tissue; Reports required by this section shall identify the name and address of the person submitting such report only by confidential code number	A	B	C	Nonperson
65-67a05(c)	(f)	Fetal Organs & Tissue; Ship fetal tissue w/o disclosing to the delivery service that human tissue is contained in such shipment	A	B	C	Nonperson
31-155(a)(2)	(b)	Fire Safety & Prevention; Bottle Rockets; Unlawful to ignite, fire, set-off or use a bottle rocket	U	U	C	Not Scored
31-155(a)(1)	(b)	Fire Safety & Prevention; Bottle Rockets; Unlawful to sell, or possess with intent to sell	U	U	C	Not Scored
31-158(a)	(c)	Fire Safety & Prevention; Sale to or purchase by fire department of clothing or equipment which does not meet standards set by national fire protection association	B	C	C	Not Scored
31-150a(a)	same	Fire Safety & Prevention; Violations of fire prevention code	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-1568(a)	(c)(1)	Fleeing or Attempting to Elude a Law Enforcement Officer - 1st conviction	B	C	C	Not Scored
8-1568(a)	(c)(2)	Fleeing or Attempting to Elude a Law Enforcement Officer - 2nd conviction	A	B	C	Nonperson
19-3310	same	Flood Control; Failure to obtain excavation permit	B	C	C	Not Scored
50-904(a)	same	Food Advertising & Sales Practices; Any violation of act; 3rd or subsequent	A	B	C	Nonperson
50-904(a)	same	Food Advertising & Sales Practices; Any violation of act; First offense	C	C	C	Not Scored
50-904(a)	same	Food Advertising & Sales Practices; Any violation of act; Second offense	B	C	C	Not Scored
65-657(b)	65-659(a)	Food, Drugs & Cosmetics; Adulterate or misbranded any food, drug, device, or cosmetic	U	U	C	Not Scored
65-657(i)	65-659(a)	Food, Drugs & Cosmetics; Alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded	U	U	C	Not Scored
65-632	65-633	Food, Drugs & Cosmetics; Branding of turpentine, flaxseed oil or linseed oil required	U	U	C	Not Scored
65-657(o)	65-659(a)	Food, Drugs & Cosmetics; Dispense a different drug or brand of drug in place of the one ordered or prescribed w/o express permission in each case of the person ordering or prescribing	U	U	C	Not Scored
65-657(e)	65-659(a)	Food, Drugs & Cosmetics; Dissemination of any false advertisement	U	U	C	Not Scored
65-651	65-654	Food, Drugs & Cosmetics; Distinctive coloring of certain poisonous substances required	U	U	C	Not Scored
65-657(j)	65-659(a)	Food, Drugs & Cosmetics; Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized, or required by regulations promulgated under the provisions of this act	U	U	C	Not Scored
65-657(g)	65-659(a)	Food, Drugs & Cosmetics; Giving of a guaranty or undertaking which is false	U	U	C	Not Scored
65-621	same	Food, Drugs & Cosmetics; Knowingly purchasing diseased animals	U	U	C	Not Scored
65-620	same	Food, Drugs & Cosmetics; Knowingly selling diseased animals	U	U	C	Not Scored
65-657(n)(3)	65-659(a)	Food, Drugs & Cosmetics; Make, sell, dispose of, or cause such, or possess with intent to defraud, any item designed to print, imprint, or reproduce a trade name or other identifying mark or imprint of another or any likeness of any of the foregoing upon any drug, device or container thereof.	U	U	C	Not Scored
65-657(a)	65-659(a)	Food, Drugs & Cosmetics; Manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded	U	U	C	Not Scored
65-657(m)	65-659(a)	Food, Drugs & Cosmetics; Manufacturer, packer, or distributor of a prescription drug; Fail to maintain for transmittal, or fail to transmit, copies of printed matter required to be included in drug packaging, or other federally approved printed matter, to any practitioner licensed to administer such drug, upon request	U	U	C	Not Scored
65-637	same	Food, Drugs & Cosmetics; Penalty for any violation of act	U	U	C	Not Scored
65-633	same	Food, Drugs & Cosmetics; Penalty for misbranding turpentine, flaxseed oil or linseed oil	U	U	C	Not Scored
65-657(n)(1)	65-659(a)	Food, Drugs & Cosmetics; Place, or cause to be placed, upon any drug or device or container thereof, with intent to defraud, the trade name or other identifying mark, or imprint of another or any likeness of any of the foregoing	U	U	C	Not Scored
65-640	65-642	Food, Drugs & Cosmetics; Posses for serving or serve oleomargarine or margarine in public places without proper notice	U	U	C	Not Scored
65-624	same	Food, Drugs & Cosmetics; Protection of meat; penalty for violation	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-657(c)	65-659(a)	Food, Drugs & Cosmetics; Receipt in commerce of any food, drug, device, or cosmetic knowing it to be adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise	U	U	C	Not Scored
65-657(f)	65-659(a)	Food, Drugs & Cosmetics; Refuse to permit entry or inspection, or to permit the taking of a sample, as authorized by K.S.A. 65-674	U	U	C	Not Scored
65-657(h)	65-659(a)	Food, Drugs & Cosmetics; Remove or dispose of a detained or embargoed article in violation of K.S.A. 65-660	U	U	C	Not Scored
65-623	same	Food, Drugs & Cosmetics; Sale of certain cold-storage meats unlawful	U	U	C	Not Scored
65-639	65-642	Food, Drugs & Cosmetics; Sale or offer for sale "oleomargarine" or "margarine" unless plainly labeled as such	U	U	C	Not Scored
65-657(d)	65-659(a)	Food, Drugs & Cosmetics; Sale, delivery for sale, holding for sale, or offering for sale of any article in violation of K.S.A. 65-666	U	U	C	Not Scored
65-650(a)	same	Food, Drugs & Cosmetics; Sell prescription medicine, prescription-only drug, drug which contains ephedrine alkaloids, drug intended for human use by hypodermic injection or poison via vending machine	C	C	C	Not Scored
65-657(n)(2)	65-659(a)	Food, Drugs & Cosmetics; Sell, dispense, dispose of, or conceal or possess with intent, any drug, device or any container thereof, knowing that the trade name or other identifying mark or imprint of another or any likeness of any of the foregoing has been placed thereon with intent to defraud	U	U	C	Not Scored
65-636	65-637	Food, Drugs & Cosmetics; Unlawful exhibition of title "drugstore," "pharmacy" or "apothecary"	U	U	C	Not Scored
65-681	65-682	Food, Drugs & Cosmetics; Unlawful labeling of a product as honey or imitation honey	C	C	C	Not Scored
65-657(k)	65-659(a)	Food, Drugs & Cosmetics; Using of any person to such person's own advantage, or revealing, any information acquired under authority of this act concerning a trade secret under the uniform trade secrets act (K.S.A. 60-3320 et seq. and amendments thereto) which is entitled to protection.	U	U	C	Not Scored
65-657(l)	65-659(a)	Food, Drugs & Cosmetics; Using, on the labeling of any drug or in any advertisement relating to such drug, any representation or suggestion that an application with respect to such drug is effective under K.S.A. 65-669a, as amended, or that such drug complies with the provisions of such section	U	U	C	Not Scored
65-650(b)	same	Food, Drugs & Cosmetics; Violate requirements for sale of nonprescription drugs via vending machine	C	C	C	Not Scored
12-2011	same	Franchise; Franchise required for construction, installation, operation or maintenance of a cable television service within the corporate limits of any city	C	C	C	Not Scored
16-305(b)(3)	same	Funeral & Cemetery Merchandise Agreements; Misappropriation of funds < $1000	A	B	C	Nonperson
16-323	same	Funeral & Cemetery Merchandise Agreements; Penalty for violation of act	A	B	C	Nonperson
16-305(a)	same	Funeral & Cemetery Merchandise Agreements; Violation other than misappropriation	U	U	C	Not Scored
21-4015(e)	(f)	Funeral Picketing	B	C	C	Person
21-3610(a)	(b)	Furnishing Alcoholic Liquor or CMB to a minor	B	C	C	Person
21-4303(b)	(b)	Gambling; Entering or remaining in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling device	B	C	C	Not Scored
21-4303(a)	(b)	Gambling; Making a bet	B	C	C	Not Scored
21-4305(a)	same	Gambling; Permit premises to be used for commercial gambling; Grant the use or allow the continued use of a place as a gambling place	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4305(b)	same	Gambling; Permit premises to be used for commercial gambling; Permit another to set up a gambling device for use in a place under the offender's control	B	C	C	Not Scored
21-4319(a)(4)	(b)	Gamecock Fighting; Attending unlawful gamecock fighting	A	B	C	Nonperson
21-4319(a)(1)	(b)	Gamecock Fighting; Causing gamecocks to fight each other	A	B	C	Nonperson
21-4319(a)(2)	(b)	Gamecock Fighting; Permitting gamecock fighting on premises	A	B	C	Nonperson
21-4319(a)(3)	(b)	Gamecock Fighting; Training gamecock for gamecock fighting	A	B	C	Nonperson
21-3707(a)	(e)(3)	Giving a Worthless Check less than $1,000	A	B	C	Nonperson
34-231(a)	same	Grain & Forage; Penalty for failure to obtain license required herein	C	C	C	Not Scored
34-229(i)	same	Grain & Forage; Penalty for failure to post certificate of bond or letter of credit information	C	C	C	Not Scored
34-234(c)	same	Grain & Forage; Penalty for refusal to comply with provisions	C	C	C	Not Scored
34-298	same	Grain & Forage; Penalty for violation of act.	A	B	C	Nonperson
34-102	(b)	Grain & Forage; Public Warehouses; Penalty for violation of any provision of this section	B	C	C	Not Scored
34-251(c)	same	Grain & Forage; Unauthorized disclosure of certain confidential information	U	U	C	Not Scored
2-3010	same	Grain Commodity Commissions; Penalty for violation of act	U	U	C	Not Scored
59-3093(a)	(b)	Guardians or Conservators; Willful violation of confidentiality of medical records and other reports	C	C	C	Not Scored
21-3839(a)	(b)	Harassment by Telefacsimile Communication	A	B	C	Nonperson
21-4113(a)(6)	(c)	Harassment by Telephone; Knowingly permit any telephone or telefacsimile communication machine under one's control to be used for harassment	A	B	C	Nonperson
21-4113(a)(2)	(c)	Harassment by Telephone; Making a telephone call, whether or not conversation ensues, or transmitting a telefacsimile communication with intent to abuse, threaten or harass any person at the called number	A	B	C	Nonperson
21-4113(a)(3)	(c)	Harassment by Telephone; Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number	A	B	C	Nonperson
21-4113(a)(1)	(c)	Harassment by Telephone; Making or transmitting any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent	A	B	C	Nonperson
21-4113(a)(4)	(c)	Harassment by Telephone; Making repeated telephone calls, during which conversation ensues, or repeatedly transmitting a telefacsimile communication solely to harass any person at the called number	A	B	C	Nonperson
21-4113(a)(5)	(c)	Harassment by Telephone; Playing any unauthorized recording on a telephone	A	B	C	Nonperson
65-2704	same	Hazardous Household Articles; Hold for sale, offer for sale or sell any household article in violation of regulations	U	U	C	Not Scored
65-2860	same	Healing Arts Act; False impersonation	A	B	C	Nonperson
65-2803(a)	(d)	Healing Arts Act; License prerequisite to practice	B	C	C	Not Scored
65-2867	(d)	Healing Arts Act; Open / maintain an office for practice of the healing arts or, announce/hold out to the public the intention, authority or skill to practice the healing arts by the use of any professional degree or designation, sign, card, circular, device, advertisement or representation if not licensed	C	C	C	Not Scored
65-2862	same	Healing Arts Act; Penalties for violations of act; first and second conviction	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-2839a(c)	same	Healing Arts Act; Unauthorized disclosure of criminal history record information, criminal intelligence information and information relating to criminal and background investigations	A	B	C	Nonperson
65-28,107(b)	same	Healing Arts Act; Willfully conceal, cancel, deface, obliterate or damage the declaration of another without declarant's consent; Falsify or forge a revocation of the declaration of another	A	B	C	Person
65-6804(d)	same	Health Care Data; Unauthorized disclosure of data and other information collected pursuant to this act by the Kansas health policy authority; Making public, information which would identify individuals	C	C	C	Not Scored
65-4927(c)	same	Health Care Providers; Willful and knowing failure to make a report required by K.S.A. 65-4923 or 65-4924	C	C	C	Not Scored
40-3216	same	Health Maintenance Organization Act; Penalty for violation of provisions of act	C	C	C	Not Scored
74-3215	same	Higher Education Coordination; State Board of Regents; Penalty for violation of any of the provisions of this act or any rule or policy made thereunder	U	U	C	Not Scored
76-2029	same	Historical Property; Penalty for violation of act	U	C	C	Not Scored
65-5117(f)(5)	same	Home Health Agencies; Disclosure of confidential information	U	U	C	Not Scored
65-5102	65-5114	Home Health Agencies; Home health agencies required to be licensed	B	C	C	Not Scored
65-5116(b)	(c)	Home Health Agencies; Unlicensed employees prohibited from prefilling insulin syringes	C	C	C	Not Scored
79-4513	same	Homestead Property Tax Refunds; Fraudulently filing excessive homestead property tax claim	B	C	C	Not Scored
65-439	same	Hospitals & Other Facilities; Establish, conduct, manage, or operate any medical care facility without a license	U	U	C	Not Scored
65-427	65-439	Hospitals & Other Facilities; License required to establish, conduct or maintain a medical care facility	U	U	C	Not Scored
65-445(c)	same	Hospitals & Other Facilities; Violation of confidentiality provisions	A	B	C	Nonperson
36-516(a)	(b)	Hotels/Lodginghouses/Restaurants; Installing or owning any gas stove in a public building, resort, hotel, restaurant, tourist camp or other similar public place w/o proper connection to a chimney or other outlet	C	C	C	Not Scored
36-503	36-515(b)	Hotels/Lodginghouses/Restaurants; License for food service establishment required; 1st Conviction	C	C	C	Not Scored
36-504	36-515(b)	Hotels/Lodginghouses/Restaurants; License for food vending machine companies required; 1st Conviction	C	C	C	Not Scored
36-504	36-515(b)	Hotels/Lodginghouses/Restaurants; License for food vending machine companies required; 2nd and Subsequent Convictions	B	C	C	Not Scored
36-502	36-515(b)	Hotels/Lodginghouses/Restaurants; License for lodging establishment required; 1st Conviction	C	C	C	Not Scored
36-502	36-515(b)	Hotels/Lodginghouses/Restaurants; License for lodging establishment required; 2nd and Subsequent Convictions	B	C	C	Not Scored
36-511	same	Hotels/Lodginghouses/Restaurants; Unlawful removal or breaking of a seal on a food vending machine	C	C	C	Not Scored
36-134	same	Hotels/Lodginghouses/Restaurants; Use of flexible metal gas connector in connection with natural gas-fired movable cooking equipment which does not meet the design and construction requirements approved by the state fire marshal pursuant to K.S.A. 36-133	C	C	C	Not Scored
36-503	36-515(b)	Hotels/Lodginghouses/Restaurants;; License for food service establishment required; 2nd and Subsequent Convictions	B	C	C	Not Scored
47-1403(b)	47-1405	Humane Slaughter; Bleed/slaughter any livestock except by a humane method	U	U	C	Not Scored
47-1404	47-1405	Humane Slaughter; Certain method of slaughter declared inhumane	U	U	C	Not Scored
47-1403(a)	47-1405	Humane Slaughter; Shackle, hoist, or otherwise bring livestock into position for slaughter, by any method which shall cause injury or pain	U	U	C	Not Scored
21-2511(m)	same	ID & Detection of Crimes & Criminals; DUI sampling; Fail to provide sample as required	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-2505	same	ID & Detection of Crimes & Criminals; Neglect of any officer to furnish information required by 21-2501, 21-2501a, 21-2502, 21-2503, 21-2504	A	B	C	Nonperson
8-1327(a)(9)	(b)	Identification Cards; Display canceled ID card	B	C	C	Not Scored
8-1327(a)(3)	(b)	Identification Cards; Display ID card which belongs to another	A	B	C	Nonperson
8-1327(a)(1)	(b)	Identification Cards; Display or possess fictitious or fraudulent ID card	B	C	C	Not Scored
8-1327(c)(4)	(d)(1)	Identification Cards; Display or possess fictitious/ fraudulent ID by one < 21 for purchase of liquor/CMB; 1st conviction	B	C	C	Not Scored
8-1327(c)(4)	(d)(2)	Identification Cards; Display or possess fictitious/ fraudulent ID by one < 21 for purchase of liquor/CMB; 2nd conviction	A	B	C	Nonperson
8-1327(a)(6)	(b)	Identification Cards; Display reproduction of an ID card	A	B	C	Nonperson
8-1327(a)(8)	(b)	Identification Cards; Fail or refuse to surrender any ID card which is canceled	A	B	C	Nonperson
8-1327(a)(2)	(b)	Identification Cards; Lend any ID card to another or knowingly permit use by another	A	B	C	Nonperson
8-1327(c)(2)	(d)(1)	Identification Cards; Lend ID card to one < 21 for consumption or purchase of CMB; 1st conviction	B	C	C	Not Scored
8-1327(c)(2)	(d)(2)	Identification Cards; Lend ID card to one < 21 for consumption or purchase of CMB; 2nd conviction	A	B	C	Nonperson
8-1327(c)(1)	(d)(2)	Identification Cards; Lend ID card to person < 21 for purchase of alcohol; 2nd conviction	A	B	C	Nonperson
8-1327(c)(1)	(d)(1)	Identification Cards; Lend ID card to person < 21 for purchase of alcohol; first conviction	B	C	C	Not Scored
8-1327(c)(3)	(d)(2)	Identification Cards; Lend ID/DL or other ID to aid another in obtaining ID; 2nd conviction	A	B	C	Nonperson
8-1327(c)(3)	(d)(1)	Identification Cards; Lend ID/DL or other ID to aid another in obtaining ID; first conviction	B	C	C	Not Scored
8-1327(a)(4)	(b)	Identification Cards; Permit unlawful use of ID card	A	B	C	Nonperson
8-1327(a)(7)	(b)	Identification Cards; Reproduce ID card to be mistaken for valid	A	B	C	Nonperson
21-4303a(a)	same	Illegal BINGO operation	A	B	C	Nonperson
21-4317(a)	(b)	Illegal Ownership or Keeping of a Dog	B	C	C	Not Scored
21-3734(a)(1)	(b)(3)	Impairing a Security Interest; Damaging, destroying or concealing any personal property subject to a security interest with intent to defraud the secured party; Value less than $1000 or security interest less than $1000	A	B	C	Nonperson
21-3734(a)(3)	(b)(3)	Impairing a Security Interest; Failure to account to the secured party for the proceeds of the sale, exchange or other disposition of any personal property subject to a security interest; Value less than $1000 or security interest less than $1000	A	B	C	Nonperson
21-3734(a)(2)	(b)(3)	Impairing a Security Interest; Unauthorized selling, exchanging or otherwise disposing of any personal property subject to a security interest without the written consent of the secured party; Value less than $1000 or security interest less than $1000	A	B	C	Nonperson
21-3430(a)	(d)	Income Tax Returns; Unauthorized disclosure or use of information for commercial purposes	A	B	C	Nonperson
79-3228(e)	same	Income Tax; Fail to pay any tax or to make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, if done with fraudulent intent	U	U	C	Not Scored
79-3299	(c)	Income Tax; Intentional failure of employer, payer, person or organization deducting and withholding tax to furnish a statement to an employee or payee as required	U	U	C	Not Scored
79-3234(b)	(e)	Income Tax; Unauthorized disclosure of information obtained under the Kansas income tax act; Unlawful employment for employees administering tax under provisions of the Kansas Income Tax Act	A	B	C	Nonperson
21-3727(a)(1)	(c)	Injury to a Domestic Animal; Willful / malicious administering of any poison to any domestic animal	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3727(a)(1)	(c)	Injury to a Domestic Animal; Willful / malicious exposing any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal	A	B	C	Nonperson
21-3727(a)(1)	(c)	Injury to a Domestic Animal; Willful / malicious killing, maiming or wounding any domestic animal of another without the consent of the owner	A	B	C	Nonperson
21-3441(a)	(c)(2)	Injury to a Pregnant Woman; By vehicle, other than DUI	A	B	C	Person
21-3440(a)	(c)	Injury to a Pregnant Woman; In commission of misdemeanor other than a violation of K.S.A. 21-3412, K.S.A. 21-3413(a)(1), K.S.A. 2005 Supp. 21-3412a(b)(1) and (b)(2) or K.S.A. 21-3517	A	B	C	Person
40-417	same	Insurance; Fraud; Knowingly/willfully make any false or fraudulent statement/representation in or with reference to any application for life insurance, or for the purpose of obtaining any fee, commission, money or benefits from any company transacting business under this act	U	U	C	Not Scored
40-2,118(a)	(e)	Insurance; Fraudulent acts; An amount less than $1000	C	C	C	Not Scored
40-247(a)	(b)(1)(C)	Insurance; Insuror or broker failing to pay premium to company; loss of < $1000	A	B	C	Nonperson
21-3828(a)(1)	(b)	Interference With Conduct of Public Business; Intentionally deny to any public official, public employee, or any invitee on such premises, the lawful rights of such official, employee, or invitee to enter, to use the facilities or to leave any such public building	A	B	C	Nonperson
21-3828(a)(2)	(b)	Interference With Conduct of Public Business; Intentionally impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof	A	B	C	Nonperson
21-3828(a)(5)	(b)	Interference With Conduct of Public Business; Intentionally impede, disrupt or hinder the normal proceedings of any executive body or official, by any act of intrusion	A	B	C	Nonperson
21-3828(a)(4)	(b)	Interference With Conduct of Public Business; Intentionally impede, disrupt or hinder the normal proceedings of any meeting or session conducted by a judicial or legislative body or official, by any act of intrusion or by any act designed to intimidate, coerce or hinder any member of such body or any official engaged in the performance of duties at such meeting or session	A	B	C	Nonperson
21-3828(a)(3)	(b)	Interference With Conduct of Public Business; Intentionally refuse or fail to leave any public building upon being requested to do so by the chief administrative officer if such person is committing, threatens to commit, or incites others to commit, any act which did or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures or functions being carried on in such public building	A	B	C	Nonperson
21-3423	same	Interference With Custody; Of a committed person	A	B	C	Nonperson
21-3422(a)	(c)(1)	Interference With Parental Custody; If parent is entitled to joint custody	A	B	C	Person
21-3816(a)	(c)	Interference with the Administration of Justice	A	B	C	Nonperson
38-1206	same	Interstate Compact on Placement of Children; Failure of any professional to comply with provisions of compact	C	C	C	Not Scored
21-3832(a)(1)	(b)	Intimidation; Witness or victim; Prevent or dissuade, or attempt such; Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law	B	C	C	Person
21-3832(a)(2)(C)	(b)	Intimidation; Witness or victim; Prevent or dissuade, or attempt such; Any witness, victim or person acting on behalf of a victim from causing a civil action to be filed and prosecuted and assisting in its prosecution	B	C	C	Person
21-3832(a)(2)(A)	(b)	Intimidation; Witness or victim; Prevent or dissuade, or attempt such; Any witness, victim or person acting on behalf of a victim from making any report of the victimization of a victim	B	C	C	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3832(a)(2)(B)	(b)	Intimidation; Witness or victim; Prevent, dissuade, or attempt such; Any witness, victim or person acting on behalf of a victim from causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution	B	C	C	Person
42-389	42-390	Irrigation Districts; Discrimination in rates unlawful	U	U	C	Not Scored
42-3,102	same	Irrigation Districts; Failure of proprietors to construct or maintain head gate	U	U	C	Not Scored
42-3,101	same	Irrigation Districts; Failure to construct devices, or to lock head gate and deliver key, or to maintain such devices	U	U	C	Not Scored
42-390	same	Irrigation Districts; Penalty for excessive charges	U	U	C	Not Scored
42-391	same	Irrigation Districts; Refusal to furnish water upon tender of charges	U	U	C	Not Scored
42-399	same	Irrigation Districts; Unlawful acts affecting artesian well	U	U	C	Not Scored
42-395	same	Irrigation Districts; Unlawful acts affecting works	U	U	C	Not Scored
42-394	same	Irrigation Districts; Waste of water by water bailiff, ditch rider, superintendent or other in charge	U	U	C	Not Scored
42-122	same	Irrigation; Unlawful acts affecting irrigating canals where ditch company has secured the right of way	U	U	C	Not Scored
43-161	same	Jurors; Failure to or falsely answering questions on juror questionnaires	A	B	C	Nonperson
43-127	same	Jurors; Penalty for seeking jury service or to have another placed on jury list	U	U	C	Not Scored
76-2111	Repealed 2008	Juvenile Correctional Facilities; Entice or attempt to entice a legally committed juvenile away from such juvenile correctional facility; Harbor, conceal, or aid in such, any juvenile who has escaped from a juvenile correctional facility	U	C	C	Not Scored
38-1692(h)	Repealed Jan. 1, 2007	Juvenile Justice Code; Testing for infectious disease and counseling of certain offenders and victims; Unauthorized disclosure of results of tests or reports under this section	C	C	C	Not Scored
38-2311(a)	(b)	Juvenile Justice Code; Unauthorized disclosure of juvenile diagnostic, treatment or medical records.	C	C	C	Not Scored
38-2317(h)	same	Juvenile Justice Code; Unauthorized disclosure of juvenile HIV or Hepatitis B test results or reports	C	C	C	Not Scored
44-1041(a)	same	Kansas Act Against Discrimination; Destroying any employment records required to be kept under the laws of the state of Kansas for the purpose of hindering any proceeding commenced pursuant to this act	B	C	C	Not Scored
44-1041(b)	same	Kansas Act Against Discrimination; Destroying any records or other information involved in any proceeding brought pursuant to this act for the purpose of hindering such proceedings	B	C	C	Not Scored
44-1013	same	Kansas Act Against Discrimination; Willfully resist, prevent, impede or interfere w/ commission or any of its members or representatives in performance of duty under this act; Willfully violate an order of the commission	U	U	C	Not Scored
44-1117(a)	(b)	Kansas Age Discrimination In Employment Act; Willfully resist, prevent, impede or interfere with the commission, members or representatives in the performance of duty under this act or willfully violate an order of the commission	U	U	C	Not Scored
74-2135	same	Kansas Highway Patrol; Violation of rules/regulations checks for verification on VIN's/fraud	A	B	C	Nonperson
47-2007	same	Kansas Sheep Council; Violation of provisions of act	U	U	C	Not Scored
41-2905(d)(2)	same	Keg Registration Act; Deface beer keg ID number by person not a retailer	B	C	C	Not Scored
41-2906(d)(2)	same	Keg Registration Act; Deface CMB keg ID number by person not a retailer	B	C	C	Not Scored
41-2905(d)(3)	same	Keg Registration Act; Possession of beer keg w/o ID number by person not a retailer	B	C	C	Not Scored
41-2906(d)(3)	same	Keg Registration Act; Possession of CMB keg w/o ID number by person not a retailer	B	C	C	Not Scored
41-2905(d)(1)	same	Keg Registration Act; Removal of beer keg ID number by person who is not a retailer	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
41-2906(d)(1)	same	Keg Registration Act; Removal of CMB keg ID number by person not a retailer	B	C	C	Not Scored
2-2303	2-2305	Labeling of Ag. Products; Grade any agricultural product, and identify it or its container, with a false established standard	U	U	C	Not Scored
2-2302(a)	2-2305	Labeling of Ag. Products; Misleading labeling	U	U	C	Not Scored
2-2302(b)	2-2305	Labeling of Ag. Products; Misleading representations	U	U	C	Not Scored
2-2302(c)	2-2305	Labeling of Ag. Products; Move into KS for sale, have possession for sale, or sale of, any agricultural product labeled or represented in a misleading manner	U	U	C	Not Scored
44-640	44-648	Labor & Industries; Conditions of employment detrimental to health and welfare unlawful	U	U	C	Not Scored
44-636(f)	(g)	Labor & Industries; Discharge or discriminate against employee because employee filed a complaint with, or furnished information to, the secretary of labor concerning unsafe or hazardous working conditions	U	U	C	Not Scored
44-117	44-118	Labor & Industries; Employer preventing discharged employee from obtaining employment	U	U	C	Not Scored
44-410	same	Labor & Industries; Penalty for any violation of K.S.A.44-401 through 44-412, inclusive	C	C	C	Not Scored
44-635	same	Labor & Industries; Penalty for failure to testify when subpoenaed	U	U	C	Not Scored
44-129	same	Labor & Industries; Penalty for Violation of Act	C	C	C	Not Scored
44-648	same	Labor & Industries; Penalty for violation of act	U	U	C	Not Scored
44-618	same	Labor & Industries; Penalty for violation of K.S.A. 44-601 to 44-628	U	U	C	Not Scored
44-118	same	Labor & Industries; Penalty for violation of this act by employer of labor, his agent or employee	U	U	C	Not Scored
44-636(c)	(g)	Labor & Industries; Remove or require to be removed, or made ineffective any practical safeguard around or safety attachment to any machinery, vats, pan, or other apparatus or device mentioned in this section while the same is in use; Require or permit the operation of, or operate, the dangerous machine, apparatus or device without the required safeguards or safety attachments	U	U	C	Not Scored
44-615	44-618	Labor & Industries; Unlawful acts against witnesses and litigants	U	U	C	Not Scored
44-925(c)	same	Labor & Industries; Unlawful installation or operation of any boiler or pressure vessel in this state; Construction of any boiler or pressure vessel for use in this state in violation of this act, or rules and regulations hereunder	C	C	C	Not Scored
44-616	44-618	Labor & Industries; Unlawful limitation or cessation of business operations	U	U	C	Not Scored
44-925(a)	same	Labor & Industries; Unlawful operation of a pressure vessel installed after January 1, 1999, or a boiler w/o valid inspection certificate, and the operation of a pressure vessel installed after January 1, 1999, or a boiler without such inspection certificate or at a pressure exceeding that specified in such inspection certificate	C	C	C	Not Scored
44-617	44-618	Labor & Industries; Violations of Act; quitting employment; picketing; intimidation	U	U	C	Not Scored
46-1116	same	Legislative Post Audit; Failure to make records available for post audit	A	B	C	Nonperson
24-811	same	Levees; Summoning labor for emergency work on levee; Refusing summons	U	C	C	Not Scored
24-815	same	Levees; Willfully cut, break, damage or make a leak in levee; Build any cross-levee, dike or embankment, to prevent the flow of the surface water in its natural course to the sewer pipes or openings provided for the escape of such surface water, or otherwise change the contour of such levee districts by building cross-levees or embankments, or by any other act render the protection afforded by said levee to all parties less effective and complete	U	C	C	Not Scored
21-3508(a)(1)	(b)(1)	Lewd and Lascivious Behavior; Publicly engage sexual intercourse or sodomy w/ knowledge or reasonable anticipation of being viewed by others; if done in presence of persons 16 or older	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3508(a)(2)	(b)(1)	Lewd and Lascivious Behavior; Publicly expose a sex organ or expose a sex organ in presence of one not the spouse of offender w/o consent, w/ intent to arouse or gratify the sexual desires of the offender or another; if done in presence of person 16 or older	B	C	C	Not Scored
55-1102(a)(1)	55-1105	Liquefied Petroleum Gas; Unlawful for any person except owner or a person authorized in writing by him or her to fill or refill such container	U	U	C	Not Scored
55-1102(b)	55-1105	Liquefied Petroleum Gas; Unlawful for any person to place the name, mark, initials or other identifying device of any person other than the owner on any liquefied petroleum gas container	U	U	C	Not Scored
55-1102(a)(2)	55-1105	Liquefied Petroleum Gas; Unlawful for person other than owner or owner's agent to buy, sell, offer for sale, give, take, loan, deliver or permit to be delivered, or otherwise use, dispose of, or traffic in any such container	U	U	C	Not Scored
55-1102(a)(3)	55-1105	Liquefied Petroleum Gas; Unlawful for person other than owner or owner's agent to deface, erase, obliterate, cover up or otherwise remove or conceal or change any such name, mark, initials or other identifying device of the owner or to place the name, mark, initials or other identifying device of any person other than the owner on such container	U	U	C	Not Scored
55-1103	55-1105	Liquefied Petroleum Gas; Unlawful to fill or refill unmarked containers if notified by owner	U	U	C	Not Scored
41-717	41-1121	Liquor Control Act; Certain sales on credit, in trade or by check prohibited	U	U	C	Not Scored
41-725	41-1121	Liquor Control Act; Common carriers; must deliver only to consignee	U	U	C	Not Scored
41-206(a)	(d)	Liquor Control Act; Division of Alcoholic Beverage Control; Conflict of interest	U	U	C	Not Scored
41-719(a)	(i)	Liquor Control Act; Drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.	U	U	C	Not Scored
41-1107	same	Liquor Control Act; Duty of county attorney; penalty for neglect; duty of attorney general	U	U	C	Not Scored
41-407(a)(1)	(c)	Liquor Control Act; Evasion or attempt to evade payment of liquor tax	U	U	C	Not Scored
41-905	41-1121	Liquor Control Act; False branding	U	U	C	Not Scored
41-726	41-1121	Liquor Control Act; False statements to common carriers unlawful	U	U	C	Not Scored
41-722	41-1121	Liquor Control Act; Giving or selling liquor to evade law declared unlawful	U	U	C	Not Scored
41-903	41-1121	Liquor Control Act; Knowingly permitting licensee to unlawfully use premises	U	U	C	Not Scored
41-302(a)	same	Liquor Control Act; Licensing & Related Provisions; City Option; Knowingly signing a petition authorized by this section when not a qualified voter; Aiding or abetting any other in the same; Bribe, give or pay any money or thing of value to any person to induce such person to sign such petition	U	U	C	Not Scored
41-710	41-1121	Liquor Control Act; Location of retail store, microbrewery or farm winery; restrictions	U	U	C	Not Scored
41-401	41-1121	Liquor Control Act; Manufacturers/distributors provide bonded warehouses	U	U	C	Not Scored
41-721	41-1121	Liquor Control Act; No retail licenses to issue in cities where electors voted contrary	U	U	C	Not Scored
41-701(f)	(g)	Liquor Control Act; No supplier, wholesaler, distributor, manufacturer or importer shall by oral or written contract or agreement, expressly or impliedly fix, maintain, coerce or control the resale price of alcoholic liquor, beer or cereal malt beverage to be resold by such wholesaler, distributor, manufacturer or importer	U	U	C	Not Scored
41-720	41-1121	Liquor Control Act; Nonbeverage licensee forbidden to give or sell alcoholic liquors	U	U	C	Not Scored
41-803(a)	(c)	Liquor Control Act; Open Saloon	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
41-805(1)	41-1121	Liquor Control Act; Places and properties operated or used in violation of act	U	U	C	Not Scored
41-407(a)(2)	(c)	Liquor Control Act; Possession of alcoholic liquor, w/o mark indicating payment of liquor tax	U	U	C	Not Scored
41-508	same	Liquor Control Act; Possession of untaxed liquor by retailer	U	U	C	Not Scored
41-727(a)	(b)	Liquor Control Act; Purchase/consumption of alcoholic beverage by minor; violation by one 18-20 yoa	C	C	C	Not Scored
41-729(a)	41-1121	Liquor Control Act; Retail sales at less than cost	U	U	C	Not Scored
41-708	same	Liquor Control Act; Retailer must obtain from licensed distributor	U	U	C	Not Scored
41-713	41-1121	Liquor Control Act; Retailers; mixing drinks on premises and employment of certain persons prohibited	U	U	C	Not Scored
41-711	41-1121	Liquor Control Act; Sale at retail forbidden on certain premises	U	U	C	Not Scored
41-728(a)	41-1121	Liquor Control Act; Sale by distributor of alcoholic liquor or CMB to a club, drinking establishment or caterer on credit prohibited; Purchase of alcoholic liquor or cereal malt beverage from a distributor by a club, drinking establishment or caterer on credit prohibited	U	U	C	Not Scored
41-712	41-1121	Liquor Control Act; Sale of liquor forbidden on certain days	U	U	C	Not Scored
41-715(a)	(b)	Liquor Control Act; Sale of liquor to incapacitated or intoxicated person	U	U	C	Not Scored
41-718	41-1121	Liquor Control Act; Sale only in original package; refilling prohibited	U	U	C	Not Scored
41-728(b)	41-1121	Liquor Control Act; Sales of alcoholic liquor or CMB by a distributor to a club, drinking establishment, caterer or retailer licensed under the Kansas liquor control act or under K.S.A. 41-2702 shall be separate from sales to any other club, drinking establishment, caterer or retailer even if the licensee is the same	U	U	C	Not Scored
41-719(b)	(i)	Liquor Control Act; Unauthorized drinking / consuming alcoholic liquor on private property	U	U	C	Not Scored
41-719(c)	(i)	Liquor Control Act; Unauthorized drinking / consuming alcoholic liquor on public property	U	U	C	Not Scored
41-104	41-1121	Liquor Control Act; Unauthorized manufacturing, bottling, blending, selling, bartering, transporting, delivering, furnishing or possessing any alcoholic liquor for beverage purposes	U	U	C	Not Scored
41-701(e)	(g)	Liquor Control Act; Unauthorized sale or attempted sale of alcoholic liquor or CMB by manufacturer of alcoholic liquor or cereal malt beverage	U	U	C	Not Scored
41-701(c)	(g)	Liquor Control Act; Unauthorized sale or attempted sale of beer or CMB beverage by distributor	U	U	C	Not Scored
41-701(a)	(g)	Liquor Control Act; Unauthorized sale or attempted sale of spirits by distributor	U	U	C	Not Scored
41-701(b)	(g)	Liquor Control Act; Unauthorized sale or attempted sale of wine by distributor	U	U	C	Not Scored
41-709	41-1121	Liquor Control Act; Unauthorized sale or delivery by manufacturer or distributor	U	U	C	Not Scored
41-724	41-1121	Liquor Control Act; Unauthorized transportation of liquor into state forbidden	U	U	C	Not Scored
41-901(a)	41-1121	Liquor Control Act; Violations of act by persons required to be licensed	U	U	C	Not Scored
79-339	same	Listing Property forTaxation; Failure of Owner, lessee or operator of dock to notify assessor of watercraft on dock and owners of such	C	C	C	Not Scored
79-337	same	Listing Property forTaxation; Failure of Owner, lessee or operator of park or land to notify assessor of all mobile and manufactured homes located in park or on land	C	C	C	Not Scored
79-333	same	Listing Property forTaxation; Knowingly giving a false or fraudulent list, schedule or statement; Temporarily convert any taxable property into property not taxable, to prevent such property from being listed, or to evade the payment of taxes	U	C	C	Not Scored

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
79-319a	same	Listing Property forTaxation; Unauthorized removal of buildings from delinquent real estate	U	C	C	Not Scored
47-671	same	Livestock/Domestic Animals; Accreditation; Penalty for violations of KSA 47-667 to 47-671	C	C	C	Not Scored
47-1808(a)	(e)	Livestock/Domestic Animals; Bonding of livestock dealers required	A	B	C	Nonperson
47-637	same	Livestock/Domestic Animals; Cattle afflicted with fever; Penalty for unlawful acts.	U	U	C	Not Scored
47-668	47-671	Livestock/Domestic Animals; Certain acts concerning swine unlawful w/o accreditation from commissioner	C	C	C	Not Scored
47-607(b)	47-607c	Livestock/Domestic Animals; Certificates of health required	U	U	C	Not Scored
47-1102	same	Livestock/Domestic Animals; Deliveries in Motor Vehicles; Penalty for violations	U	U	C	Not Scored
47-643	same	Livestock/Domestic Animals; Diseased sheep at large or sale thereof; penalty	U	U	C	Not Scored
47-1217	same	Livestock/Domestic Animals; Disposal of dead animals; Penalty for violations of act	U	U	C	Not Scored
47-1827(f)	(g)(4)	Livestock/Domestic Animals; Enter or remain on an animal facility or enter any property w/intent to damage	B	C	C	Not Scored
47-1802(a)	(c)	Livestock/Domestic Animals; Fail or refuse to make payment for livestock purchased for slaughter on the day ownership is transferred unless exception applies; Requirements for check payments	B	C	C	Not Scored
47-2101(a)	(d)	Livestock/Domestic Animals; Fail to obtain a permit to engage in the business of raising domesticated deer	U	U	C	Not Scored
47-653e	same	Livestock/Domestic Animals; Failure to dispose of swine as directed by the livestock commissioner	U	U	C	Not Scored
47-1509	same	Livestock/Domestic Animals; Feedlots; Penalty for violation of act	U	U	C	Not Scored
47-629	47-629c	Livestock/Domestic Animals; Injection of virulent hog-cholera virus into hogs without permit unlawful	U	U	C	Not Scored
47-1827(a)	(g)(1)	Livestock/Domestic Animals; Intentionally damage or destroy an animal facility or animal or property in or on an animal facility w/o consent; less than $1000	A	B	C	Nonperson
47-1827(e)	(g)(1)	Livestock/Domestic Animals; Intentionally damage or destroy any field crop product grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency w/o consent; less than $1000	A	B	C	Nonperson
47-2102(a)	(b)	Livestock/Domestic Animals; Intentionally releasing domesticated deer	C	C	C	Not Scored
47-1219(b)	same	Livestock/Domestic Animals; Knowingly permit any dead animals, carcasses of such animals or domestic fowl, or any part thereof, to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common	U	U	C	Not Scored
47-438	47-447	Livestock/Domestic Animals; Marks & Brands; Bill of sale required for sale of animals in inspection areas	U	U	C	Not Scored
47-447	same	Livestock/Domestic Animals; Marks & Brands; Penalty for violation of KSA 47-420, 47-446, and any provisions of act	U	U	C	Not Scored
47-440	47-447	Livestock/Domestic Animals; Marks & Brands; Required contents of bill of sale	U	U	C	Not Scored
47-439	47-447	Livestock/Domestic Animals; Marks & Brands; Unlawful to fail or refuse to exhibit bill of sale	U	U	C	Not Scored
47-442	47-447	Livestock/Domestic Animals; Marks & Brands; Unlawful to move cattle within area without inspection	U	U	C	Not Scored
47-441	47-447	Livestock/Domestic Animals; Marks & Brands; Unlawful to remove cattle from area w/o inspection certificate	U	U	C	Not Scored
47-422	same	Livestock/Domestic Animals; Marks & Brands; Use of brand by other than recorded owner	C	C	C	Not Scored
47-418a	same	Livestock/Domestic Animals; Marks & Brands; Willfully brand cattle in manner other than as required; Falsely brand cattle so as to incorrectly designate the disease control identification or ownership of livestock	A	B	C	Nonperson
47-642	same	Livestock/Domestic Animals; Penalty for transporting diseased sheep	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
47-662	same	Livestock/Domestic Animals; Penalty for violating act; Refuse to allow examination of domestic animals for any infectious or contagious disease; Hinder or obstruct any examination of or in an attempt to examine domestic animals	U	U	C	Not Scored
47-629c	same	Livestock/Domestic Animals; Penalty for violating KSA 47-629 to 47-629c	U	U	C	Not Scored
47-656	same	Livestock/Domestic Animals; Penalty for violating KSA 47-654 to 47-656	U	U	C	Not Scored
47-604	same	Livestock/Domestic Animals; Penalty for violating quarantine; First conviction	A	B	C	Nonperson
47-1219(a)	same	Livestock/Domestic Animals; Place any dead animals, carcasses of such animals or domestic fowl, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common	U	U	C	Not Scored
47-607(c)	47-607c	Livestock/Domestic Animals; Rules and regulations of livestock commissioner; special quarantine	U	U	C	Not Scored
47-664	47-665	Livestock/Domestic Animals; Sale as brucellosis or Bang's tested unlawful	U	U	C	Not Scored
47-663	47-665	Livestock/Domestic Animals; Sale of cattle as tuberculosis tested unlawful	U	U	C	Not Scored
47-629a	47-629c	Livestock/Domestic Animals; Sale of virulent hog-cholera virus by unauthorized vendors unlawful	U	U	C	Not Scored
47-629b	47-629c	Livestock/Domestic Animals; Sale of virulent hog-cholera virus to unauthorized purchasers unlawful	U	U	C	Not Scored
47-653a	47-653c	Livestock/Domestic Animals; Sale or use of hog cholera vaccines unlawful	U	U	C	Not Scored
47-121	same	Livestock/Domestic Animals; Stock Running at Large; Unlawful driving of animals	U	U	C	Not Scored
47-237	same	Livestock/Domestic Animals; Strays; Unlawfully take up any stray or fail to comply with provisions act	U	U	C	Not Scored
47-607a	47-607c	Livestock/Domestic Animals; Transport uninspected animals into state w/o obtaining special permit if required	U	U	C	Not Scored
47-655	47-656	Livestock/Domestic Animals; Unlawful sale; secondhand sacks	U	U	C	Not Scored
47-607(a)	47-607c	Livestock/Domestic Animals; Unlawful to transport uninspected animals into state	U	U	C	Not Scored
47-654	47-656	Livestock/Domestic Animals; Unlawful transportation and sale; fumigation	U	U	C	Not Scored
47-653c	same	Livestock/Domestic Animals; Unlawful use of hog cholera vaccines	U	U	C	Not Scored
47-1827(c)(3)	(g)(3)	Livestock/Domestic Animals; With intent to damage & w/o consent; Enter an animal facility and commit or attempt to commit a prohibited act	A	B	C	Nonperson
47-1827(c)(1)	(g)(3)	Livestock/Domestic Animals; With intent to damage & w/o consent; Enter an animal facility, not open to the public, with intent to commit a prohibited act	A	B	C	Nonperson
47-1827(c)(4)	(g)(3)	Livestock/Domestic Animals; With intent to damage & w/o consent; Enter animal facility to take pictures by photograph, video camera or by any other means	A	B	C	Nonperson
47-1827(d)(1)(A)	(g)(4)	Livestock/Domestic Animals; With intent to damage & w/o consent; Enter or remain on animal facility having had notice that entry was forbidden	B	C	C	Not Scored
47-1827(d)(1)(B)	(g)(4)	Livestock/Domestic Animals; With intent to damage & w/o consent; Enter or remain on animal facility having received notice to depart but failing to do so	B	C	C	Not Scored
47-1827(c)(2)	(g)(3)	Livestock/Domestic Animals; With intent to damage & w/o consent; Remain concealed, with intent to commit an act prohibited by this section	A	B	C	Nonperson
65-202	same	Local Boards of Health; Clinics; Fail or neglect to perform duties prescribed by this act	U	U	C	Not Scored
21-4005(a)	(b)	Maliciously Circulating False Rumors Concerning Financial Status	A	B	C	Nonperson
21-4006(a)	(b)	Maliciously Exposing a Paroled or Discharged Person	B	C	C	Not Scored

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3761(a)(2)	same	Maliciously or Wantonly Cause Derailment of Train, etc.	A	B	C	Nonperson
65-6403(b)	(c)	Marriage & Family Therapists Licensure Act; Practice marriage/family therapy as a clinical marriage/family therapist w/o a license; Hold oneself out as licensed clinical marriage/family therapist or clinical marriage/family therapist w/o such a license	B	C	C	Not Scored
65-6403(a)	(c)	Marriage & Family Therapists Licensure Act; Practice marriage/family therapy w/o license; Hold oneself out as licensed marriage/family therapist or marriage/family therapist w/o such a license	B	C	C	Not Scored
23-106	same	Marriage; Marriage License - False Swearing in Affidavit	U	C	C	Not Scored
23-111	same	Marriage; Penalty for judge or clerk not complying with statutory requirements	U	C	C	Not Scored
23-116a	same	Marriage; Unauthorized Solemnizing of marriage	U	C	C	Not Scored
65-516(i)(5)	(i)(6)	Maternity Centers & Child Care Facilities; Unauthorized disclosure of confidential criminal history record by staff of child placement agency	U	U	C	Not Scored
65-514	same	Maternity Centers & Child Care Facilities; Violations of article 5 of chapter 65	U	U	C	Not Scored
65-6a52	same	Meat & Poultry Inspection Act; Penalty for any violation of act	C	C	C	Not Scored
65-6a53	65-6a55	Meat & Poultry; Imported catfish; labeling as imported required	C	C	C	Not Scored
65-6a40	same	Meat & Poultry; Penalty for any violation of act	U	U	C	Not Scored
65-6a55	same	Meat & Poultry; Penalty for violation of act	C	C	C	Not Scored
21-3846(a)(5)	(b)(3)	Medicaid; Knowingly make any statement / representation for use by another in obtaining any goods, service, item, facility or accommodation under the Medicaid program; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(6)	(b)(3)	Medicaid; Make any claim for payment, for any goods, service, item, facility, or accommodation, not medically necessary; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(3)	(b)(3)	Medicaid; Make any false or fraudulent report or filing used in computing or determining a rate of payment for any goods, service, item, facility or accommodation; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(2)	(b)(3)	Medicaid; Make any false or fraudulent statement / representation for use in determining payments; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(4)	(b)(3)	Medicaid; Make any false or fraudulent statement / representation in connection with any report or filing used in computing or determining a rate of payment for any goods, service, item, facility or accommodation; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(7)	(b)(3)	Medicaid; Make any wholly or partially false or fraudulent book, record, document, data or instrument, which is required to be kept or kept as documentation; claim of less than $1000	A	B	C	Nonperson
21-3846(a)(1)	(b)(3)	Medicaid; Make false or fraudulent claim for payment for any goods, service, item, facility, or accommodation; claim of less than $1000	A	B	C	Nonperson
65-4214(a)(5)	(b)	Mental Health Tech; 2nd or subsequent violation of any provisions of the mental health technician's licensure act	A	B	C	Nonperson
65-4214(a)(1)	(b)	Mental Health Tech; Fraudulently obtain, sell, transfer, or furnish any mental health technician diploma, license, renewal of license or record, or aid or abet another; 2nd or subsequent violation	A	B	C	Nonperson
65-4214(a)(1)	(b)	Mental Health Tech; Fraudulently obtain, sell, transfer, or furnish any mental health technician diploma, license, renewal of license or record, or aid or abet another; first violation	B	C	C	Not Scored
65-4214(a)(4)	(b)	Mental Health Tech; Practice as a mental health technician while license is suspended or revoked; 2nd or subsequent violation	A	B	C	Nonperson
65-4214(a)(4)	(b)	Mental Health Tech; Practice as a mental health technician while license is suspended or revoked; first violation	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-4214(a)(6)	(b)	Mental Health Tech; Represent that a provider of continuing education is approved for educating mental health technicians, w/o such approval; 2nd or subsequent violation	A	B	C	Nonperson
65-4214(a)(6)	(b)	Mental Health Tech; Represent that a provider of continuing education is approved for educating mental health technicians, w/o such approval; first violation	B	C	C	Not Scored
65-4214(a)(2)	(b)	Mental Health Tech; Represent, or hold oneself out as a mental health technician or practice as a mental health technician without having a license to so practice; 2nd or subsequent violation	A	B	C	Nonperson
65-4214(a)(2)	(b)	Mental Health Tech; Represent, or hold oneself out as a mental health technician or practice as a mental health technician without having a license to so practice; first violation	B	C	C	Not Scored
65-4214(a)(3)	(b)	Mental Health Tech; Use in connection with one's name any designation intending to imply that such person is a licensed mental health technician without having such license; 2nd or subsequent violation	A	B	C	Nonperson
65-4214(a)(3)	(b)	Mental Health Tech; Use in connection with one's name any designation intending to imply that such person is a licensed mental health technician without having such license; first violation	B	C	C	Not Scored
65-4214(a)(5)	(b)	Mental Health Tech; Violate any of the provisions of the mental health technician's licensure act; first violation	B	C	C	Not Scored
39-717(a)(1)	(b)(1)	Mentally Ill, Incapacitated & Dependent Persons; Illegal disposition of assistance; Value less than $1000	A	B	C	Nonperson
39-717(a)(2)	(b)(1)	Mentally Ill, Incapacitated & Dependent Persons; Illegal purchase, acquisition or possession of assistance; Value less than $1000	A	B	C	Nonperson
39-709b(d)	same	Mentally Ill, Incapacitated & Dependent Persons; Unauthorized use of public list of recipients of general assistance for commercial or political purposes; Unauthorized disclosure of confidential information	B	C	C	Not Scored
*39-759(a)	same	Mentally Ill, Incapacitated & Dependent Persons; Unlawful acts relating to information concerning absent parents; Unauthorized requesting, obtaining, or seeking out confidential information obtained by the secretary under K.S.A. 39-758 or K.S.A. 39-7,136, 39-7,143 and 39-7,150	B	C	C	Not Scored
39-720	same	Mentally Ill, Incapacitated & Dependent Persons; Welfare fraud; Punished according to K.S.A. 21-3701; Value less than $1000	A	B	C	Nonperson
65-789(c)	65-790	Milk, Cream & Dairy Products; Adulterate or misbrand any milk, milk products or dairy products	U	U	C	Not Scored
65-789(a)	65-790	Milk, Cream & Dairy Products; Engage in any business or activity requiring a license or permit under this act without having a license or permit	U	U	C	Not Scored
65-789(d)	65-790	Milk, Cream & Dairy Products; Sell, offer for sale or have possession w/ intent to sell at retail to the final consumer any milk or milk product which has not been inspected and designated grade A pasteurized	U	U	C	Not Scored
65-789(b)(2)	65-790	Milk, Cream & Dairy Products; Sell, offer or expose for sale any milk, milk products or dairy products which are adulterated or misbranded	U	U	C	Not Scored
65-789(b)(1)	65-790	Milk, Cream & Dairy Products; Sell, offer or expose for sale any nonconforming milk, milk products or dairy products	U	U	C	Not Scored
65-789(e)	65-790	Milk, Cream & Dairy Products; Violate any provision of this act or any rules or regulations promulgated thereunder	U	U	C	Not Scored
79-4225(d)	same	Mineral Severance Tax; Fail to make a return, or pay tax; Make a false or fraudulent return; Fail to keep required books or records; Willful violation of any rules and regulations of this act; Aid and abet another in attempting to evade the payment of any tax; Violation of any other provisions of this act	C	C	C	Not Scored
49-607(a)	(d)	Mines & Mining; Falsification of information in application for registration of mining site	A	B	C	Nonperson

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
49-105	same	Mines & Mining; Ingress and egress for survey; Penalty for interference with survey	U	U	C	Not Scored
49-108	same	Mines & Mining; Penalty for interfering with survey ordered pursuant to K.S.A. 49-106	C	C	C	Not Scored
21-3425	same	Mistreatment of a Confined Person	A	B	C	Person
21-3437(a)(3)	(d)(5)	Mistreatment of a Dependant Adult; Omit or deprive treatment, goods or services necessary to maintain physical or mental health of a dependent adult.	A	B	C	Person
21-3437(a)(2)	(d)(4)	Mistreatment of a Dependant Adult; Taking unfair advantage of a dependent adult's physical or financial resources; value less than $1000	A	B	C	Person
21-3910(c)(4)	same	Misuse of Public Funds; Aggregate is less than $1000	A	B	C	Nonperson
51-301(a)	(b)	Motion Pictures; Unlawful use of a recording device; 1st conviction	A	B	C	Nonperson
66-1319(a)	same	Motor Carriers; Failure or refusal of driver of a vehicle to drive such vehicle to the nearest inspection station or other suitable place when so directed by a member of the highway patrol	U	U	C	Not Scored
66-1315	same	Motor Carriers; Penalty for violating any of the provisions of K.S.A. 66-1,139 or 66-1,140	U	U	C	Not Scored
79-3464e(a)(9)	(b)	Motor Vehicle Fuel Taxes; Aid and abet in violations contained in paragraphs (1) through (8)	U	U	C	Not Scored
79-3464e(a)(4)	(b)	Motor Vehicle Fuel Taxes; Fail, neglect or refuse to keep and maintain or to make fully and freely accessible during business hours to certain people, all books, papers and records as required	U	U	C	Not Scored
79-3464e(a)(3)	(b)	Motor Vehicle Fuel Taxes; Fail, neglect or refuse to pay the director, any tax, taxes, interest or penalties for which such person is liable, within the time required	U	U	C	Not Scored
79-3464e(a)(2)	(b)	Motor Vehicle Fuel Taxes; Fail, neglect or refuse to render to the director at the director's office, any report or statement required, within the time required	U	U	C	Not Scored
79-34,103	same	Motor Vehicle Fuel Taxes; Penalty for violation of act	U	U	C	Not Scored
79-3464e(a)(7)	(b)	Motor Vehicle Fuel Taxes; Sell or hold for sale dyed fuel that such person knows or has reason to know will not be used for a nontaxable purpose	U	U	C	Not Scored
79-3464e(a)(6)	(b)	Motor Vehicle Fuel Taxes; Sell, receive or transport motor fuels w/o proper and correct manifests	U	U	C	Not Scored
79-3464e(a)(5)	(b)	Motor Vehicle Fuel Taxes; Use any motor fuels purchased as exempt in a taxable manner	U	U	C	Not Scored
79-3464e(a)(1)	(b)	Motor Vehicle Fuel Taxes; Use, sell, manufacture or deliver any motor-vehicle fuels or special fuels at any place without having a valid, unsuspended and unrevoked license	U	U	C	Not Scored
79-3464e(a)(8)	(b)	Motor Vehicle Fuel Taxes; Violate any other provision of this act not specified in this section	U	U	C	Not Scored
79-34,122	same	Motor Vehicle Fuel Taxes; Willfully make a false statement or knowingly present a fraudulent receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain a credit or refund or reduction of liability for taxes	U	U	C	Not Scored
*32-1120(a)	(c)	Motorboat Exhaust Noise Emissions in Violation of Limits	C	C	C	Not Scored
*32-1120(c)	same	Motorboat Exhaust Noise Emissions in Violation of Limits; Failure to comply with a request or direction of officer	C	C	C	Not Scored
65-7211(b)	same	Naturopathic Doctor Registration Act; Hold oneself out as naturopathic doctor when not registered as such or when registration has been suspended or revoked; On and after July 1, 2004	B	C	C	Person
65-7211(a)	same	Naturopathic Doctor Registration Act; Hold oneself out as naturopathic doctor when not registered or registration has been suspended or revoked; On and after January 1, 2003, and prior to July 1, 2004	B	C	C	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
58-1022	same	New Goods Public Auction; Engage in, or conduct a public auction, w/o a license; Knowingly advertise, represent or hold forth any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act	U	U	C	Not Scored
58-1016	58-1022	New Goods Public Auction; License required to conduct certain auction sales	U	U	C	Not Scored
21-3750(a)	(b)(1)	Nondisclosure of Source of Recordings; Less than 7 audio-visual or less than 100 sound w/in 180 days	A	B	C	Nonperson
53-106	same	Notaries Public & Commissioners; Willful neglect or refusal to provide date of expiration of appointment	C	C	C	Not Scored
53-121(a)-(b)	(c)	Notary public - use of "notario publico" prohibited	B	C	C	Not Scored
48-1612	48-1613(a)	Nuclear Energy Development & Radiation Control Act; Prohibited uses	U	U	C	Not Scored
65-1162(b)(4)	(c)	Nurse Practice Act; Any other violation of the Kansas nurse practice act or rules and regulations adopted pursuant thereto; First violation	B	C	C	Not Scored
65-1162(b)(4)	(c)	Nurse Practice Act; Any other violation of the Kansas nurse practice act or rules and regulations adopted pursuant thereto; Second or subsequent violation	A	B	C	Nonperson
65-1162(b)(1)	(c)	Nurse Practice Act; Employ or offer to employ a person as a registered nurse anesthetist knowing that such person is not authorized to practice as such; First violation	B	C	C	Not Scored
65-1162(b)(1)	(c)	Nurse Practice Act; Employing or offering to employ a person as a registered nurse anesthetist knowing that such person is not authorized to practice as such; Second or subsequent violation	A	B	C	Nonperson
65-1162(a)	same	Nurse Practice Act; Engage in the administration of general or regional anesthesia without being authorized by the board to practice as a registered nurse anesthetist	A	B	C	Nonperson
65-1162(b)(2)	(c)	Nurse Practice Act; Fraudulently seek, obtain or furnish documents indicating that a person is authorized by the board to practice as a registered nurse anesthetist when such person is not so authorized; aiding and abetting such activities; First violation	B	C	C	Not Scored
65-1162(b)(2)	(c)	Nurse Practice Act; Fraudulently seeking, obtaining or furnishing documents indicating that a person is authorized by the board to practice as a registered nurse anesthetist when such person is not so authorized; aiding and abetting such activities; Second or subsequent violation	A	B	C	Nonperson
65-1114(b)(1)	65-1162(c)	Nurse Practice Act; Practice or offer to practice as an advanced registered nurse practitioner in this state w/o being so certified; first violation	B	C	C	Not Scored
65-1114(b)(1)	65-1162(c)	Nurse Practice Act; Practice or offer to practice as an advanced registered nurse practitioner in this state w/o being so certified; second or subsequent violation	A	B	C	Nonperson
65-1114(a)(3)	65-1162(c)	Nurse Practice Act; Practice or offer to practice practical nursing in this state w/o license; first violation	B	C	C	Not Scored
65-1114(a)(3)	65-1162(c)	Nurse Practice Act; Practice or offer to practice practical nursing in this state w/o license; second or subsequent violation	A	B	C	Nonperson
65-1114(a)(1)	65-1162(c)	Nurse Practice Act; Practice or to offer to practice professional nursing in this state w/o license; first violation	B	C	C	Not Scored
65-1114(a)(1)	65-1162(c)	Nurse Practice Act; Practice or to offer to practice professional nursing in this state w/o license; second or subsequent violation	A	B	C	Nonperson
65-1122(d)	same	Nurse Practice Act; Practice professional nursing, practical nursing or as an advanced registered nurse practitioner while license or certificate has expired or has been suspended or revoked; First violation	B	C	C	Not Scored
65-1122(d)	same	Nurse Practice Act; Practice professional nursing, practical nursing or as an advanced registered nurse practitioner while license or certificate is expired or has been suspended or revoked; Second or subsequent violation	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1122(b)	same	Nurse Practice Act; Practice professional nursing, practical nursing or practice as an advanced registered nurse practitioner, w/o being so licensed or certified; First violation	B	C	C	Not Scored
65-1122(b)	same	Nurse Practice Act; Practice professional nursing, practical nursing or practice as an advanced registered nurse practitioner, w/o being so licensed or certified; Second or subsequent violation	A	B	C	Nonperson
65-1122(g)	same	Nurse Practice Act; Represent that a provider of continuing nursing education is approved by the board for educating either professional nurses or practical nurses, w/o being so approved; First violation	B	C	C	Not Scored
65-1122(g)	same	Nurse Practice Act; Represent that a provider of continuing nursing education is approved by the board for educating either professional nurses or practical nurses, w/o being so approved; Second or subsequent violation	A	B	C	Nonperson
65-1122(e)	same	Nurse Practice Act; Represent that a school for nursing is approved for educating either professional nurses or practical nurses, w/o being so approved; First violation	B	C	C	Not Scored
65-1122(e)	same	Nurse Practice Act; Represent that a school for nursing is approved for educating either professional nurses or practical nurses, w/o being so approved; Second or subsequent violation	A	B	C	Nonperson
65-1122(a)	same	Nurse Practice Act; Sell or fraudulently obtain or furnish any nursing diploma, license, record or certificate of qualification; aid and abet such activities; First violation	B	C	C	Not Scored
65-1122(a)	same	Nurse Practice Act; Sell or fraudulently obtain or furnish any nursing diploma, license, record or certificate of qualifications; aid and abet such activities; Second or subsequent violation	A	B	C	Nonperson
65-1122(c)	same	Nurse Practice Act; Use any designation implying that such person is a licensed professional nurse, a licensed practical nurse or an advanced registered nurse practitioner unless so licensed or certified; First violation	B	C	C	Not Scored
65-1114(a)(4)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse w/o being so licensed; first violation	B	C	C	Not Scored
65-1114(a)(4)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse w/o being so licensed; second or subsequent violation	A	B	C	Nonperson
65-1114(a)(2)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse w/o such license; first violation	B	C	C	Not Scored
65-1114(a)(2)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse w/o such license; second or subsequent violation	A	B	C	Nonperson
65-1114(b)(2)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced registered nurse practitioner w/o being so certified; first violation	B	C	C	Not Scored
65-1114(b)(2)	65-1162(c)	Nurse Practice Act; Use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced registered nurse practitioner w/o being so certified; second or subsequent violation	A	B	C	Nonperson
65-1122(c)	same	Nurse Practice Act; Use designation implying that such person is a licensed professional nurse, a licensed practical nurse or an advanced registered nurse practitioner unless so licensed or certified; Second or subsequent violation	A	B	C	Nonperson
65-1162(b)(3)	(c)	Nurse Practice Act; Use the title registered nurse anesthetist, the abbreviation R.N.A., or any other designation which implies that such person is authorized to practice as a registered nurse anesthetist when such person is not so authorized; First violation	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1162(b)(3)	(c)	Nurse Practice Act; Using the title registered nurse anesthetist, the abbreviation R.N.A., or any other designation tending to imply that such person is authorized by the board to practice as a registered nurse anesthetist when such person is not so authorized; Second or subsequent violation	A	B	C	Nonperson
65-1122(f)	same	Nurse Practice Act; Violate any provisions of the Kansas nurse practice act or rules and regulations adopted pursuant to that act; First violation	B	C	C	Not Scored
65-1122(f)	same	Nurse Practice Act; Violate any provisions of the Kansas nurse practice act or rules and regulations adopted pursuant to that act; Second or subsequent violation	A	B	C	Nonperson
21-3808(a)	(b)(2)	Obstructing Legal Process or Official Duty; In a misdemeanor case	A	B	C	Nonperson
21-4214(a)(2)	(b)(1)	Obtaining a Prescription Drug by Fraudulent Means; Delivery of a prescription order, knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; first offense	A	B	C	Nonperson
21-4214(a)(1)	(b)(1)	Obtaining a Prescription Drug by Fraudulent Means; Making, altering or signing of a prescription order by a person other than a practitioner or a mid-level practitioner; first offense	A	B	C	Nonperson
21-4214(a)(3)	(b)(1)	Obtaining a Prescription Drug by Fraudulent Means; Possession of a prescription order with intent to deliver it and knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; first offense	A	B	C	Nonperson
21-4214(a)(4)	(b)(1)	Obtaining a Prescription Drug by Fraudulent Means; Possession of a prescription-only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or a mid-level practitioner; first offense	A	B	C	Nonperson
21-4214(a)(5)	(b)(1)	Obtaining a Prescription Drug by Fraudulent Means; Provide false information to a practitioner or mid-level practitioner for the purpose of obtaining a prescription-only drug; first offense	A	B	C	Nonperson
21-3902(a)(4)(B)	(c)(1)	Official Misconduct; Accept bid after deadline has passed	A	B	C	Nonperson
21-3902(a)(4)(C)	(c)(1)	Official Misconduct; Alter bid or proposal	A	B	C	Nonperson
21-3902(a)(5)(B)	(c)(2)(B)	Official Misconduct; Destroy/tamper or conceal evidence of a crime	A	B	C	Nonperson
21-3902(a)(4)(A)	(c)(1)	Official Misconduct; Disclose bid information	A	B	C	Nonperson
21-3902(a)(2)	(c)(1)	Official Misconduct; Knowingly / willingly fail to serve civil process as required by law	A	B	C	Nonperson
21-3902(a)(6)(C)	(c)(3)(C)	Official Misconduct; Submit false claim; claim less than $1000	A	B	C	Nonperson
21-3902(a)(3)	(c)(1)	Official Misconduct; Use confidential information for gain	A	B	C	Nonperson
21-3902(a)(1)	(c)(1)	Official Misconduct; Use of aircraft, vehicle or vessel for gain	A	B	C	Nonperson
55-443(a)(1)	55-434(a)	Oil & Gas; Act as or represent oneself to be a technical representative without having such license	A	B	C	Nonperson
55-104	55-105	Oil & Gas; All gaslights to be turned off during day	U	U	C	Not Scored
55-107	55-109	Oil & Gas; Connections with gas mains, permission required	U	U	C	Not Scored
55-102(a)	same	Oil & Gas; Control and management of oil and gas wells; unlawful acts,	U	U	C	Not Scored
55-443(a)(4)	55-434(a)	Oil & Gas; Fail to complete the testing or placing-in-service report in its entirety and to report the accurate description of the parts replaced, adjusted, reconditioned or work performed	A	B	C	Nonperson
55-443(a)(3)	55-434(a)	Oil & Gas; Fail to follow the applicable version of NIST Handbook as referenced in chapter 83 of the Kansas Statutes Annotated, or any rules and regulations adopted thereunder when installing, repairing, calibrating or testing a device	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
55-443(a)(8)	55-434(a)	Oil & Gas; Fail to have any commercial dispensing device tested as required by the petroleum products inspection law or chapter 83 of the Kansas Statutes Annotated	A	B	C	Nonperson
55-443(a)(6)	55-434(a)	Oil & Gas; Fail to pay all fees and penalties as required	A	B	C	Nonperson
55-159	same	Oil & Gas; Failure to notify commission prior to setting surface casing or plugging	C	C	C	Not Scored
55-174(a)	(b)	Oil & Gas; Failure to notify of intent to drill	B	C	C	Not Scored
55-177	same	Oil & Gas; Failure to remove structures and abutments from lands after abandoning wells	U	U	C	Not Scored
55-158	same	Oil & Gas; Failure to submit cement bond logs or other surveys for surface casing	C	C	C	Not Scored
55-443(a)(5)	55-434(a)	Oil & Gas; File a false or fraudulent application or report to the secretary	A	B	C	Nonperson
55-106	55-109	Oil & Gas; Interference with pipes for gas, permission required	U	U	C	Not Scored
55-443(a)(11)	55-434(a)	Oil & Gas; Misrepresent that diesel fuel is or contains biodiesel fuel blend or otherwise represent that diesel fuel is made from renewable resources	A	B	C	Nonperson
55-443(a)(2)	55-434(a)	Oil & Gas; Obstruct the secretary or any of the secretary's authorized agents in performance of the secretary's official duties under the petroleum products inspection law	A	B	C	Nonperson
55-306	same	Oil & Gas; Penalty for permitting leakage or waste for more than two days after notice	U	U	C	Not Scored
55-109	same	Oil & Gas; Penalty for violating any of the provisions of K.S.A. 55-106, 55-107 and 55-108	U	U	C	Not Scored
55-309	same	Oil & Gas; Penalty for violation of any provisions of act unless otherwise provided	U	U	C	Not Scored
55-443(a)(7)	55-434(a)	Oil & Gas; Refuse to keep and make available for examination by the Kansas department of agriculture all books, papers, and other information as required	A	B	C	Nonperson
55-443(a)(9)	55-434(a)	Oil & Gas; Sell, offer or expose for sale any petroleum product which does not comply with the provisions of the petroleum products inspection law	A	B	C	Nonperson
55-443(a)(10)	55-434(a)	Oil & Gas; Sell, use, remove, otherwise dispose of or fail to remove from the premises specified, any dispensing device, package or commodity contrary to the terms of any order issued by the secretary	A	B	C	Nonperson
55-108	55-109	Oil & Gas; Setting fire to escaping gas; interference with wells	U	U	C	Not Scored
55-112(a)	55-114	Oil & Gas; Transportation of gas; standards for	U	U	C	Not Scored
55-103	55-105	Oil & Gas; Use of natural gas for "Flambeau" lights; "jumbo" or similar burners	U	U	C	Not Scored
55-443(a)(12)	55-434(a)	Oil & Gas; Violate any order issued by the secretary pursuant to chapter 83 of the Kansas Statutes Annotated	A	B	C	Nonperson
65-1504b	65-1513	Optometry Law; Dispense ophthalmic lens or lenses without prescription order; first offense	C	C	C	Not Scored
65-1504b	65-1513	Optometry Law; Dispense ophthalmic lens or lenses without prescription order; second or subsequent offense	B	C	C	Not Scored
74-8810(i)(2)	same	Parimutuel racing; Accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility; first offense	A	B	C	Nonperson
74-8810(i)(3)	same	Parimutuel racing; Administering any drug or medication to a horse or greyhound within a racetrack facility in violation of rules and regulations; first offense	A	B	C	Nonperson
74-8810(i)(6)	same	Parimutuel racing; Enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 74-8812	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
74-8810(b)(1)	(b)	Parimutuel racing; Holding paid position with any facility manger licensee, facility owner licensee or organization licensee or holding an interest in any racetrack facility if a member of the Legislature or within five years following the end of such term	A	B	C	Nonperson
74-8810(b)(2)	(b)	Parimutuel racing; Holding paid position with any facility manger licensee, facility owner licensee or organization licensee or holding an interest in any racetrack facility if related to a member of the Legislature	A	B	C	Nonperson
74-8810(k)(1)	(k)(3)	Parimutuel racing; Illegal purchase of a parimutuel ticket by person 18 or over but less than 21; 1st offense	A	B	C	Nonperson
74-8810(i)(4)	same	Parimutuel racing; Possession within a racetrack facility of any drug or medication for administration to a horse or greyhound in violation of rules and regulations; first offense	A	B	C	Nonperson
74-8810(i)(5)	same	Parimutuel racing; Possession within a racetrack facility of equipment for administering drugs or medications to horses or greyhounds in violation of rules & regulations; first offense	A	B	C	Nonperson
74-8810(i)(7)	same	Parimutuel racing; Prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 74-8830 knowing that such contains false information	A	B	C	Nonperson
74-8810(a)(1)	same	Parimutuel racing; Prohibited acts of executive director or a member of the commission; having financial interest in any racetrack facility or any host facility for a simulcast race	A	B	C	Nonperson
74-8810(f)	same	Parimutuel racing; Prohibited acts of facility owner licensee or facility manager licensee, other than a horsemen's association, or any officer, director, employee, stockholder or shareholder thereof or any person having an ownership interest therein	A	B	C	Nonperson
74-8810(g)	same	Parimutuel racing; Prohibited acts of licensee of the commission, or an officer, director, member or employee of a licensee	A	B	C	Nonperson
74-8810(c)(2)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, including stewards and racing judges; Participate as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse entered in a race meeting in this state	A	B	C	Nonperson
74-8810(c)(1)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, including stewards and racing judges; Participate in the operation of or have financial interest in certain business	A	B	C	Nonperson
74-8810(c)(3)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, including stewards and racing judges; Place a wager on an entry in a horse or greyhound race conducted by an organization licensee	A	B	C	Nonperson
74-8810(c)(4)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, including stewards and racing judges; Unauthorized acceptance of any compensation, gift, loan, entertainment, favor or service from any licensee	A	B	C	Nonperson
74-8810(d)(1)(B)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, or certain relatives thereof; Enter into business dealing, venture or contract with an owner or lessee of a racetrack facility	A	B	C	Nonperson
74-8810(d)(1)(A)	same	Parimutuel racing; Prohibited acts of member, employee or appointee of the commission, or certain relatives thereof; Holding license issued by the commission	A	B	C	Nonperson
74-8810(e)(2)	same	Parimutuel racing; Prohibited acts of officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization; Entering into certain business dealings, ventures or contracts	A	B	C	Nonperson
74-8810(a)(2)	same	Parimutuel racing; Prohibited acts of officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization; financial interest	A	B	C	Nonperson
74-8810(e)(1)	same	Parimutuel racing; Prohibited acts of officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization; Unauthorized receipt of certain compensation, reimbursement or payment of expenses	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
74-8810(i)(1)	same	Parimutuel racing; Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 21 years of age; first offense	A	B	C	Nonperson
74-8804(o)	same	Parimutuel racing; Unauthorized disclosure of confidential information	A	B	C	Nonperson
74-8810(h)	same	Parimutuel racing; Use any animal or fowl in the training or racing of racing greyhounds	B	C	C	Not Scored
19-2894	same	Parks/museums/lakes/recreational grounds; Penalty for violation of any posted or published penal rule or regulations relating to the conduct of persons in the area where improvements are established	U	U	C	Not Scored
19-2873	same	Parks/museums/lakes/recreational grounds; Penalty for violation of any posted or published penal rule or regulations relating to the conduct of persons in the parks and playgrounds or park or playgrounds	U	U	C	Not Scored
19-2803a	(a)	Parks/museums/lakes/recreational grounds; Penalty for violation of rules and regulations pertaining to the use and enjoyment of any park, lake or other recreational area and for the protection and preservation of such properties	U	U	C	Not Scored
21-3515(1)(a)	(2)	Patronizing a Prostitute; Knowingly enter or remain in a house of prostitution w/intent to engage in sexual intercourse, sodomy or any unlawful sexual act with a prostitute	C	C	C	Not Scored
21-3515(1)(b)	(2)	Patronizing a Prostitute; Knowingly hire a prostitute to engage in sexual intercourse, sodomy or any unlawful sexual act	C	C	C	Not Scored
16-721	same	Pawn Brokers and Precious Metal Dealers; Penalty for violation of act	B	C	C	Not Scored
21-3819(a)(2)	(b)	Performance of an Unauthorized Official Act; Knowingly and without lawful authority certifying an acknowledgment of the execution of any document which by law may be recorded	B	C	C	Not Scored
21-3819(a)(1)	(b)	Performance of an Unauthorized Official Act; Knowingly and without lawful authority conducting a marriage ceremony	B	C	C	Not Scored
75-7c06(b)	same	Personal & Family Protection Act; Unauthorized disclosure of records pertaining to concealed weapons licensing	A	B	C	Nonperson
58-2011(b)	(g)	Personal & Real Property; Failure to have a land surveyor establish reference points as required	C	C	C	Not Scored
58-206	same	Personal & Real Property; Liens on Personal Property; Sell, dispose or secret grain w/intent to defraud	U	U	C	Not Scored
2-2440(e)	2-2461(a)	Pesticide Law; Application of pesticides w/in this state by any governmental agency which has not been issued a government agency registration	A	B	C	Nonperson
2-2440(e)	2-2461(b)	Pesticide Law; Certified Private Applicator; Application of pesticides w/in this state by any governmental agency which has not been issued a government agency registration	U	U	C	Not Scored
2-2453(b)	2-2461(b)	Pesticide Law; Certified Private Applicator; Discard/store any pesticide or pesticide container in an unsafe manner	U	U	C	Not Scored
2-2453(c)	2-2461(b)	Pesticide Law; Certified Private Applicator; Penalty for failure to comply with provisions of this act, rules or regulations	U	U	C	Not Scored
2-2440b(a)	2-2461(b)	Pesticide Law; Certified Private Applicator; Pesticide business licensee applying pesticides w/o being certified as a commercial applicator or a registered pest control technician, or in presence of one so certified or registered	U	U	C	Not Scored
2-2440(a)(1)	2-2461(b)	Pesticide Law; Certified Private Applicator; Unlicensed Advertising, offering for sale, selling or performing any service for the control of a pest on another's property or applying a pesticide to another's property	U	U	C	Not Scored
2-2440(a)(2)	2-2461(b)	Pesticide Law; Certified Private Applicator; Unlicensed performance of any service for the control of a pest or application of any pesticide on or at the premises of another person under any commission, division of receipts or subcontracting arrangement with a licensed pesticide business	U	U	C	Not Scored
2-2453(a)	2-2461(b)	Pesticide Law; Certified Private Applicator; Use of pesticides in a manner inconsistent with the label or labeling	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-2454(i)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Aid, abet or conspire with any person to evade any of the provisions of this act; Allow a license, registration, permit or certificate to be used by an unlicensed or uncertified person	A	B	C	Nonperson
2-2454(i)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Aid, abet or conspire with any person to evade any of the provisions of this act; Allow a license, registration, permit or certificate to be used by an unlicensed or uncertified person	U	U	C	Not Scored
2-2454(n)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Engage in or advertise to provide pest control services w/o proper licenses, certification or registration	U	U	C	Not Scored
2-2454(p)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Failure to maintain/provide a copy of pesticide product labels/material safety data sheets when requested	U	U	C	Not Scored
2-2454(a)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; False or fraudulent claims through any media, misrepresenting the effect of material or methods to be utilized	U	U	C	Not Scored
2-2454(j)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Impersonate any state, county or city inspector or official, as acting in their official capacity	U	U	C	Not Scored
2-2454(d)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Knowingly operate faulty, unsafe or, if registration is required, unregistered equipment, or operate any equipment in a negligent manner	U	U	C	Not Scored
2-2454(c)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Knowingly use ineffective or improper methods or materials	U	U	C	Not Scored
2-2454(b)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Make a pesticide recommendation or use not in accordance with the directions for use on the label	U	U	C	Not Scored
2-2454(k)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Make any misrepresentation or defraud any member of the public	U	U	C	Not Scored
2-2454(f)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Make false or fraudulent records, invoices or reports	U	U	C	Not Scored
2-2454(l)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Permitting unlawful use of a pesticide business license or contract forms by an unlicensed person	U	U	C	Not Scored
2-2454(h)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Refuse or neglect to comply with limitations/ restrictions on or in a duly issued license, registration, permit or certificate	U	U	C	Not Scored
2-2454(e)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Refuse or neglect to keep and maintain records as required; Refuse or neglect to make records available as required	U	U	C	Not Scored
2-2454(m)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Use any method or material without regard to public health, safety or welfare	U	U	C	Not Scored
2-2454(q)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Use any pesticide in a manner inconsistent with limitations imposed by the secretary pursuant to K.S.A. 2-2471	U	U	C	Not Scored
2-2454(g)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Use fraud or misrepresentation in making an application for or renewal of a license, registration, permit or certificate	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-2454(o)	2-2461(b)	Pesticide Law; Certified/Registered/Licensed Persons; Certified Private Applicator; Use, store, dispose of any pesticide material, pesticide rinsate or container w/o regard to public health or environmental damage	U	U	C	Not Scored
2-2454(n)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Engage in or advertise to provide pest control services w/o proper licenses, certification or registration	A	B	C	Nonperson
2-2454(p)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Failure to maintain/provide a copy of pesticide product labels/material safety data sheets when requested	A	B	C	Nonperson
2-2454(a)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; False or fraudulent claims through any media, misrepresenting the effect of material or methods to be utilized	A	B	C	Nonperson
2-2454(j)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Impersonate any state, county or city inspector or official, as acting in their official capacity	A	B	C	Nonperson
2-2454(d)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Knowingly operate faulty, unsafe or, if registration is required, unregistered equipment, or operate any equipment in a negligent manner	A	B	C	Nonperson
2-2454(c)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Knowingly use ineffective or improper methods or materials	A	B	C	Nonperson
2-2454(b)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Make a pesticide recommendation or use not in accordance with directions for use on the label	A	B	C	Nonperson
2-2454(k)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Make any misrepresentation or defraud any member of the public	A	B	C	Nonperson
2-2454(f)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Make false or fraudulent records, invoices or reports	A	B	C	Nonperson
2-2454(l)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Permitting unlawful use of a pesticide business license or contract forms by an unlicensed person	A	B	C	Nonperson
2-2454(h)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Refuse or neglect to comply with any limitations or restrictions on or in a duly issued license, registration, permit or certificate	A	B	C	Nonperson
2-2454(e)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Refuse or neglect to keep and maintain records as required; Refuse or neglect to make records available as required	A	B	C	Nonperson
2-2454(m)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Use any method or material without regard to public health, safety or welfare	A	B	C	Nonperson
2-2454(q)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Use any pesticide in a manner inconsistent with limitations imposed by the secretary pursuant to K.S.A. 2-2471	A	B	C	Nonperson
2-2454(g)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Use fraud or misrepresentation in making an application for or renewal of a license, registration, permit or certificate	A	B	C	Nonperson
2-2454(o)	2-2461(a)	Pesticide Law; Certified/Registered/Licensed Persons; Use, store, dispose of any pesticide material, pesticide rinsate or container without regard to public health or environmental damage	A	B	C	Nonperson
2-2453(b)	2-2461(a)	Pesticide Law; Discard/store any pesticide or pesticide container in an unsafe manner	A	B	C	Nonperson
2-2453(c)	2-2461(a)	Pesticide Law; Penalty for failure to comply with provisions of this act, rules or regulations	A	B	C	Nonperson
2-2440b(a)	2-2461(a)	Pesticide Law; Pesticide business licensee applying pesticides w/o being certified as a commercial applicator or a registered pest control technician, or in presence of one so certified or registered	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-2448(a)(1)	2-2461(b)	Pesticide Law; Surety bond; Certified Private Applicator; Unlawful use of "bond" or "bonded" in advertising	U	U	C	Not Scored
2-2448(a)(1)	2-2461(a)	Pesticide Law; Surety bond; Unlawful use of "bond" or "bonded" in advertising	A	B	C	Nonperson
2-2440(a)(1)	2-2461(a)	Pesticide Law; Unlicensed advertising, offering for sale, selling or performing any service for the control of a pest on another's property or applying a pesticide to another's property	A	B	C	Nonperson
2-2440(a)(2)	2-2461(a)	Pesticide Law; Unlicensed performance of any service for the control of a pest or application of any pesticide on or at the premises of another person under any commission, division of receipts or subcontracting arrangement with a licensed pesticide business	A	B	C	Nonperson
2-2453(a)	2-2461(a)	Pesticide Law; Use of pesticides in a manner inconsistent with the label or labeling	A	B	C	Nonperson
47-1733(a)	47-1715(a)	Pet Animal Act; Animal breeder license required	U	U	C	Not Scored
47-1702	47-1715(a)	Pet Animal Act; Animal distributor license required	U	U	C	Not Scored
47-1719(a)	47-1715(a)	Pet Animal Act; Hobby breeder license required	U	U	C	Not Scored
47-1735(a)	47-1715(a)	Pet Animal Act; Interfere w/a representative of the animal health department	U	U	C	Not Scored
47-1723(a)	47-1715(a)	Pet Animal Act; Kennel operator license required	U	U	C	Not Scored
47-1709(g)	same	Pet Animal Act; Knowingly falsify results or findings of any inspection or investigation; Intentionally fail or refuse to make an inspection/ conduct an investigation pursuant to this section	A	B	C	Nonperson
47-1724(a)	47-1715(a)	Pet Animal Act; Knowingly purchase a dog or a cat for the purpose of resale from a person required to be licensed or permitted if that person is not so licensed or permitted	U	U	C	Not Scored
47-1724(b)	47-1715(a)	Pet Animal Act; Licensees; Knowingly sell to out-of-state distributors, animal distributors or pet shops who are not permitted or licensed in accordance w/ the Kansas Pet Animal Act	U	U	C	Not Scored
47-1734(a)	47-1715(a)	Pet Animal Act; Out-of-state distributor permit required	U	U	C	Not Scored
47-1703	47-1715(a)	Pet Animal Act; Pet shop operator license required	U	U	C	Not Scored
47-1704	47-1715(a)	Pet Animal Act; Pound or animal shelter license	U	U	C	Not Scored
47-1720(a)	47-1715(a)	Pet Animal Act; Research facility license required	U	U	C	Not Scored
47-1736(a)	47-1715(a)	Pet Animal Act; Retail breeder license required	U	U	C	Not Scored
65-1643(i)	65-1646	Pharmacy Act; Be a pharmacy student without first obtaining a registration to do so from the board and paying the registration fee	U	U	C	Not Scored
65-1641	65-1646	Pharmacy Act; Display of pharmacist license; when unlawful	U	U	C	Not Scored
65-1643(c)	65-1646	Pharmacy Act; Distribute at wholesale any drugs without first obtaining a registration from the board	U	U	C	Not Scored
65-1643(e)	65-1646	Pharmacy Act; Distribute or dispense samples of any drugs without first having obtained a permit from the board	U	U	C	Not Scored
65-1634	same	Pharmacy Act; Intentionally adulterate or mislabel any drugs, medicines, chemicals or poisons, or cause such or expose for sale knowing the same to be adulterated or mislabeled	A	B	C	Nonperson
65-1631(a)	65-1646	Pharmacy Act; Licensure required of pharmacists	U	U	C	Not Scored
65-1643(b)	65-1646	Pharmacy Act; Manufacture of any drugs w/o proper supervision or w/o first obtaining a registration from the board	U	U	C	Not Scored
65-1643(j)	65-1646	Pharmacy Act; Operate a veterinary medical teaching hospital pharmacy without first having obtained a registration from the board	U	U	C	Not Scored
65-1643(h)	65-1646	Pharmacy Act; Operate an institutional drug room without first having obtained a registration from the board	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1643(a)	65-1646	Pharmacy Act; Operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board	U	U	C	Not Scored
65-1663(a)	65-1646	Pharmacy Act; Registration of pharmacy technicians required	U	U	C	Not Scored
65-1643(g)	65-1646	Pharmacy Act; Sell any drugs manufactured and sold only in the state of Kansas, w/o having the label and directions on such drugs approved by the board	U	U	C	Not Scored
65-1643(l)	65-1646	Pharmacy Act; Sell more than 4 or more packages of a controlled substance listed in KSA 65-4113 (e) or (f) to one customer w/in seven day period	U	U	C	Not Scored
65-1643(d)	65-1646	Pharmacy Act; Sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs w/o first having obtained a registration from the board	U	U	C	Not Scored
65-1643(f)	65-1646	Pharmacy Act; Sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do	U	U	C	Not Scored
65-1643(k)	65-1646	Pharmacy Act; Unauthorized sale or distribution in a pharmacy of a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113	U	U	C	Not Scored
65-2914(c)	(d)	Physical Therapy; Certified physical therapist assistant treating ailments or other health conditions of human beings w/o direction of a licensed physical therapist	B	C	C	Not Scored
65-2914(a)	(d)	Physical Therapy; Employ fraud or deception in applying for or securing a license as a physical therapist	B	C	C	Not Scored
65-2914(b)	(d)	Physical Therapy; Licensed physical therapist treating ailments/other health conditions other than by physical therapy w/o being licensed or registered to do so	B	C	C	Not Scored
65-2916(a)	same	Physical Therapy; Penalty for violations of act	B	C	C	Not Scored
65-2913(b)	same	Physical Therapy; Represent oneself as physical therapist assistant without such certification	B	C	C	Not Scored
65-2913(a)	same	Physical Therapy; Represent oneself as physical therapist without such license	B	C	C	Not Scored
39-1112(b)	same	Physically Disabled Persons; Misrepresent that a person has a disability for the purpose of acquiring an assistance dog	A	B	C	Nonperson
39-1112(a)	same	Physically Disabled Persons; Misrepresent that a person has the right to be accompanied by an assistance dog in any place listed in K.S.A. 39-110, or a professional therapy dog in any place listed in K.S.A. 2005 Supp. 39-1110	A	B	C	Nonperson
39-1103	same	Physically Disabled Persons; Unlawful to interfere with rights	U	U	C	Not Scored
65-28a06(a)	(d)	Physician Assistant Licensure Act; Practice as a physician assistant w/o license	B	C	C	Not Scored
65-28a06(b)	(d)	Physician Assistant Licensure Act; Represent oneself as a physician assistant w/o such license	B	C	C	Not Scored
19-2953	same	Planning and Zoning; Penalty for any violation of act	U	U	C	Not Scored
2-2124(c)	2-2125(a)	Plant Pests; Fail to carry out the treatment or destruction of any plant pest or regulated article	U	U	C	Not Scored
2-2124(b)	2-2125(a)	Plant Pests; Hinder or prevent the secretary from carrying out his or her duties under this act	U	U	C	Not Scored
2-2124(g)	2-2125(a)	Plant Pests; Knowingly move any regulated article into KS from a quarantined area of any other state if not treated or handled as per the requirements of said quarantine at the point of origin of such article	U	U	C	Not Scored
2-2124(f)	2-2125(a)	Plant Pests; Penalty for failure to comply with provisions of this act, or other rules and regulations	U	U	C	Not Scored
2-2124(a)	2-2125(a)	Plant Pests; Sell, barter, offer for sale, or move, transport, deliver, ship or offer for shipment into or within this state any plant pests in any living stage w/o approval for such shipment from the secretary	U	U	C	Not Scored

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
2-2124(d)	2-2125(a)	Plant Pests; Sell, transport, deliver, distribute, offer or expose for sale noncompliant live plants	U	U	C	Not Scored
2-2123	2-2125(a)	Plant Pests; Unlawful to ship live plants or other articles not in compliance with act	U	U	C	Not Scored
2-2124(e)	2-2125(a)	Plant Pests; Use an invalid or revoked certificate of inspection, or live plant dealer license, in the sale or distribution of live plants	U	U	C	Not Scored
21-4223(b)(1)	(c)	Possession of a Traffic Control Preemption Device	B	C	C	Not Scored
21-4218(a)	(c)	Possession of Firearm; On grounds or w/in state capitol bldg, governor's residence, etc	A	B	C	Nonperson
21-4307(a)	same	Possession of Gambling Device	B	C	C	Not Scored
21-3739	same	Posting of Political Pictures and Political Advertisements	C	C	C	Not Scored
2-916	same	Poultry Disease Control Act; Penalty for violation of act, KSA 2-908 to 2-915	U	U	C	Not Scored
74-32,177(a)(3)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Accept contracts or enrollment applications from a representative who is not registered	C	C	C	Not Scored
74-32,177(a)(1)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Operate an institution without a certificate of approval	C	C	C	Not Scored
74-32,177(a)(2)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Solicit prospective students without being registered as required by this act	C	C	C	Not Scored
74-32,177(a)(5)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Unauthorized use of the term "accredited" in the name or advertisement of an institution	C	C	C	Not Scored
74-32,177(a)(6)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Unauthorized use of the term "university" in the name or advertisement of an institution	C	C	C	Not Scored
74-32,177(a)(4)	(b)	Private & Out-of-State Postsecondary Educational Institution Act; Use fraud or misrepresentation in advertising or in procuring enrollment of a student	C	C	C	Not Scored
75-7b15(e)	same	Private Investigative or Security Operations; Unreasonably fail to obey subpoena; Refuse to be examined or to answer legal or pertinent question as to the character or qualification of applicant or licensee or such's business, business practices and methods or such violations	A	B	C	Nonperson
21-1801(a)	(c)	Prize Fights and Wrestling Matches Prohibited; exception	A	B	C	Nonperson
*65-1942(c)	(c)	Produce indelable mark using scalpel, hot iron, or any instrument other than a needle	A	B	C	Nonperson
55-708	same	Production & Conservation of Natural Gas; Any violation of act or valid order or rules or regulations of the commission	U	U	C	Not Scored
55-701	55-708	Production & Conservation of Natural Gas; Waste of natural gas prohibited	U	U	C	Not Scored
65-5803(b)	(c)	Professional Counselor; Practice professional counseling as a clinical professional counselor w/o license; Represent oneself as a licensed clinical professional counselor without having such license	B	C	C	Not Scored
65-5803(a)	(c)	Professional Counselor; Practice professional counseling or represent oneself as a licensed professional counselor, licensed counselor or professional counselor without having such license	B	C	C	Not Scored
21-4301c(a)(3)	(b)	Promoting Obscenity to Minors that is Harmful; Present to a minor, or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor	B	C	C	Not Scored
21-4301c(a)(2)	(b)	Promoting Obscenity to Minors that is Harmful; Sell, furnish, present, distribute or disseminate to a minor, or otherwise allowing a minor to view material harmful to minors	B	C	C	Not Scored
21-4301c(a)(1)	(b)	Promoting Obscenity to Minors that is Harmful; Display any material which is harmful to minors	B	C	C	Not Scored

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-4301a(a)	(c)(1)	Promoting Obscenity to Minors; 1st offense	A	B	C	Nonperson
21-4301(a)(1)	(f)(1)	Promoting Obscenity; Manufacture, issue, sell, give, provide, lend, mail, deliver, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise any obscene material or obscene device; 1st offense	A	B	C	Nonperson
21-4301(a)(3)	(f)(1)	Promoting Obscenity; Offer or agree to manufacture, issue, sell, give, provide, lend, mail, deliver, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise any obscene material or obscene device; 1st offense	A	B	C	Nonperson
21-4301(a)(2)	(f)(1)	Promoting Obscenity; Possess any obscene material or obscene device with intent to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise such material or device; 1st offense	A	B	C	Nonperson
21-4301(a)(4)	(f)(1)	Promoting Obscenity; Produce, present or direct an obscene performance or participate in a portion thereof which is obscene or which contributes to its obscenity; 1st offense	A	B	C	Nonperson
21-3434(a)	(c)	Promoting or Permitting Hazing	B	C	C	Not Scored
21-3513(a)(8)	(b)(1)	Promoting Prostitution; Being employed to perform any act prohibited by this section; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(1)	(b)(1)	Promoting Prostitution; Establish, own, maintain or manage a house of prostitution, or participate in such; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(4)	(b)(1)	Promoting Prostitution; Induce another to become a prostitute; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(2)	(b)(1)	Promoting Prostitution; Permit any place to be used as a house of prostitution; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(3)	(b)(1)	Promoting Prostitution; Procure a prostitute for a house of prostitution; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(6)	(b)(1)	Promoting Prostitution; Procure a prostitute for a patron; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(7)	(b)(1)	Promoting Prostitution; Procure transportation with the intention of assisting or promoting a person's engaging in prostitution; if prostitute is 16 years or older	A	B	C	Person
21-3513(a)(5)	(b)(1)	Promoting Prostitution; Solicit a patron for a prostitute or for a house of prostitution; if prostitute is 16 years or older	A	B	C	Person
79-1426	same	Property Valuation, Equalizing Assessments, Appraisers & Assessment of Property; Failure of officer to list or properly value, assess or equalize property for taxation	U	U	C	Not Scored
79-1437g	same	Property Valuation, Equalizing Assessments, Appraisers & Assessment of Property; Falsifying the value of real estate transferred	U	U	C	Not Scored
79-1420	same	Property Valuation, Equalizing Assessments, Appraisers & Assessment of Property; Fraudulent listing or evasion by taxpayer	U	U	C	Not Scored
79-1473	same	Property Valuation, Equalizing Assessments, Appraisers & Assessment of Property; Penalty for neglect of duty by county appraiser or employee	U	U	C	Not Scored
79-1408	same	Property Valuation, Equalizing Assessments, Appraisers & Assessment of Property; Willfully refuse to answer questions and interrogatories and take and subscribe the oath	U	U	C	Not Scored
21-3512(a)(3)	(b)	Prostitution; Manual or other bodily stimulation of the genitals for hire	B	C	C	Not Scored
21-3512(a)(1)	(b)	Prostitution; Sexual intercourse for hire	B	C	C	Not Scored
21-3512(a)(2)	(b)	Prostitution; Sodomy for hire	B	C	C	Not Scored
21-3843(a)(1)	(c)	Protection Orders; Violation of a protection from abuse order	A	B	C	Person
21-3843(a)(6)	(c)	Protection Orders; Violation of a protection from stalking order	A	B	C	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
21-3843(a)(2)	(c)	Protection Orders; Violation of a protective order issued by a court or tribunal of any state or Indian tribe	A	B	C	Person
21-3843(a)(3)	(c)	Protection Orders; Violation of a restraining order	A	B	C	Person
21-3843(a)(4)	(c)	Protection Orders; Violation of an order issued as a condition of pretrial release, diversion, probation, suspended sentence or postrelease supervision	A	B	C	Person
21-3843(a)(5)	(c)	Protection Orders; Violation of an order issued as a condition of release after conviction or as a condition of a supersedes bond pending disposition of an appeal	A	B	C	Person
74-5349(c)	74-5341	Psychologists; Intentionally represent to the public that one is endorsed in a specialty if not so endorsed	A	B	C	Nonperson
74-5371(b)	(c)	Psychologists; Practice masters level psychology or hold oneself out as a licensed clinical psychotherapist w/o holding such license	C	C	C	Not Scored
74-5371(a)	(c)	Psychologists; Practice masters level psychology or hold oneself out as a licensed masters level psychologist w/o holding a valid license	C	C	C	Not Scored
74-5340	74-5341	Psychologists; Represent oneself to be a psychologist without a valid, existing license as a psychologist issued by the board	A	B	C	Nonperson
74-4905(f)	same	Public Employees Retirement Systems; Serving on the board while knowingly obtaining substantial interests in any nonpublicly traded investment with moneys of the fund.	A	B	C	Nonperson
65-6b08(b)	same	Public Health; Amygdalin (Laetrile); Distributing amygdalin (laetrile) at wholesale w/o permit	B	C	C	Not Scored
65-6b08(a)	same	Public Health; Amygdalin (Laetrile); Manufacturing amygdalin (laetrile) w/o registration	B	C	C	Not Scored
65-6b08(d)	same	Public Health; Amygdalin (Laetrile); Sell, offer for sale or distribute amygdalin (laetrile) to the public without a valid prescription of a physician	B	C	C	Not Scored
65-6b08(c)	same	Public Health; Amygdalin (Laetrile); Sell, offer for sale or distribute amygdalin (laetrile) to the public, except by a physician, without a currently effective permit	B	C	C	Not Scored
65-5605	same	Public Health; Confidential Communications & Information; Willful violation of the patient's confidentiality	C	C	C	Not Scored
65-5414(a)	(b)	Public Health; Unauthorized representation as occupational therapist or occupational therapy assistant	C	C	C	Not Scored
65-905	same	Public Health; Use of Dead Bodies by Medical School; Penalty for violation of provisions of act	U	U	C	Not Scored
19-27,151	same	Public Improvements; Penalty for any violation of rules and regulations	U	U	C	Not Scored
19-2779	same	Public Improvements; Willful neglect or failure of director to perform duties imposed	U	U	C	Not Scored
19-2780	same	Public Improvements; Wrongfully injure, destroy or impair usefulness of any work or improvement	U	U	C	Not Scored
47-1010(a)	same	Public Livestock Markets; Assume or attempt to act as a public livestock market operator without a license	U	U	C	Not Scored
47-1010(c)	same	Public Livestock Markets; Fail to account promptly, correctly and fully for any livestock sold or handled and properly to make settlements therefor	U	U	C	Not Scored
47-1010(f)	same	Public Livestock Markets; Fail to comply with this act and any and all lawful rules, regulations and orders of the commissioner issued and promulgated hereunder	U	U	C	Not Scored
47-1010(b)	same	Public Livestock Markets; Impose false charges for handling or services in connection with livestock handled, sold or offered for sale at a public livestock market	U	U	C	Not Scored
47-1010(e)	same	Public Livestock Markets; Make any false or misleading statements as to the health or physical condition of the livestock or quantity of livestock shipped or sold	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
47-1010(d)	same	Public Livestock Markets; Make false or misleading statements as to market conditions at any public livestock market	U	U	C	Not Scored
21-4106	same	Public Nuisance; Maintaining a Public Nuisance	C	C	C	Not Scored
21-4107	same	Public Nuisance; Permitting a Public Nuisance	C	C	C	Not Scored
75-1232	same	Public Officers & Employees; Architectural Services; Knowingly permit the use of, using or occupying a mobile home in violation of the provisions of this act	C	C	C	Not Scored
75-1223(a)	same	Public Officers & Employees; Architectural Services; Penalty for violation of act	C	C	C	Not Scored
75-2957	same	Public Officers & Employees; Civil Service; Penalty for violation of act	U	C	C	Not Scored
75-2953(a)	same	Public Officers & Employees; Civil Service; State employee using authority or official influence to compel another state employee to apply for or become member of organization, pay or promise to pay assessment or contribution or take part in political activity	C	C	C	Not Scored
75-5226(a)	(b)	Public Officers & Employees; Department of Corrections; Unlawful use of inmate labor	A	B	C	Nonperson
75-5145	same	Public Officers & Employees; Department of Revenue; Unlawful for debt collection agency to utilize or divulge certain information	B	C	C	Not Scored
75-5133(a)	(d)	Public Officers & Employees; Department of Revenue; Unlawful to divulge licensure, registration and tax information	A	B	C	Nonperson
75-1130	same	Public Officers & Employees; Municipal Accounting Board; Penalties for violation of act	U	C	C	Not Scored
75-1128	same	Public Officers & Employees; Municipal Accounting Board; Unlawfully acting as licensed public accountant	U	C	C	Not Scored
75-2207	75-2208	Public Officers & Employees; State Capitol; Unauthorized removal of property from hall of house of representatives	U	C	C	Not Scored
75-2749(a)	(c)	Public Officers & Employees; State Historical Society; Failure to comply with notification requirements herein pertaining to a violation of K.S.A. 75-2748	U	C	C	Not Scored
75-2749(b)	(c)	Public Officers & Employees; State Historical Society; Failure to comply with notification requirements herein pertaining to discovery of human skeletal remains	U	C	C	Not Scored
75-7313(b)	(c)	Public Officers & Employees; State Long-Term Care Ombudsman; Discriminatory, disciplinary or retaliatory action against individuals for communications with ombudsman prohibited	C	C	C	Not Scored
75-7313(a)	(c)	Public Officers & Employees; State Long-Term Care Ombudsman; Interference with lawful action or activity of ombudsman	C	C	C	Not Scored
75-4229	same	Public Officers & Employees; State moneys; Criminal liability of board members	U	C	C	Not Scored
75-4313	same	Public Officers & Employees; Unauthorized disbursement of funds	C	C	C	Not Scored
75-4316(b)	(c)	Public Officers & Employees; Unlawful discharge of public employee declaring or subjected to bankruptcy, wage earners' plan or similar proceeding	A	B	C	Nonperson
75-4306(a)	same	Public Officers & Employees; Violation of K.S.A. 75-4304 or 75-4305, and amendments thereto, or failure to make any disclosure of substantial interests required by K.S.A. 75-4302a	B	C	C	Not Scored
75-4508(a)	same	Public Officers & Employees; Violation of KSA 75-4505, 75-4506 or 75-4507 or rules and regulations thereunder	U	C	C	Not Scored
45-407(d)	same	Public Records Preservation; Unauthorized disclosure of confidential information prohibited	B	C	C	Not Scored
66-1203	66-1204	Public Utilities; Demurrage rates prohibited	U	U	C	Not Scored
65-7303(c)	65-7315	Radiologic Technologists Practice Act; Depicting oneself as holder of a license w/o such license	B	C	C	Not Scored
65-7303(a)	65-7315	Radiologic Technologists Practice Act; Perform radiologic technology procedures on humans for diagnostic or therapeutic purposes w/o a valid license	B	C	C	Not Scored
65-7303(b)	65-7315	Radiologic Technologists Practice Act; Unauthorized use of radioactive substances/equipment	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
66-274	same	Railroad Companies; Any railroad company or corporation operating a line of railroad in Kansas failing or neglecting to comply with K.S.A. 66-273	U	U	C	Not Scored
66-228	same	Railroad Companies; Fail to restore crossing with time allowed	U	U	C	Not Scored
66-273	66-274	Railroad Companies; Requirements for permitting trains, engines or cars to stand on public highway	U	U	C	Not Scored
*58-4103(a)(3)	(c)	Real Estate Appraisers; Advertise of otherwise represent that such person is a state certified or license appraiser	A	B	B	Nonperson
*58-4103(a)(2)	(c)	Real Estate Appraisers; Assume or use the title of state certified or licensed appraiser w/o certification or licensure	A	B	B	Nonperson
*58-4103(a)(1)	(c)	Real Estate Appraisers; Engage in any written appraisal in connection with a federally related transaction w/o certification or licensure	A	B	B	Nonperson
58-3073	same	Real Estate Brokers' & Salespersons' License Act; File statement required under K.S.A. 58-3066 to 58-3071 which is false or untrue or contains any material misstatement of fact	A	B	C	Nonperson
58-3065(a)	same	Real Estate Brokers' & Salespersons' License Act; Penalty for violation of act	U	U	C	Not Scored
21-4211(1)	(5)	Refusal to Yield a Telephone Party Line in Emergency	C	C	C	Not Scored
55-1504(a)	(c)	Regulations of Equipment/Crude Oil/Products; Failure of person possessing crude oil to produce the required documentation	B	C	C	Not Scored
55-1502(a)	(d)	Regulations of Equipment/Crude Oil/Products; Failure of records to contain required information	B	C	C	Not Scored
55-1503(a)	(b)	Regulations of Equipment/Crude Oil/Products; Failure to permit inspection of equipment or materials being transported	B	C	C	Not Scored
55-1502(b)	(d)	Regulations of Equipment/Crude Oil/Products; Failure to retain records as required	B	C	C	Not Scored
55-1505	same	Regulations of Equipment/Crude Oil/Products; Tamper with field equipment identification	B	C	C	Not Scored
39-1402(a)	(e)	Reporting Abuse, Neglect or Exploitation of Certain Persons; Failure to report abuse, neglect or exploitation of residents	B	C	C	Not Scored
39-1431(a)	(e)	Reporting Abuse, Neglect or Exploitation of Certain Persons; Failure to report abuse, neglect or exploitation or need of protective services	B	C	C	Not Scored
65-1,209(a)	same	Residential Childhood Lead Poisoning Prevention Act; First violation of act	C	C	C	Not Scored
65-1,209(b)	same	Residential Childhood Lead Poisoning Prevention Act; Second or Subsequent violation of act	B	C	C	Not Scored
65-5514(a)	same	Respiratory Therapy Practice Act; Unauthorized representation as respiratory therapist	B	C	C	Not Scored
79-3606(xxx)	same	Retailers' Sales Tax; Booth Theatre Foundation; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3606(sss)	same	Retailers' Sales Tax; Catholic charities or Youthville; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3638	same	Retailers' Sales Tax; Claim filed with fraudulent intent	B	C	C	Not Scored
79-3606(iii)	same	Retailers' Sales Tax; Federal; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3651(e)	same	Retailers' Sales Tax; Issue a resale certificate or other exemption certificate in order to unlawfully avoid payment of tax for business or personal gain	U	U	C	Not Scored
79-3606(uuu)	same	Retailers' Sales Tax; Kansas Children's Service League; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
79-3606e	same	Retailers' Sales Tax; Kiowa County Disaster; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3606(ttt)	same	Retailers' Sales Tax; Nonprofit Museum; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3606(yyy)	same	Retailers' Sales Tax; TLC Charities Foundation Inc.; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3606(qqq)	same	Retailers' Sales Tax; TLC for Children and Families Inc.; Contractor use of or disposal of materials purchased under tax exempt certificate for purpose not authorized by certificate w/o payment of tax	U	U	C	Not Scored
79-3651(g)	same	Retailers' Sales Tax; Willfully and intentionally refuse to pay tax to retailer for purchase of tangible personal property or services	U	U	C	Not Scored
16a-5-301(1)	same	Revised Uniform Consumer Credit Code; Intentional violation of the act; second or subsequent	A	B	C	Nonperson
16a-5-301(3)	same	Revised Uniform Consumer Credit Code; Intentional Violations; Engage in consumer credit transactions and undertake collection of payments or enforcement of rights w/o complying with provisions pertaining to notification or payment of fees	A	B	C	Nonperson
21-4104(a)	(b)	Riot	A	B	C	Person
68-534	same	Roads & Bridges; County & Township Roads; Make a false return of the number of miles dragged, time spent on other work, or amount of work done for compensation; Officer who neglects or refuses to enforce the provisions of this section as related to the dragging of roads or highways	U	U	C	Not Scored
68-557	same	Roads & Bridges; County & Township Roads; Neglect or refusal of any officer charged with the administration of this act to enforce or comply with the provisions herein	U	U	C	Not Scored
68-548	same	Roads & Bridges; County & Township Roads; Officer's violation of act or failure to perform duty as required	U	U	C	Not Scored
68-549	same	Roads & Bridges; County & Township Roads; Penalty for violation of act	U	U	C	Not Scored
68-545	same	Roads & Bridges; County & Township Roads; Unlawful obstructions, excavations, removal of materials, dumping trash or other materials or plowing of roads	U	U	C	Not Scored
68-2106	same	Roads & Bridges; Destroy or remove barricades, warning signs, or drive on closed hard-surfaced highway	U	U	C	Not Scored
68-2107	same	Roads & Bridges; Fail, neglect or refuse to comply with the provisions of this act	U	U	C	Not Scored
68-127	same	Roads & Bridges; Injure or destroy, or leave open any gate constructed under the provisions of K.S.A. 68-126, at a time when such gate or gates are to remain closed	U	U	C	Not Scored
68-167	68-168	Roads & Bridges; Install, construct, erect, maintain or operate within fifty (50) feet of the right of way of any federal, state or federal and state highway or any turnpike project a flashing or revolving sign, light or reflector which is red or amber in color when lighted or when light rays are focused on it	U	U	C	Not Scored
68-2215	same	Roads & Bridges; Junkyard & Salvage Control Act; Unlawful junkyard maintenance	C	C	C	Not Scored
68-1129	same	Roads & Bridges; Move engines or heavy vehicles on bridge or culvert and fail to lay planks required	U	U	C	Not Scored
68-1115	same	Roads & Bridges; Penalty for premature opening of bids	C	C	C	Not Scored
68-134	same	Roads & Bridges; Remove, ride or drive upon any portion of sidewalk	U	U	C	Not Scored
68-406(f)	same	Roads & Bridges; State Highways; Fail or neglect to comply with the provisions of this subsection	U	U	C	Not Scored
68-433	same	Roads & Bridges; State Highways; Penalty for violation of act	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
69-103	same	Sabbath; Penalty for procuring adjournment for trial on Saturday	U	U	C	Not Scored
69-102	same	Sabbath; Penalty for serving process made returnable on that day	U	U	C	Not Scored
65-3803	65-3804	Safety Materials; Knowingly install, cause installation or consent to installation of glazing materials other than safety glazing materials in any hazardous location	C	C	C	Not Scored
65-3802(a)	65-3804	Safety Materials; Safety glazing material labeling required	C	C	C	Not Scored
21-3743(a)	(b)	Sale of Recut or Regrooved Tires	B	C	C	Not Scored
70a-101	70a-108	Sand & Gravel; Taking materials from rivers and islands belonging to state	U	U	C	Not Scored
19-3707(a)	same	Sanitation Controls; Penalty for any violation of code	U	U	C	Not Scored
19-3709	same	Sanitation Controls; Violation of licensing resolutions pertaining to septic tank cleaning and hauling of sewage	C	C	C	Not Scored
72-89b04(a)	same	School Safety & Security Act; Willful and knowing failure to make a report; Prevent or interfere with the making of a report as required by subsection (b)(1) of K.S.A. 72-89b03	B	C	C	Not Scored
72-89b04(b)	same	School Safety & Security Act; Willful and knowing failure to transmit reports made by school employees to the appropriate state or local law enforcement agency; Prevent or interfere with the transmission of reports as required by subsection (b)(1) of K.S.A. 72-89b03	B	C	C	Not Scored
72-5019	same	Schools; Driver Training; Use a driver training motor vehicle for purposes other than instruction	U	U	C	Not Scored
72-8314	same	Schools; Transportation of Students; Operate motor vehicle used to transport students in violation of act	U	U	C	Not Scored
50-6,111	50-6,112	Scrap Metal Dealers: Intentional purchase without receipt of required information; records maintained	C	C	C	Not Scored
50-6,111	50-6,112	Scrap Metal Dealers: Intentional purchase without receipt of required information; records maintained; Third or subs. violation within two-year period	A	B	C	Nonperson
50-6,110	50-6,112	Scrap Metal Dealers: Intentional sale without receipt of required information	C	C	C	Not Scored
50-6,110	50-6,112	Scrap Metal Dealers: Intentional sale without receipt of required information; Third or subs. violation within two-year period	A	B	C	Nonperson
65-1,106	same	Sec. of Health & Environment, Activities; Breach in confidentiality of Statewide program for sickle cell anemia testing	C	C	C	Not Scored
65-171j(b)	(c)	Sec. of Health & Environment, Activities; Discharge of substances containing mercury into waters of state	B	C	C	Not Scored
65-153c	65-153e	Sec. of Health & Environment, Activities; Duty of physician and others	U	U	C	Not Scored
65-1,109(a)	(b)	Sec. of Health & Environment, Activities; Failure of person testing human breath for law enforcement purposes to comply with procedures and use appropriate equipment	C	C	C	Not Scored
65-169	same	Sec. of Health & Environment, Activities; Failure to comply with requirements of secretary	U	U	C	Not Scored
65-173	same	Sec. of Health & Environment, Activities; Inspections; Violation of any rules or regulations made to safeguard the public health and to prevent the spread of contagious or infectious diseases	U	U	C	Not Scored
65-153b	65-153e	Sec. of Health & Environment, Activities; Newly born infant; treatment of eyes	U	U	C	Not Scored
65-179	same	Sec. of Health & Environment, Activities; Penalty for unauthorized disclosure of data in violation of the provisions of this act	U	U	C	Not Scored
65-153e	same	Sec. of Health & Environment, Activities; Penalty for violating 65-153b to 65-153e	U	U	C	Not Scored
65-116g	same	Sec. of Health & Environment, Activities; Penalty for violations of act or regulations	U	U	C	Not Scored
65-153h	same	Sec. of Health & Environment, Activities; Penalty for willful violation of this act	U	U	C	Not Scored
65-1,108(a)	same	Sec. of Health & Environment, Activities; Perform certain tests outside an approved laboratory	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-1,117	same	Sec. of Health & Environment, Activities; Unauthorized disclosure of confidential information obtained pursuant to KSA 65-1,115	C	C	C	Not Scored
65-1,108a(a)	(b)	Sec. of Health & Environment, Activities; Unauthorized disclosure of confidential information obtained through certain tests conducted by approved laboratories	C	C	C	Not Scored
65-129d	65-129	Sec. of Health & Environment, Activities; Unlawful discharge from employment	C	C	C	Not Scored
65-129	same	Sec. of Health & Environment, Activities; Violate, refuse or neglect to obey rules and regulations pertaining to the prevention, suppression and control of infectious or contagious diseases; Leave any isolation area of a hospital or other quarantined area w/o consent; Evade/break quarantine; Knowingly conceal a case of infectious or contagious disease	C	C	C	Not Scored
75-427	same	Secretary of State; Unauthorized wearing, exhibiting, displaying, or using, the badge, button, decoration, charm, emblem, rosette or other insignia of any registered association or organization herein mentioned	U	C	C	Not Scored
21-4216(b)	(c)	Sell Beverage Containers w/Detachable Tabs; Pertaining to sealed cans containing beer, cereal malt beverages, mineral waters, soda water and similar soft drinks	C	C	C	Not Scored
19-27a02(n)(1)	same	Sewer Districts; Penalty for violation of any rule, regulation, standard, limitation or requirement adopted by the Board of county commissioners	U	U	C	Not Scored
21-3517(a)	(b)	Sexual Battery	A	B	C	Person
68-2255(b)	(d)	Sexually-Oriented Signs - violation of provisions	C	C	C	Not Scored
21-3820(a)(2)	(c)	Simulating the Legal Process; Print, distribute or offer for sale any such document, knowing or intending to use it to induce payment of a claim	A	B	C	Nonperson
21-3820(a)(1)	(c)	Simulating the Legal Process; Send or deliver any document which simulates, purports to be, or is designed to cause others to believe it to be, a summons, petition, complaint, or other judicial process, with intent to induce payment of a claim	A	B	C	Nonperson
31-163	same	Smoke Detector Act; Failure to place or maintain a smoke detector as provided in Act	U	U	C	Not Scored
21-4011	21-4012	Smoking; Failure to post smoking prohibited signs and designated smoking area signs	U	U	C	Not Scored
21-4017(b)	(c)	Smoking; Smoking in a medical care facility; Failure to post signs	U	U	C	Not Scored
21-4010	21-4012	Smoking; Smoking in non-designated area of public place	U	U	C	Not Scored
65-6303(a)	(d)	Social Workers; Engage in the practice of social work for compensation or hold forth as performing the services of a social worker w/o such license; Participate in the delivery of social work service w/o supervision of a person licensed under this act	B	C	C	Not Scored
65-6310(b)	same	Social Workers; Knowingly make a false statement in connection w/an application under this act	B	C	C	Not Scored
65-6310(c)	same	Social Workers; Knowingly making a false statement on any form promulgated by the board	B	C	C	Not Scored
65-6310(a)	same	Social Workers; Obtain or attempt to obtain a license or certificate or renewal thereof by bribery or fraudulent representation	B	C	C	Not Scored
65-6307(a)	(b)	Social Workers; Use of title by person not licensed under this act	C	C	C	Not Scored
65-6308(a)	(b)	Social Workers; Violation of limitations on private practice of social work	B	C	C	Not Scored
2-2808(d)	2-2813(a)	Soil Amendment Act; Distribute a soil amendment that is adulterated	C	C	C	Not Scored
2-2808(c)	2-2813(a)	Soil Amendment Act; Distribute a soil amendment that is misbranded	C	C	C	Not Scored
2-2808(b)	2-2813(a)	Soil Amendment Act; Distribute a soil amendment that is not labeled	C	C	C	Not Scored
2-2808(a)	2-2813(a)	Soil Amendment Act; Distribute a soil amendment that is not registered with the secretary	C	C	C	Not Scored
2-2808(e)	2-2813(a)	Soil Amendment Act; Fail to comply with a stop sale, use or removal order	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
73-202	same	Soldiers, Sailors & Patriotic Emblems; Officers; Knowing and willful failure to obey provisions of this act	U	U	C	Not Scored
73-204	same	Soldiers, Sailors & Patriotic Emblems; Veterans' Preference; Knowing and willful violation of act	U	U	C	Not Scored
73-710	same	Soldiers, Sailors & Patriotic Emblems; Violation of KSA 73-705 through 73-710	U	U	C	Not Scored
65-3441(a)(10)	(b)	Solid & Hazardous Wastes; Add, mix or blend any hazardous waste with fuel oil or any other fuel intended for use by residential consumers or sell such blended fuel to a residential consumer	A	B	C	Nonperson
65-3409(a)(4)	(c)	Solid & Hazardous Wastes; Conduct any solid waste burning operations in violation of the provisions of the Kansas air quality act	A	B	C	Nonperson
65-3441(a)(2)	(b)	Solid & Hazardous Wastes; Construct, modify or operate a hazardous waste facility without a permit or other required written approval	A	B	C	Nonperson
65-3441(a)(7)	(b)	Solid & Hazardous Wastes; Destroy, alter or conceal any record required to be maintained under this act	A	B	C	Nonperson
65-3441(a)(1)	(b)	Solid & Hazardous Wastes; Dump or deposit, or permit such, any hazardous waste regulated by this act into any unauthorized facility	A	B	C	Nonperson
65-3441(a)(8)	(b)	Solid & Hazardous Wastes; Failure to designate on a manifest a facility authorized to operate under the federal hazardous waste program or under an approved state hazardous waste program	A	B	C	Nonperson
65-3441(a)(6)	(b)	Solid & Hazardous Wastes; Making false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used in compliance w/ this act	A	B	C	Nonperson
65-3409(a)(6)	(c)	Solid & Hazardous Wastes; Refuse or hinder entry, inspection, sampling and the examination or copying of records related to the purposes of this act by an identified agent or employee of the secretary after receiving notice of their purpose	A	B	C	Nonperson
65-3441(a)(5)	(b)	Solid & Hazardous Wastes; Refuse or hinder entry, inspection, sampling and the examination or copying of records related to this act by an identified agent/employee of the secretary after receiving notice of their purpose	A	B	C	Nonperson
65-3409(a)(5)	(c)	Solid & Hazardous Wastes; Store, collect, transport, process, treat or dispose of solid waste contrary to the rules and regulations, standards or orders of the secretary or in such a manner as to create a public nuisance	A	B	C	Nonperson
65-3441(a)(4)	(b)	Solid & Hazardous Wastes; Store, collect, treat or dispose of hazardous waste contrary to the rules and regulations, standards or orders of the secretary	A	B	C	Nonperson
65-3441(a)(9)	(b)	Solid & Hazardous Wastes; Transport hazardous waste to a facility not authorized to operate under the federal hazardous waste program or under an approved state hazardous waste program	A	B	C	Nonperson
65-3409(a)(2)	(c)	Solid & Hazardous Wastes; Unauthorized constructing, altering or operating a solid waste processing or disposal facility, or acting as a waste tire transporter or mobile waste tire processor without a permit; Violation of the rules and regulations, standards or orders of the secretary	A	B	C	Nonperson
65-3409(a)(1)	(c)	Solid & Hazardous Wastes; Unauthorized disposal of any solid waste by open dumping	A	B	C	Nonperson
65-3409(a)(8)	(c)	Solid & Hazardous Wastes; Unauthorized division of a solid waste disposal area, which has been issued a permit pursuant to K.S.A. 65-3407, into two or more parcels of real property for the purpose of selling or transferring a portion of the permitted area to a new owner	A	B	C	Nonperson
65-3415f(e)	same	Solid & Hazardous Wastes; Unauthorized transfer or expenditure of moneys in a special fund provided for by this section	A	B	C	Nonperson
65-3441(a)(3)	(b)	Solid & Hazardous Wastes; Violate any condition of any permit issued by the secretary	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-3409(a)(3)	(c)	Solid & Hazardous Wastes; Violate any condition of any permit issued under K.S.A. 65-3407 or 65-3424b	A	B	C	Nonperson
65-3409(a)(7)	(c)	Solid & Hazardous Wastes; Violation of subsection (b) of K.S.A. 65-3424a, subsection (c) of K.S.A. 65-3424b or K.S.A. 65-3424i	A	B	C	Nonperson
65-6504(b)	65-6510	Speech-Language Pathologists & Audiologists; Engage in the practice of dispensing and fitting hearing aids w/o a license or certificate of endorsement	C	C	C	Not Scored
65-6504(a)	65-6510	Speech-Language Pathologists & Audiologists; Practice speech-language pathology or audiology w/o a valid license; Hold oneself out as a speech professional w/o appropriate license	C	C	C	Not Scored
* 21-3438(a)(2)	(b)(2)	Stalking; Intentional or reckless engaging in targeted at specific person which individual knows will place targeted person in fear for such person's or immediate family member's safety; first conviction	A	B	C	Person
* 21-3438(a)(1)	(b)(1)	Stalking; Intentional or reckless engaging in targeted at specific person which would cause a reasonable person targeted person's circumstances to fear for such person's or immediate family member's safety and targeted person actually placed in such fear; first conviction	A	B	C	Person
74-7029(a)(8)	same	State Board of Technical Professionals; Any other violation of provisions of this act	A	B	C	Nonperson
74-7029(a)(6)	same	State Board of Technical Professionals; Falsely advertise as a licensed practitioner or as the holder of a certificate of authorization	A	B	C	Nonperson
74-7029(a)(3)	same	State Board of Technical Professionals; Falsely impersonate any other practitioner of like or different name	A	B	C	Nonperson
74-7029(a)(4)	same	State Board of Technical Professionals; Give false or forged evidence to the board or any member thereof in obtaining a license or certificate of authorization	A	B	C	Nonperson
74-7029(a)(1)	same	State Board of Technical Professionals; Practice, offer to practice, or hold oneself out as entitled to practice any technical profession w/o being duly licensed or holding a certificate of authorization issued under K.S.A. 74-7036	A	B	C	Nonperson
74-7029(a)(2)	same	State Board of Technical Professionals; Present or attempt to use, as such person's own, the license, certificate of authorization or seal of another	A	B	C	Nonperson
74-7029(a)(7)	same	State Board of Technical Professionals; Unauthorized use of any title or description intended to convey the impression that a person is a licensed practitioner or holds a certificate of authorization	A	B	C	Nonperson
74-7029(a)(5)	same	State Board of Technical Professionals; Use or attempt to use a license or certificate of authorization that has expired or been suspended or revoked	A	B	C	Nonperson
66-1,140(a)	66-1315	State Corporation Commission; Commission required to make rules and regulations governing registration and fees for certain vehicles used temporarily	U	U	C	Not Scored
66-1,140(b)	66-1315	State Corporation Commission; Commission required to make rules and regulations governing vehicles entering state on occasional trips	U	U	C	Not Scored
66-1,157d(a)	(b)	State Corporation Commission; Destruction of pipeline signs or markers	A	B	C	Nonperson
66-1,139(d)	66-1315	State Corporation Commission; Fail to comply with form of application requirements	U	U	C	Not Scored
74-621	same	State Corporation Commission; Intentionally violate any provision of the system of priorities for the allocation of available energy resources or for the curtailment of the consumption of such energy resources, or both, during any energy resources emergency proclaimed by the governor	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
66-1,139(b)	66-1315	State Corporation Commission; Intrastate carriers as defined by K.S.A. 8-126 required to register with corporation commission	U	U	C	Not Scored
66-195	same	State Corporation Commission; Penalty for failure to comply with order	U	U	C	Not Scored
66-1,139©	66-1315	State Corporation Commission; Registration and payment of regulatory fees required	U	U	C	Not Scored
66-1,139(a)	66-1315	State Corporation Commission; Registration of interstate carriers in base state required pursuant to 49 U.S.C. 14504	U	U	C	Not Scored
66-1,139(e)	66-1315	State Corporation Commission; Remittance of moneys, requirements	U	U	C	Not Scored
66-1,140(c)	66-1315	State Corporation Commission; Superintendent of the highway patrol designated as issuing agent, required to acknowledge special registrations	U	U	C	Not Scored
66-126	same	State Corporation Commission; Unlawful securities	U	U	C	Not Scored
66-1,130(a)	same	State Corporation Commission; Violation of act except KSA 66-1,111 or 66-1,128	U	U	C	Not Scored
66-1,126	same	State Corporation Commission; Violation of act relating to certificate, license, permit or report; failure to comply with certain commission orders	U	U	C	Not Scored
66-1,130(b)(2)	same	State Corporation Commission; Violation of Motor Carrier Safety Rules and Regulations, K.S.A. 66-1,129 as specified in Subsection (b)(2) of K.S.A. 66-1,130	U	U	C	Not Scored
66-150	same	State Corporation Commission; Willfully obstruct commission, or any member thereof, in the performance of the commission's duties	B	C	C	Not Scored
2-201	same	State Fair; Holding/conducting a state fair in Kansas or any exhibition or display of any livestock or agricultural products under a designation, publicity or advertisement as a state fair.	* U / C	U	C	Not Scored
46-239(g)(1)	same	State Gov. Ethics; Intentionally fail to file a disclosure statement as required by this section	B	C	C	Not Scored
46-287(b)	(c)	State Gov. Ethics; Advertising to influence legislative action; Broadcast by any radio/ television station any paid advertisement promoting/opposing action or nonaction by the legislature on any legislative matter w/o including that such was an advertisement, together with the name of the chairperson of the organization or other individual responsible for such	C	C	C	Not Scored
46-287(a)	(c)	State Gov. Ethics; Advertising to influence legislative action; Publishing in any newspaper, periodical, insert, or flyer any paid advertisement promoting/opposing action or nonaction by the legislature on any legislative matter w/o the word "advertisement" or the abbreviation "adv." together with the name of the chairperson of the organization or other individual responsible for such	C	C	C	Not Scored
46-275(2)	same	State Gov. Ethics; Giving false lobbying information; Intentionally making a false or incomplete report under K.S.A. 46-268 and 46-269.	B	C	C	Not Scored
46-275(1)	same	State Gov. Ethics; Giving false lobbying information; Intentionally making a false or incomplete statement on any registration paper under K.S.A. 46-265	B	C	C	Not Scored
46-251(a)	same	State Gov. Ethics; Intentionally fail to file a statement of substantial interests as required	B	C	C	Not Scored
46-239(g)(2)	same	State Gov. Ethics; Intentionally file a disclosure statement containing material misrepresentation or false or fraudulent statement	B	C	C	Not Scored
46-251(b)	same	State Gov. Ethics; Intentionally file a statement of substantial interests that contains any false statement	B	C	C	Not Scored
46-274(2)	same	State Gov. Ethics; Unlawful lobbying; Lobbying when a current report under K.S.A. 46-268 and 46-269, has not been filed and is past due	B	C	C	Not Scored
46-274(1)	same	State Gov. Ethics; Unlawful lobbying; Lobbying without being registered	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
46-259	same	State Gov. Ethics; Violation of a provision of this section or confidentiality provision of K.S.A. 46-256	B	C	C	Not Scored
46-276	same	State Gov. Ethics; Violation of any provision of K.S.A. 46-232, 46-233, 46-235 to 46-238, 46-240, 46-241, 46-242, 46-267 and 46-271 to 46-273, inclusive, and K.S.A. 46-286.	B	C	C	Not Scored
76-12b10(a)	(d)	State Institutions for the Mentally Retarded; Willful deprivation of any of the rights protected by this section	C	C	C	Not Scored
74-8716(d)	(h)	State Lottery; Conflict of interest; Holder of license issued by KS racing and gaming commission prohibited from serving as executive director or as a member of commission or being employed by KS lottery	A	B	C	Nonperson
74-8716(c)	(h)	State Lottery; Conflict of interest; Persons prohibited from serving as executive director; interest holders or certain prior employees	A	B	C	Nonperson
74-8716(a)(2)	(c)	State Lottery; Conflict of interest; Prohibited acts of executive director, a member of the commission or any employee of the Kansas lottery, or any person residing in the household thereof; Accepting certain items or services	A	B	C	Nonperson
74-8716(a)(1)	(c)	State Lottery; Conflict of interest; Prohibited acts of executive director, a member of the commission or any employee of the Kansas lottery, or any person residing in the household thereof; Having interest in certain businesses	A	B	C	Nonperson
74-8716(b)	(c)	State Lottery; Conflict of interest; Prohibited acts of lottery retailer, applicant for lottery retailer or person contracting or seeking to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery; Offering certain items or services	A	B	C	Nonperson
74-8716(g)	(h)	State Lottery; Conflict of interest; Unauthorized acceptance of compensation, gifts, etc. from lilcensee pursuant to KS parimutuel racing act	A	B	C	Nonperson
74-8716(f)	(h)	State Lottery; Conflict of interest; Unauthorized acceptance of compensation, gifts, etc. from lottery facility manager and agents thereof	A	B	C	Nonperson
74-8716(e)	(h)	State Lottery; Conflict of interest; Unauthorized financial interest in race horse or jockey or greyhound	A	B	C	Nonperson
74-8718(a)(4)	(b)(1)	State Lottery; Sell a lottery ticket at retail by electronic mail, the internet or telephone; 1st offense	A	B	C	Nonperson
74-8718(a)(1)	(b)(1)	State Lottery; Sell a lottery ticket or share at a price other than that fixed by rules and regulations adopted pursuant to this act; 1st offense	A	B	C	Nonperson
74-8718(a)(2)	(b)(1)	State Lottery; Sell a lottery ticket or share by any person other than a lottery retailer authorized by the Kansas lottery; 1st offense	A	B	C	Nonperson
74-8718(a)(3)	(b)(1)	State Lottery; Sell a lottery ticket or share to any person known to be under 18 years of age; 1st offense	A	B	C	Nonperson
74-8719(a)(4)	(b)(1)	State Lottery; Unlawful for a person who resides in the same household as persons described by subsection (a)(1) or (2) of KSA 74-8719 to purchase lottery ticket or share in winnings; 1st offense	A	B	C	Nonperson
74-8719(a)(2)	(b)(1)	State Lottery; Unlawful for an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery to purchase lottery ticket or share in winnings; 1st offense	A	B	C	Nonperson
74-8719(a)(3)	(b)(1)	State Lottery; Unlawful for certain relatives of persons described by subsection (a)(1) or (2) of KSA 74-8719 to purchase lottery ticket or share in winnings; 1st offense	A	B	C	Nonperson
74-8719(a)(1)	(b)(1)	State Lottery; Unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to purchase lottery ticket or share in winnings; 1st offense	A	B	C	Nonperson
65-34,109(b)(1)	(c)	Storage Tank Act; Construct, install, modify or operate a storage tank w/o required permit or other written approval or otherwise be in violation of rules/regulations, standards or orders of the secretary	A	B	C	Nonperson

* Crime was created, amended or the class changed during the 2008 Legislative Session.

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
65-34,109(b)(6)	(c)	Storage Tank Act; Deposit, store or dispense any regulated substance into any noncompliant storage tank after written notice such storage tanks are noncompliant	A	B	C	Nonperson
65-34,109(b)(5)	(c)	Storage Tank Act; Knowingly allow a release, fail to report a release or fail to take corrective action in response to a release of a regulated substance in violation of this act, rules and regulations	A	B	C	Nonperson
65-34,109(b)(4)	(c)	Storage Tank Act; Knowingly destroy, alter or conceal any record required to be maintained by this act or rules and regulations promulgated hereunder	A	B	C	Nonperson
65-34,109(b)(3)	(c)	Storage Tank Act; Knowingly make any false material statement or representation in any application, record, report, permit or other document filed, maintained or used for compliance with this act	A	B	C	Nonperson
65-34,110(a)	(c)	Storage Tank Act; Licensure of tank installers and contractors required	C	C	C	Not Scored
65-34,109(b)(2)	(c)	Storage Tank Act; Prevent or hinder an authorized person agent from entering/inspecting/sampling at a facility on which a storage tank is located or from copying certain records	A	B	C	Nonperson
65-34,109(a)	(c)	Storage Tank Act; Unlawful to deposit, store or dispense, or permit anyone to deposit, store or dispense, any regulated substance into any noncompliant storage tank	A	B	C	Nonperson
21-3724(f)	same	Tampering w/a Landmark; Willfully / maliciously alter, remove, damage or destroy any public land survey corner or accessory in noncompliance with K.S.A. 58-2011.	C	C	C	Not Scored
21-3724(d)	same	Tampering w/a Landmark; Willfully / maliciously break, destroy, remove or deface any milepost, milestone or guideboard erected by authority of law on any public highway or road	C	C	C	Not Scored
21-3724(c)	same	Tampering w/a Landmark; Willfully / maliciously cut down or remove any tree, post or other monument bearing marks made for such purpose, w/intent to destroy the designating marks	C	C	C	Not Scored
21-3724(e)	same	Tampering w/a Landmark; Willfully / maliciously deface or alter any inscription on any such marker or monument	C	C	C	Not Scored
21-3724(b)	same	Tampering w/a landmark; Willfully / maliciously deface or alter marks upon any tree, post or other monument, made for the purpose of designating any point on such boundary	C	C	C	Not Scored
21-3724(a)	same	Tampering w/a landmark; Willfully / maliciously remove any monument of stone or other durable material, established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, or of the state, or any legal subdivision thereof	C	C	C	Not Scored
21-3725	same	Tampering w/a Traffic Signal	C	C	C	Not Scored
21-3821(a)	(b)	Tampering; With a public record	A	B	C	Nonperson
21-3822	same	Tampering; With public notice	C	C	C	Not Scored
79-1119(b)	(e)	Tax; Banks, Banking Businesses, Trust Companies & Savings & Loan Assoc.; Unlawful disclosure of information obtained under article 11, chapter 79 of the KSA's; Unlawful employment for employees administering tax under article 11, chapter 79 of the KSA's	A	B	C	Nonperson
79-2808	same	Tax; Judicial Foreclosure & Sale of Real Estate By County; Willful certification to the director of accounts and reports any amount for which the county is not entitled to credit by any county treasurer	U	U	C	Not Scored
12-1694(d)	same	Tax; Levied and collected pursuant to K.S.A. 12-1693; Unauthorized disclosure of confidential information in monthly reports by a city or county officer or employee	B	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
12-1698(d)	same	Tax; Levied and collected pursuant to K.S.A. 12-1697; Unauthorized disclosure of confidential information in monthly reports by a city or county officer or employee	B	C	C	Not Scored
79-1966	same	Tax; Limitations on Tax Levies; Penalty for violation of act by officer	U	U	C	Not Scored
79-1015	same	Tax; Merchants, Manufacturers, Motor Vehicle Dealers & Certain Contractors; Fail to register as required; Fail to execute the bond before beginning the performance of any contract; Violation of any other provision of this act	U	C	C	Not Scored
79-5114a	same	Tax; Motor Vehicles; Failing, with fraudulent intent, to pay the tax imposed pursuant to K.S.A. 79-5101	U	U	C	Not Scored
21-3701(a)(1)	(b)(5)	Theft; Obtaining or exerting unauthorized control over property; value less than $1,000	A	B	C	Nonperson
21-3703	same	Theft; Of lost or mislaid property	A	B	C	Nonperson
21-3765(a)	same	Theft; Of motor fuel	A	B	C	Nonperson
21-3701(a)(2)	(b)(5)	Theft; Of property by deception; value less than $1,000	A	B	C	Nonperson
21-3701(a)(3)	(b)(5)	Theft; Of property by threat; value less than $1,000	A	B	C	Nonperson
21-3704(a)	(e)(4)	Theft; Of services; loss of less than $1,000	A	B	C	Nonperson
21-3701(a)(4)	(b)(5)	Theft; Possession of stolen property; value less than $1,000	A	B	C	Nonperson
21-3742(a)	same	Throwing or Casting Rocks or other objects onto street, highway or railroad right-of-way or railroad property - no damage results	B	C	C	Not Scored
21-3742(b)	same	Throwing or Casting Rocks or other objects onto street, highway or railroad right-of-way or railroad property causing damage	A	B	C	Nonperson
80-408	same	Townships & Township Officers; Penalty for failure of treasurer or trustee to make statement or to perform duty	U	U	C	Not Scored
80-409	same	Townships & Township Officers; Penalty for taking down or destroying statement	U	U	C	Not Scored
80-411	same	Townships & Township Officers; Penalty for violation of act	U	U	C	Not Scored
80-1208	same	Townships & Township Officers; Prairie Dogs, Moles & Gophers; Penalty for trustee or board of county commissioners failure to perform duties.	U	U	C	Not Scored
80-1304	same	Townships & Township Officers; Set up or keep any billiard/pool hall, billiard/pool table or tables, bowling alley, roller-skating rink, or engage in business of conducting public dances or public dance hall, w/o a license	U	U	C	Not Scored
21-2802	21-2804	Trading Stamps; Redeeming for cash prohibited	U	U	C	Not Scored
21-2801	21-2804	Trading Stamps; Redeeming for merchandise prohibited	U	U	C	Not Scored
65-4167(a)	(b)	Trafficking in Counterfeit Drugs; value less than $500	A	B	C	Nonperson
21-3761(a)(1)	same	Trespassing on Railroad Property w/o Consent of Owner	A	B	C	Nonperson
2-140	same	Trespassing; On fairgrounds	U	U	C	Not Scored
74-9809(b)(3)	same	Tribal Gaming; Executive director or employee of the state gaming agency knowingly accepting compensation, gift, loan, entertainment, favor or service from person or entity licensed pursuant to a tribal-state gaming compact, unless exception applies	A	B	C	Nonperson
74-9809(b)(2)	same	Tribal Gaming; Executive director or employee of the state gaming agency knowingly participating as an owner, operator, manager or consultant in tribal gaming in Kansas	A	B	C	Nonperson
74-9809(b)(1)	same	Tribal Gaming; Executive director or employee of the state gaming agency knowingly placing a wager or betting or playing an electronic game of chance at a tribal gaming facility	A	B	C	Nonperson

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
74-9809(c)(2)	same	Tribal Gaming; Executive director or employee of the state gaming agency, or certain relatives thereof, entering into any business dealing, venture or contract with owner/operator of a tribal gaming facility other than as required to complete duties of the compact	A	B	C	Nonperson
74-9809(c)(1)	same	Tribal Gaming; Executive director or employee of the state gaming agency, or certain relatives thereof, holding any license issued pursuant to a tribal-state gaming compact	A	B	C	Nonperson
74-9809(a)	same	Tribal Gaming; Having financial interest in tribal gaming while the executive director or employee of the state gaming agency or during 5 yrs immediately following termination of such employment	A	B	C	Nonperson
74-9809(d)	same	Tribal Gaming; Holder of a license issued pursuant to a tribal-state gaming compact allowing any person, to place a wager or play any class III game, gaming device or electronic game of chance at a tribal gaming facility, knowing such person to be under 21 years of age	A	B	C	Nonperson
74-9809(g)	same	Tribal Gaming; Person 18 or older but less than 21 years of age, placing any wager or playing any class III game, gaming device or electronic game of chance at a tribal gaming facility	A	B	C	Nonperson
74-9805(m)(3)	same	Tribal Gaming; Unauthorized disclosure of confidential information	A	B	C	Nonperson
74-9809(n)	same	Tribal Gaming; Win money, property or representative of either, by any trick or sleight of hand performance, or by fraud or fraudulent scheme, cards, dice or device; or reduce or attempt to reduce a losing wager, in connection with tribal gaming in a value of less than $100	A	B	C	Nonperson
21-3737(a)	(b)	Unauthorized Delivery of Stored Goods	A	B	C	Nonperson
50-503(h)	50-504	Unfair Trade & Consumer Protection; Extend credit to a retail dealer beyond the normal periods of payment commonly prevailing in the business territory of the sale	U	U	C	Not Scored
50-503(d)	50-504	Unfair Trade & Consumer Protection; Fail, neglect, or refuse to remove, repossess or institute an appropriate replevin action to recover any fixture or equipment sold to any retail dealer or consumer under a conditional sales contract or secured by chattel mortgage as authorized by the provisions of this act, if such retail dealer or consumer has been in default of any payment for more than 90 days	U	U	C	Not Scored
50-503(c)	50-504	Unfair Trade & Consumer Protection; Furnish or provide for the mechanical or electrical servicing of any fixtures or equipment used in connection with the sale or consumption of dairy products by a retail dealer or consumer	U	U	C	Not Scored
50-503(a)	50-504	Unfair Trade & Consumer Protection; Furnish, give, rent, lease, or lend to a retail dealer any money, equipment, fixtures, ice cream cabinets or bulk milk dispensers, supplies, or other things having a real or substantial value, or any expendable supplies commonly provided in connection with sales of dairy products to the consumer	U	U	C	Not Scored
50-503(m)	50-504	Unfair Trade & Consumer Protection; Grant to any retail dealer any secret discount, make any rebate, or permit any deviation from the price at which such person furnishes dairy products of the same quality, brand and quantity to other retail dealers in the same city, unincorporated town, or immediate vicinity thereof	U	U	C	Not Scored
50-503(g)	50-504	Unfair Trade & Consumer Protection; Make, guarantee or procure another to guarantee any loan or the payment of any financial obligation of a retail dealer	U	U	C	Not Scored
50-503(i)	50-504	Unfair Trade & Consumer Protection; Offer or give any bonus, premium, or compensation to a retail dealer, directly or indirectly, through or to an officer, employee, associate, relative or representative of a retail dealer	U	U	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
50-503(f)	50-504	Unfair Trade & Consumer Protection; Pay or credit a retail dealer for the use of any floor space, shelf space or equipment within or at such person's place of business	U	U	C	Not Scored
50-503(e)	50-504	Unfair Trade & Consumer Protection; Pay to or credit a retail dealer or pay for or on behalf of or for the benefit of a retail dealer for any advertising, display or distribution service, unless exception herein applies	U	U	C	Not Scored
50-503(n)	50-504	Unfair Trade & Consumer Protection; Permit any retail dealer to do for or on behalf of such wholesaler, processor or distributor any of the acts hereby made unlawful to be done	U	U	C	Not Scored
50-503(l)	50-504	Unfair Trade & Consumer Protection; Sell any products, unit or combination thereof, for less than cost to the wholesaler, processor or distributor at the point of delivery; Sell to any retail dealer any expendable supplies for less than cost to any such wholesaler, processor or distributor at the point of delivery plus a markup of 6% of such cost as a proportionate share of the cost of doing business	U	U	C	Not Scored
50-503(b)	50-504	Unfair Trade & Consumer Protection; Sell to any retail dealer or consumer any fixtures or equipment other than ice cream cabinets or bulk milk dispensers, or sell to any retail dealer or consumer any ice cream cabinets or bulk milk dispensers at unauthorized price	U	U	C	Not Scored
50-503(j)	50-504	Unfair Trade & Consumer Protection; Sell, offer for sale, or contract to sell dairy products to any retail dealer on consignment, or with the privilege of return, or on any basis other than a bona fide sale	U	U	C	Not Scored
50-503(k)	50-504	Unfair Trade & Consumer Protection; Use or employ any device or scheme to subsidize any retail dealer	U	U	C	Not Scored
8-2107(b)	same	Uniform Act Regulating Traffic; Applying for a replacement or new DL prior to the return of such person's original license which has been deposited in lieu of bond under this section.	C	C	C	Not Scored
8-1525(b)	same	Uniform Act Regulating Traffic; Disobeying restrictions stated on official traffic-control devices on a controlled-access highway or facility; first violation	U	U	C	Not Scored
8-1910(a)	(c)	Uniform Act Regulating Traffic; Fail or refuse to weigh vehicle; first violation	U	U	C	Not Scored
8-1746(b)	(e)	Uniform Act Regulating Traffic; Fail to comply with rules and regulations pertaining to transportation of hazardous materials	U	U	C	Not Scored
8-1746(c)	(e)	Uniform Act Regulating Traffic; Fail to place marks or placards on vehicle as required	U	U	C	Not Scored
8-1759a(a)	(d)	Uniform Act Regulating Traffic; Failure of driver to stop and submit vehicle to an inspection and test upon request of highway patrol officer	A	B	C	Nonperson
8-1759a(c)	(d)	Uniform Act Regulating Traffic; Failure to comply with highway patrol officers order to cease driving hazardous, defective vehicle or to drive to nearest garage or other place of safety	A	B	C	Nonperson
8-2110(a)	same	Uniform Act Regulating Traffic; Failure to comply with traffic citation	U	U	C	Not Scored
8-1746(d)	(e)	Uniform Act Regulating Traffic; Failure to properly equip vehicle with fire extinguishers of a type, size and number approved by the secretary	U	U	C	Not Scored
8-1759(a)	(b)	Uniform Act Regulating Traffic; Failure to stop at a spot inspection by highway patrol	A	B	C	Nonperson
8-1759a(b)	(d)	Uniform Act Regulating Traffic; Highway patrol officer required to give a written notice of any defect to the driver	A	B	C	Nonperson
8-1513	same	Uniform Act Regulating Traffic; Interference with official traffic control devices/railroad signs; 1st violation	U	U	C	Not Scored
8-1749a(d)	8-1749c	Uniform Act Regulating Traffic; One-way glass and sun screening devices; headlamps	C	C	C	Not Scored
8-1749a(a)	8-1749c	Uniform Act Regulating Traffic; One-way glass and sun screening devices; windows	C	C	C	Not Scored

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MISDEMEANOR OFFENSES - ALPHABETICALLY BY DESCRIPTION

Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
8-1543	same	Uniform Act Regulating Traffic; Pedestrians under the influence of Drugs or Alcohol; 1st violation	U	U	C	Not Scored
8-1565(a)	(d)	Uniform Act Regulating Traffic; Racing on highways	U	U	C	Not Scored
8-1566(a)	(b)	Uniform Act Regulating Traffic; Reckless driving	U	U	C	Not Scored
8-1743(d)	(g)	Uniform Act Regulating Traffic; Replace any glass or glazing materials in certain locations with any material other than safety glazing material	U	U	C	Not Scored
8-1743(a)	(g)	Uniform Act Regulating Traffic; Sale of new passenger vehicle w/o safety glazing material	U	U	C	Not Scored
8-1742a	same	Uniform Act Regulating Traffic; Sell unsafe tires	U	U	C	Not Scored
8-1743(b)	(g)	Uniform Act Regulating Traffic; Sell, or affix to a motor vehicle, any truck-camper manufactured or assembled after July 1, 1968, w/o safety glazing material	U	U	C	Not Scored
8-1599(b)	(c)	Uniform Act Regulating Traffic; Transporting Alcoholic beverage in an open container	U	U	C	Not Scored
8-2116	(b)	Uniform Act Regulating Traffic; Violation of act not in KSA 8-2118; 2nd violation w/ 1 yr of first	B	C	C	Not Scored
8-2116	(b)	Uniform Act Regulating Traffic; Violation of act not in KSA 8-2118; 3rd violation w/ 1 yr of first	A	B	C	Nonperson
8-2116	(b)	Uniform Act Regulating Traffic; Violation of act not in KSA 8-2118; first violation	C	C	C	Not Scored
8-1503	same	Uniform Act Regulating Traffic; Willful failure or refusal to comply with lawful order/direction of any police officer or fireman w/authority to direct, control or regulate traffic; first violation	U	U	C	Not Scored
8-2,153(a)	same	Uniform Commercial Drivers' License Act; Any violation of Act - unless otherwise prescribed by Act	B	C	C	Not Scored
65-2438(a)	(e)	Uniform Vital Statistics Act; Knowingly refuse or omit to provide notice to a person transporting dead body for disposition that the deceased had an infectious or contagious disease	C	C	C	Not Scored
65-2438(b)	(e)	Uniform Vital Statistics Act; Knowingly refuse or omit to provide notice to embalmer, funeral director or other person taking possession of body that the deceased had an infectious or contagious disease	C	C	C	Not Scored
65-2434(b)	same	Uniform Vital Statistics Act; Knowingly transports or accepts for transportation, a dead body located in this state to a location outside the boundaries of this state without an accompanying permit	C	C	C	Not Scored
65-2438(d)	(e)	Uniform Vital Statistics Act; Unauthorized disclosure of confidential information pertaining to a deceased persons infectious or contagious disease	C	C	C	Not Scored
21-3445(a)	(d)	Unlawful Administration of a Substance	A	B	C	Person
21-4102(a)	(b)	Unlawful Assembly	B	C	C	Not Scored
21-4103(a)	(b)	Unlawful Assembly; Remaining at an unlawful assembly	A	B	C	Nonperson
21-4312(1)	(2)	Unlawful Disposition of Animals	C	C	C	Not Scored
21-3610c(a)	(b)	Unlawful Hosting; Minors consuming alcoholic liquor or cereal malt beverage	A	B	C	Person
21-3416	same	Unlawful Interference; With a firefighter	B	C	C	Person
21-3444(a)	(c)	Unlawful Interference; With EMS attendant	B	C	C	Person
21-3730(a)	(c)	Unlawful Manufacture or Disposal of FalseTokens	B	C	C	Not Scored
21-3911(a)	(b)	Unlawful Use of State Postage	C	C	C	Not Scored
21-3405	same	Vehicular Homicide; Unintentional killing by operation of a vehicle in a manner which creates an unreasonable risk of injury and which constitutes a material deviation from the reasonable standard of care	A	B	C	Person

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
47-834(b)	(c)(2)	Veterinary Practice Act; Unlawful operation or management of veterinary premises	B	C	C	Not Scored
47-834(a)	(c)(1)	Veterinary Practice Act; Unlawful practice of veterinary medicine	B	C	C	Not Scored
40-5013	(d)(1)(C)	Viatical Settlements Act; Violation of act; Contract is less than $1000	A	B	C	Nonperson
82-170	same	Warehouses; Warehouse Receipts; Warehousemen; Penalty for violation of act	U	U	C	Not Scored
12-3602(c)	12-3605	Water Conditioning Contractors Act; Engage in business in Kansas w/o insurance and bond as required	C	C	C	Not Scored
12-3602(a)	12-3605	Water Conditioning Contractors Act; Engage in business without registration	C	C	C	Not Scored
19-3519(b)(1)	same	Water Supply and Distribution Districts; Fraudulent claims less than $1000	A	B	C	Nonperson
82a-732(b)	same	Waters & Watercourses; Appropriation of Water for Beneficial Use; File water use report or other documents required knowing it to contain any false information as to a material matter	C	C	C	Not Scored
82a-728(a)	(b)(1)	Waters & Watercourses; Appropriation of Water for Beneficial Use; Unauthorized appropriation of water	C	C	C	Not Scored
82a-1423	same	Waters & Watercourses; Conduct a weather modification activity w/o license and permit; Knowingly make a false statement in an application for a license or permit; Fail to file any report or reports as required; Conduct any weather modification activity after a license is revoked or a permit is denied, revoked, modified or temporarily suspended; Violation of any other provisions of this act	B	C	C	Not Scored
82a-1214	same	Waters & Watercourses; Groundwater Exploration & Protection; Penalty for violations of act	B	C	C	Not Scored
82a-305a	same	Waters & Watercourses; Obstructions in Streams; Penalty for violation of act	C	C	C	Not Scored
2-1327(1)	2-1323	Weeds; Bringing certain machinery into the state w/o freeing equipment from weed seed and litter	U	U	C	Not Scored
2-1327(2)	2-1323	Weeds; Moving certain machines from a field/farm infested w/ any noxious weed w/o freeing equipment of all weed seed and litter	U	U	C	Not Scored
2-1326	2-1323	Weeds; Unlawful disposal of nursery stock, plants, packing materials, animal fertilizer and soil or sod for landscaping or fertilizer uses containing or infested with noxious weed plant material or seeds	U	U	C	Not Scored
2-1325	2-1323	Weeds; Unlawful disposal of screening or offal material containing noxious weed seeds	U	U	C	Not Scored
2-1329	2-1323	Weeds; Unlawful feeding of unprocessed livestock feed material	U	U	C	Not Scored
2-1328	2-1323	Weeds; Unlawful sale of unprocessed, infested livestock feed material	U	U	C	Not Scored
83-410	same	Weights & Measures; Dispensing Devices; Violate or fail to comply with any of the provisions of K.S.A. 83-401 through 83-410	A	B	C	Nonperson
83-155	same	Weights & Measures; Fail to comply w/ requirements pertaining to scale ticket or written record relating to weights	A	B	C	Nonperson
83-154	same	Weights & Measures; Falsely making or altering scale ticket or other written records	A	B	C	Nonperson
83-139	same	Weights & Measures; Penalty for fraudulent practices	U	U	C	Not Scored
83-311	same	Weights & Measures; Scales; Violate or fail to comply with any of the provisions of K.S.A. 83-301 through 83-311 and K.S.A. 83-321 through 83-325	A	B	C	Nonperson
83-208	same	Weights & Measures; Standards & Enforcement; Interfere with an inspection; Fail to produce, upon demand, all weights, measures, balances or measuring devices for use in manufacture or trade	A	B	C	Nonperson
83-220	same	Weights & Measures; Standards & Enforcement; Violation of any of the provisions of article 2 of chapter 83 of the Kansas Statutes Annotated	A	B	C	Nonperson
83-149	same	Weights & Measures; Violation of any of the provisions of article 1 of chapter 83 of the Kansas Statutes Annotated	A	B	C	Nonperson
32-1004(a)(3)	32-1031	Wildlife Parks & Recreation; Cause to be shipped within, from or into this state any illegally taken or possessed wildlife	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
32-1005(d)	same	Wildlife Parks & Recreation; Commercialization of wildlife; value less than $1000	A	B	C	Nonperson
32-1015(a)(1)	32-1031	Wildlife Parks & Recreation; Destroy any muskrat house, beaver dam, mink run or any hole, den or runway of any furbearing animal, or cut down or destroy any tree that is the home, habitat or refuge of any furbearing animal	C	C	C	Not Scored
32-1015(a)(3)	32-1031	Wildlife Parks & Recreation; Do any act or engage in any activity within any state park, state lake, recreational ground, wildlife area or sanctuary, natural area or other area under the control of the secretary which is in violation of or contrary to law or rules and regulations of the secretary	C	C	C	Not Scored
32-1001(a)(4)(A)	32-1031	Wildlife Parks & Recreation; Fail to carry card or other evidence required pursuant to K.S.A. 32-980 while participating or engaging in fishing or hunting	C	C	C	Not Scored
32-1001(a)(2)	32-1031	Wildlife Parks & Recreation; Failure to carry license, stamp or permit on person	C	C	C	Not Scored
32-932(c)	same	Wildlife Parks & Recreation; Falsely obtaining or using a physical disability, crossbow permit	C	C	C	Not Scored
32-933(c)	same	Wildlife Parks & Recreation; Falsely obtaining or using a physical or visual disability, assistance permit	C	C	C	Not Scored
32-1003(a)(5)	32-1031	Wildlife Parks & Recreation; Fish by placing in or upon any lake, pond, river, creek, stream or any other water, bordering on or within the state of Kansas, any deleterious substance or fishberries	C	C	C	Not Scored
32-906	32-1031	Wildlife Parks & Recreation; Fishing licenses required	C	C	C	Not Scored
32-911	32-1031	Wildlife Parks & Recreation; Fur harvester license required	C	C	C	Not Scored
32-1015(a)(2)	32-1031	Wildlife Parks & Recreation; Hunt deer or elk in an area where a firearms season for the taking of deer or elk is occurring w/o wearing appropriate protective clothing as prescribed by rules and regulations adopted by the secretary pursuant to K.S.A. 32-805	C	C	C	Not Scored
32-920	32-1031	Wildlife Parks & Recreation; Hunter education; certificate of completion	C	C	C	Not Scored
32-1004(a)(4)	32-1031	Wildlife Parks & Recreation; Intentionally import into this state, or possess or release in this state, any species of wildlife prohibited pursuant to K.S.A. 32-956	C	C	C	Not Scored
32-1001(a)(5)	32-1031	Wildlife Parks & Recreation; Making false statement to secure license, stamp or permit	C	C	C	Not Scored
32-1014(a)	32-1031	Wildlife Parks & Recreation; Obstruction or impeding of lawful activities	C	C	C	Not Scored
32-1001(a)(1)	32-1031	Wildlife Parks & Recreation; Participate in activity requiring license, stamp or permit w/o having such	C	C	C	Not Scored
32-1032(a)	same	Wildlife Parks & Recreation; Penalty for Big game and wild turkey violations	U	U	C	Not Scored
32-1032(a)(4)	same	Wildlife Parks & Recreation; Penalty for Big game and wild turkey violations; Fifth or subsequent conviction	A	B	C	Nonperson
32-1032(a)(3)	same	Wildlife Parks & Recreation; Penalty for Big game and wild turkey violations; Fourth conviction	A	B	C	Nonperson
32-1032(a)(2)	same	Wildlife Parks & Recreation; Penalty for Big game and wild turkey violations; Third conviction	B	C	C	Not Scored
32-1003(a)(6)	32-1031	Wildlife Parks & Recreation; Place or explode any dynamite, giant powder, lime, nitroglycerine or any other explosive of any character or kind in any waters of the state of Kansas with the intent to take or stun fish	C	C	C	Not Scored
32-1015(a)(6)	32-1031	Wildlife Parks & Recreation; Place, erect, or cause such, any seine, screen, net, weir, fishdam or other obstruction in or across any of the waters, rivers, creeks, ponds, streams, sloughs or other watercourses w/in the jurisdiction of this state so as to obstruct free passage of fish up, down and through such watercourses	C	C	C	Not Scored
32-1004(a)(1)	32-1031	Wildlife Parks & Recreation; Possess a carcass of a big game animal or wild turkey w/o a game tag attached to it, and a check station tag attached if required; Refuse to make such carcass available for inspection	C	C	C	Not Scored

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Statute Number Violated	Statutory Penalty Section	Statute Description	Class	Attempt or Conspiracy Class		Person Nonperson Not Scored
				A	C	
32-1004(a)(2)	32-1031	Wildlife Parks & Recreation; Possess any wildlife unlawfully killed or otherwise unlawfully taken outside this state	C	C	C	Not Scored
32-1003(a)(2)	32-1031	Wildlife Parks & Recreation; Provide or receive information concerning the location of any game animal or furbearing animal by radio or other mechanical device for purposes of taking such bird or animal	C	C	C	Not Scored
32-1007(a)	32-1031	Wildlife Parks & Recreation; Public display of coyote carcasses	C	C	C	Not Scored
32-1004(a)(5)	32-1031	Wildlife Parks & Recreation; Refuse to allow any conservation officer or deputy conservation officer or any law enforcement officer to inspect and count any wildlife in such person's possession	C	C	C	Not Scored
32-1004(a)(6)	32-1031	Wildlife Parks & Recreation; Refuse to allow any conservation officer, deputy conservation officer or law enforcement officer to inspect any devices or facilities used in taking, possessing, transporting, storing or processing any wildlife subject to the wildlife and parks laws of this state or rules and regs. of the secretary	C	C	C	Not Scored
32-1001(a)(3)	32-1031	Wildlife Parks & Recreation; Refuse to allow examination of license, stamp or permit	C	C	C	Not Scored
32-1001(a)(4)(B)	32-1031	Wildlife Parks & Recreation; Refuse to allow inspection of card or other evidence required pursuant to K.S.A. 32-980 while participating or engaging in fishing or hunting	C	C	C	Not Scored
32-1015(a)(5)	32-1031	Wildlife Parks & Recreation; Remove fish from a private water fishing impoundment without consent	C	C	C	Not Scored
32-1034(a)	32-1031	Wildlife Parks & Recreation; Second conviction for obstruction or impeding of lawful activities	C	C	C	Not Scored
32-1008(b)	32-1031	Wildlife Parks & Recreation; Take, buy, sell or offer to sell any migratory bird or birds in Kansas unless authorized/permitted by federal regulations provided by the migratory bird treaty act.	C	C	C	Not Scored
32-1008(c)	32-1031	Wildlife Parks & Recreation; Take, buy, sell or offer to sell any migratory waterfowl in Kansas unless authorized or permitted by	C	C	C	Not Scored

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SENTENCING RANGE – DRUG 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 + Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Probation Terms are:

36 months recommended for felonies classified in Severity Levels 1-2

18 months (up to) for felonies classified in Severity Level 3

12 months (up to) for felonies classified in Severity Level 4

Postrelease Supervision Terms are:

36 months for felonies classified in Severity Levels 1-2

24 months for felonies classified in Severity Level 3

12 months for felonies classified in Severity Level 4 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

Postrelease for felonies committed before 4/20/95 are:

24 months for felonies classified in Severity Levels 1-3

12 months for felonies classified in Severity Level 4

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 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	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	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	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

Probation Terms are:
36 months recommended for felonies classified in Severity Levels 1-5
24 months recommended for felonies classified in Severity Levels 6-7
18 months (up to) for felonies classified in Severity Level 8
12 months (up to) for felonies classified in Severity Levels 9-10

Postrelease Supervision Terms are:
36 months for felonies classified in Severity Levels 1-4
24 months for felonies classified in Severity Level 5-6
12 months for felonies classified in Severity Levels 7-10

Postrelease for felonies committed before 4/20/95 are:
24 months for felonies classified in Severity Levels 1-6
12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment