

Senate Substitute for HOUSE BILL No. 2501

By Committee on Federal and State Affairs

3-10

1 AN ACT concerning firearms; relating to civil liability; providing for
2 immunity from civil liability to federal firearms licensees for returning
3 a firearm to the firearm owner at the termination of a firearm hold
4 agreement; removing the criminal prohibition against firearm
5 suppressors and shotgun barrel length qualification requirements;
6 providing for enhanced penalties for certain felonies committed while
7 using a firearm suppressor or short-barrel shotgun; amending K.S.A.
8 21-6301 and 21-6302 and K.S.A. 2025 Supp. 21-6804 and 21-6805 and
9 repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) As used in this section, unless the context requires
13 otherwise:

14 (1) "Federal firearms licensee" means any person or entity licensed
15 pursuant to 18 U.S.C. § 923.

16 (2) "Firearm" means the same as defined in 18 U.S.C. § 921, as in
17 effect on July 1, 2026.

18 (3) "Firearm hold agreement" means a private transaction between a
19 federal firearms licensee and an individual firearm owner in which the
20 licensee takes physical possession of the owner's lawfully possessed
21 firearm at the owner's request, holds the firearm for an agreed period of
22 time and returns the firearm to the owner according to the terms of the
23 transaction.

24 (b) (1) Notwithstanding any other provision of law, a federal firearms
25 licensee conducting business in this state that has entered into a firearm
26 hold agreement with a firearm owner shall be immune from civil liability
27 for returning the firearm to the firearm owner at the termination of the
28 firearm hold agreement.

29 (2) The immunity provided by paragraph (1) shall not apply to any
30 action arising from a firearm hold agreement if such action was the result
31 of otherwise unlawful conduct on the part of the federal firearms licensee.

32 Sec. 2. K.S.A. 21-6301 is hereby amended to read as follows: 21-
33 6301. (a) Criminal use of weapons is knowingly:

34 (1) Selling, manufacturing, purchasing or possessing any bludgeon,
35 sand club or metal knuckles;

36 (2) possessing with intent to use the same unlawfully against another,

- 1 a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged
- 2 razor, throwing star, stiletto or any other dangerous or deadly weapon or
- 3 instrument of like character;
- 4 (3) setting a spring gun;
- 5 ~~(4) possessing any device or attachment of any kind designed, used or~~
- 6 ~~intended for use in suppressing the report of any firearm;~~
- 7 (5)(4) selling, manufacturing, purchasing or possessing a ~~shotgun~~
- 8 ~~with a barrel less than 18 inches in length, or any firearm designed to~~
- 9 ~~discharge or capable of discharging automatically more than once by a~~
- 10 ~~single function of the trigger, whether the person knows or has reason to~~
- 11 ~~know the length of the barrel or that the firearm is designed or capable of~~
- 12 ~~discharging automatically;~~
- 13 (6)(5) possessing, manufacturing, causing to be manufactured,
- 14 selling, offering for sale, lending, purchasing or giving away any cartridge
- 15 ~~which that~~ can be fired by a handgun and ~~which~~ has a plastic-coated bullet
- 16 that has a core of less than 60% lead by weight, whether the person knows
- 17 or has reason to know that the plastic-coated bullet has a core of less than
- 18 60% lead by weight;
- 19 (7)(6) selling, giving or otherwise transferring any firearm with a
- 20 barrel less than 12 inches long to any person under 18 years of age
- 21 whether the person knows or has reason to know the length of the barrel;
- 22 (8)(7) selling, giving or otherwise transferring any firearms to any
- 23 person who is both addicted to and an unlawful user of a controlled
- 24 substance;
- 25 (9)(8) selling, giving or otherwise transferring any firearm to any
- 26 person who is or has been a mentally ill person subject to involuntary
- 27 commitment for care and treatment, as defined in K.S.A. 59-2946, and
- 28 amendments thereto, or a person with an alcohol or substance abuse
- 29 problem subject to involuntary commitment for care and treatment as
- 30 defined in K.S.A. 59-29b46, and amendments thereto;
- 31 ~~(10)(9)~~ possessing any firearm by a person who is both addicted to
- 32 and an unlawful user of a controlled substance;
- 33 ~~(11)(10)~~ possessing any firearm by any person, other than a law
- 34 enforcement officer, in or on any school property or grounds upon which is
- 35 located a building or structure used by a unified school district or an
- 36 accredited nonpublic school for student instruction or attendance or
- 37 extracurricular activities of pupils enrolled in kindergarten or any of the
- 38 grades one through 12 or at any regularly scheduled school sponsored
- 39 activity or event whether the person knows or has reason to know that such
- 40 person was in or on any such property or grounds;
- 41 ~~(12)(11)~~ refusing to surrender or immediately remove from school
- 42 property or grounds or at any regularly scheduled school sponsored
- 43 activity or event any firearm in the possession of any person, other than a

- 1 law enforcement officer, when so requested or directed by any duly
- 2 authorized school employee or any law enforcement officer;
- 3 ~~(13)~~(12) possessing any firearm by a person who is or has been a
- 4 mentally ill person subject to involuntary commitment for care and
- 5 treatment, as defined in K.S.A. 59-2946, and amendments thereto, or
- 6 persons with an alcohol or substance abuse problem subject to involuntary
- 7 commitment for care and treatment as defined in K.S.A. 59-29b46, and
- 8 amendments thereto;
- 9 ~~(14)~~(13) possessing a firearm with a barrel less than 12 inches long
- 10 by any person less than 18 years of age;
- 11 ~~(15)~~(14) possessing any firearm while a fugitive from justice;
- 12 ~~(16)~~(15) possessing any firearm by a person who is an alien illegally
- 13 or unlawfully in the United States;
- 14 ~~(17)~~(16) possessing any firearm by a person while such person is
- 15 subject to a court order that:
- 16 (A) Was issued after a hearing, of which such person received actual
- 17 notice, and at which such person had an opportunity to participate;
- 18 (B) restrains such person from harassing, stalking or threatening an
- 19 intimate partner of such person or a child of such person or such intimate
- 20 partner, or engaging in other conduct that would place an intimate partner
- 21 in reasonable fear of bodily injury to the partner or the child; and
- 22 (C) (i) includes a finding that such person represents a credible threat
- 23 to the physical safety of such intimate partner or child; or
- 24 (ii) by its terms explicitly prohibits the use, attempted use or
- 25 threatened use of physical force against such intimate partner or child that
- 26 would reasonably be expected to cause bodily injury; or
- 27 ~~(18)~~(17) possessing any firearm by a person who, within the
- 28 preceding five years, has been convicted of a misdemeanor for a domestic
- 29 violence offense, or a misdemeanor under a law of another jurisdiction
- 30 ~~which~~that is substantially the same as such misdemeanor offense.
- 31 (b) Criminal use of weapons as defined in:
- 32 (1) Subsection (a)(1), (a)(2), (a)(3), ~~(a)(7)~~(6), ~~(a)(8)~~(7), ~~(a)(9)~~(8) or
- 33 ~~(a)(12)~~(11) is a class A nonperson misdemeanor;
- 34 (2) subsection ~~(a)(4), (a)(5) or (a)(6)~~ (a)(4) or (a)(5) is a severity
- 35 level 9, nonperson felony;
- 36 (3) subsection ~~(a)(10) or (a)(11)~~-(a)(9) or (a)(10) is a class B
- 37 nonperson select misdemeanor;
- 38 (4) subsection (a)~~(13)~~(12), (a)~~(15)~~(14), (a)~~(16)~~(15), (a)~~(17)~~(16) or (a)
- 39 ~~(18)~~(17) is a severity level 8, nonperson felony; and
- 40 (5) subsection (a)~~(14)~~(13) is a:
- 41 (A) Class A nonperson misdemeanor except as provided in subsection
- 42 (b)(5)(B);
- 43 (B) severity level 8, nonperson felony upon a second or subsequent

1 conviction.

2 (c) Subsections (a)(1), (a)(2) and (a)(5)(4) shall not apply to:

3 (1) Law enforcement officers, or any person summoned by any such
4 officers to assist in making arrests or preserving the peace while actually
5 engaged in assisting such officer;

6 (2) wardens, superintendents, directors, security personnel and
7 keepers of prisons, penitentiaries, jails and other institutions for the
8 detention of persons accused or convicted of crime, while acting within the
9 scope of their authority;

10 (3) members of the armed services or reserve forces of the United
11 States or the Kansas national guard while in the performance of their
12 official duty; or

13 (4) the manufacture of, transportation to, or sale of weapons to a
14 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
15 such weapons.

16 (d) ~~Subsections~~ *Subsection* (a)(4) ~~and (a)(5)~~ shall not apply to any
17 person who sells, purchases, possesses or carries a firearm, device or
18 attachment ~~which~~ *that* has been rendered unserviceable by steel weld in the
19 chamber and marriage weld of the barrel to the receiver and ~~which~~ *that* has
20 been registered in the national firearms registration and transfer record in
21 compliance with 26 U.S.C. § 5841 et seq. in the name of such person and,
22 if such person transfers such firearm, device or attachment to another
23 person, has been so registered in the transferee's name by the transferor.

24 (e) Subsection (a)(6)(5) shall not apply to a governmental laboratory
25 or solid plastic bullets.

26 (f) ~~Subsection (a)(4) shall not apply to a law enforcement officer who~~
27 ~~is:~~

28 (1) ~~Assigned by the head of such officer's law enforcement agency to~~
29 ~~a tactical unit which receives specialized, regular training;~~

30 (2) ~~designated by the head of such officer's law enforcement agency~~
31 ~~to possess devices described in subsection (a)(4); and~~

32 (3) ~~in possession of commercially manufactured devices which are:~~

33 (A) ~~Owned by the law enforcement agency;~~

34 (B) ~~in such officer's possession only during specific operations; and~~

35 (C) ~~approved by the bureau of alcohol, tobacco, firearms and~~
36 ~~explosives of the United States department of justice.~~

37 (g) ~~(f)~~ Subsections (a)(4), (a)(5) and (a)(6) ~~(a)(4) and (a)(5)~~ shall not
38 apply to any person employed by a laboratory ~~which~~ *that* is certified by the
39 United States department of justice, national institute of justice, while
40 actually engaged in the duties of their employment and on the premises of
41 such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) ~~(a)(4) and~~
42 ~~(a)(5)~~ shall not affect the manufacture of, transportation to or sale of
43 weapons to such certified laboratory.

1 ~~(h)(g)~~—Subsections ~~(a)(4) and~~ *Subsection (a)(5)(4)* shall not apply to
2 or affect any person or entity in compliance with the national firearms act,
3 26 U.S.C. § 5801 et seq.

4 ~~(i) (1)~~—Subsection ~~(a)(4)~~ shall not apply to or affect any person in
5 possession of a device or attachment designed, used or intended for use in
6 suppressing the report of any firearm, if such device or attachment satisfies
7 the description of a Kansas-made firearm accessory as set forth in K.S.A.
8 50-1204, and amendments thereto.

9 ~~(2)~~—The provisions of this subsection shall apply to any violation of
10 subsection ~~(a)(4)~~ that occurred on or after April 25, 2013.

11 ~~(j)(h)~~ Subsection ~~(a)(11)(10)~~ shall not apply to:

12 (1) Possession of any firearm in connection with a firearms safety
13 course of instruction or firearms education course approved and authorized
14 by the school;

15 (2) possession of any firearm specifically authorized in writing by the
16 superintendent of any unified school district or the chief administrator of
17 any accredited nonpublic school;

18 (3) possession of a firearm secured in a motor vehicle by a parent,
19 guardian, custodian or someone authorized to act in such person's behalf
20 who is delivering or collecting a student;

21 (4) possession of a firearm secured in a motor vehicle by a registered
22 voter who is on the school grounds, ~~which~~*that* contain a polling place for
23 the purpose of voting during polling hours on an election day; or

24 (5) possession of a concealed handgun by an individual who is not
25 prohibited from possessing a firearm under either federal or state law, and
26 who is either: (A) 21 years of age or older; or (B) possesses a valid
27 provisional license issued pursuant to K.S.A. 75-7c03, and amendments
28 thereto, or a valid license to carry a concealed handgun issued by another
29 jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and
30 amendments thereto.

31 ~~(k)(i)~~ Subsections ~~(a)(9) and (a)(13)-(a)(8) and (a)(12)~~ shall not apply
32 to a person who has received a certificate of restoration pursuant to K.S.A.
33 75-7c26, and amendments thereto.

34 ~~(l)(j)~~ Subsection ~~(a)(14)(13)~~ shall not apply if such person, less than
35 18 years of age, was:

36 (1) In attendance at a hunter's safety course or a firearms safety
37 course;

38 (2) engaging in practice in the use of such firearm or target shooting
39 at an established range authorized by the governing body of the
40 jurisdiction in which such range is located, or at another private range with
41 permission of such person's parent or legal guardian;

42 (3) engaging in an organized competition involving the use of such
43 firearm, or participating in or practicing for a performance by an

1 organization exempt from federal income tax pursuant to section 501(c)(3)
 2 of the internal revenue code of 1986 which uses firearms as a part of such
 3 performance;

4 (4) hunting or trapping pursuant to a valid license issued to such
 5 person pursuant to article 9 of chapter 32 of the Kansas Statutes
 6 Annotated, and amendments thereto;

7 (5) traveling with any such firearm in such person's possession being
 8 unloaded to or from any activity described in subsections ~~(h)(j)~~(1) through
 9 ~~(h)(j)~~(4), only if such firearm is secured, unloaded and outside the
 10 immediate access of such person;

11 (6) on real property under the control of such person's parent, legal
 12 guardian or grandparent and who has the permission of such parent, legal
 13 guardian or grandparent to possess such firearm; or

14 (7) at such person's residence and who, with the permission of such
 15 person's parent or legal guardian, possesses such firearm for the purpose of
 16 exercising the rights contained in K.S.A. 21-5222, 21-5223 or 21-5225,
 17 and amendments thereto.

18 ~~(m)~~(k) As used in this section:

19 (1) "Domestic violence" means the use or attempted use of physical
 20 force, or the threatened use of a deadly weapon, committed against a
 21 person with whom the offender is involved or has been involved in a
 22 dating relationship or is a family or household member.

23 (2) "Fugitive from justice" means any person having knowledge that
 24 a warrant for the commission of a felony has been issued for the
 25 apprehension of such person under K.S.A. 22-2713, and amendments
 26 thereto.

27 (3) "Intimate partner" means, with respect to a person, the spouse of
 28 the person, a former spouse of the person, an individual who is a parent of
 29 a child of the person or an individual who cohabitates or has cohabitated
 30 with the person.

31 (4) "Throwing star" means any instrument, without handles,
 32 consisting of a metal plate having three or more radiating points with one
 33 or more sharp edges and designed in the shape of a polygon, trefoil, cross,
 34 star, diamond or other geometric shape, manufactured for use as a weapon
 35 for throwing.

36 Sec. 3. K.S.A. 21-6302 is hereby amended to read as follows: 21-
 37 6302. (a) Criminal carrying of a weapon is knowingly carrying:

38 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

39 (2) concealed on one's person, a billy, blackjack, slungshot or any
 40 other dangerous or deadly weapon or instrument of like character;

41 (3) on one's person or in any land, water or air vehicle, with intent to
 42 use the same unlawfully, a tear gas or smoke bomb or projector or any
 43 object containing a noxious liquid, gas or substance;

- 1 (4) any pistol, revolver or other firearm concealed on one's person if
- 2 such person is under 21 years of age, except when on such person's land or
- 3 in such person's abode or fixed place of business; or
- 4 (5) ~~a shotgun with a barrel less than 18 inches in length or any other~~
- 5 firearm designed to discharge or capable of discharging automatically
- 6 more than once by a single function of the trigger whether the person
- 7 knows or has reason to know ~~the length of the barrel or~~ that the firearm is
- 8 designed or capable of discharging automatically.
- 9 (b) Criminal carrying of a weapon as defined in:
- 10 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson
- 11 misdemeanor; and
- 12 (2) subsection (a)(5) is a severity level 9, nonperson felony.
- 13 (c) Subsection (a) shall not apply to:
- 14 (1) Law enforcement officers, or any person summoned by any such
- 15 officers to assist in making arrests or preserving the peace while actually
- 16 engaged in assisting such officer;
- 17 (2) wardens, superintendents, directors, security personnel and
- 18 keepers of prisons, penitentiaries, jails and other institutions for the
- 19 detention of persons accused or convicted of crime, while acting within the
- 20 scope of their authority;
- 21 (3) members of the armed services or reserve forces of the United
- 22 States or the Kansas national guard while in the performance of their
- 23 official duty; or
- 24 (4) the manufacture of, transportation to, or sale of weapons to a
- 25 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
- 26 such weapons.
- 27 (d) Subsection (a)(4) shall not apply to any person who is carrying a
- 28 handgun, as defined in K.S.A. 75-7c02, and amendments thereto, and who
- 29 possesses a valid provisional license issued pursuant to K.S.A. 75-7c03,
- 30 and amendments thereto, or a valid license or permit to carry a concealed
- 31 firearm that was issued by another jurisdiction and is recognized in this
- 32 state pursuant to K.S.A. 75-7c03, and amendments thereto.
- 33 (e) Subsection (a)(5) shall not apply to:
- 34 (1) Any person who sells, purchases, possesses or carries a firearm,
- 35 device or attachment ~~which~~ *that* has been rendered unserviceable by steel
- 36 weld in the chamber and marriage weld of the barrel to the receiver and
- 37 ~~which~~ *that* has been registered in the national firearms registration and
- 38 transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of
- 39 such person and, if such person transfers such firearm, device or
- 40 attachment to another person, has been so registered in the transferee's
- 41 name by the transferor;
- 42 (2) any person employed by a laboratory ~~which~~ *that* is certified by the
- 43 United States department of justice, national institute of justice, while

1 actually engaged in the duties of their employment and on the premises of
2 such certified laboratory. Subsection (a)(5) shall not affect the manufacture
3 of, transportation to or sale of weapons to such certified laboratory; or

4 (3) any person or entity in compliance with the national firearms act,
5 26 U.S.C. § 5801 et seq.

6 (f) As used in this section, "throwing star" means the same as
7 prescribed by K.S.A. 21-6301, and amendments thereto.

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

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	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 35 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 23	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Probation
Revolving Jail
Presumptive Imprisonment

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

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

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

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

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

21 (A) Prison sentence;

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

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

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

29 (A) Prison sentence; and

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

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

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

46 (h) (1) When a firearm is used to commit any person felony, the

1 offender's sentence shall be presumed imprisonment. The court may
2 impose an optional nonprison sentence as provided in subsection (q).

3 (2) *When a firearm is used to commit any nonperson felony, the*
4 *offender's sentence shall be one severity level above the appropriate level*
5 *for such offense if the trier of fact makes a finding beyond a reasonable*
6 *doubt that such firearm was:*

7 (A) *Equipped with a device designed to suppress the report of the*
8 *firearm; or*

9 (B) *a shotgun equipped with a forend and having a barrel less than*
10 *18 inches in length.*

11 (3) *The sentence imposed pursuant to this subsection shall not be*
12 *considered a departure and shall not be subject to appeal.*

13 (i) (1) The sentence for the violation of the felony provision of K.S.A.
14 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
15 amendments thereto, shall be as provided by the specific mandatory
16 sentencing requirements of that section and shall not be subject to the
17 provisions of this section or K.S.A. 21-6807, and amendments thereto.

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

25 (3) Notwithstanding the provisions of any other section, the term of
26 imprisonment imposed for the violation of the felony provision of K.S.A.
27 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and
28 amendments thereto, shall not be served in a state facility in the custody of
29 the secretary of corrections. Prior to imposing any sentence pursuant to
30 this subsection, the court may consider assigning the defendant to a house
31 arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

32 (j) (1) The sentence for any persistent sex offender whose current
33 convicted crime carries a presumptive term of imprisonment shall be
34 double the maximum duration of the presumptive imprisonment term. The
35 sentence for any persistent sex offender whose current conviction carries a
36 presumptive nonprison term shall be presumed imprisonment and shall be
37 double the maximum duration of the presumptive imprisonment term.

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

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

42 (ii) at the time of the conviction under clause (i) has at least one
43 conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and

1 amendments thereto, in this state or comparable felony under the laws of
2 another state, the federal government or a foreign government; or

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

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

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

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

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

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

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

26 (C) its members have a common name or common identifying sign or
27 symbol; and

28 (D) its members, individually or collectively, engage in or have
29 engaged in the commission, attempted commission, conspiracy to commit
30 or solicitation of two or more person felonies or felony violations of article
31 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
32 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
33 transfer, any felony violation of any provision of the uniform controlled
34 substances act prior to July 1, 2009, or any substantially similar offense
35 from another jurisdiction.

36 (l) Except as provided in subsection (o), the sentence for a violation
37 of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or
38 conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments
39 thereto, to commit such offense, when such person being sentenced has a
40 prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its
41 repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-
42 5807(b), and amendments thereto, or any attempt or conspiracy to commit
43 such offense, shall be presumptive imprisonment.

1 (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-
2 5913(a)(2), and amendments thereto, shall be presumptive imprisonment.
3 If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G,
4 5-H or 5-I, the court may impose an optional nonprison sentence as
5 provided in subsection (q).

6 (n) The sentence for a violation of criminal deprivation of property, as
7 defined in K.S.A. 21-5803, and amendments thereto, when such property
8 is a motor vehicle, and when such person being sentenced has any
9 combination of two or more prior convictions of K.S.A. 21-3705(b), prior
10 to its repeal, or of criminal deprivation of property, as defined in K.S.A.
11 21-5803, and amendments thereto, when such property is a motor vehicle,
12 shall be presumptive imprisonment. Such sentence shall not be considered
13 a departure and shall not be subject to appeal.

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

37 (A) Substance abuse was an underlying factor in the commission of
38 the crime;

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

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

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

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

25 (A) Substance abuse was an underlying factor in the commission of
26 the crime;

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

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

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

43 (q) (1) As used in this section, an "optional nonprison sentence" is a

1 sentence which the court may impose, in lieu of the presumptive sentence,
2 upon making the following findings on the record:

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

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

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

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

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

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

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

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

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

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

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

37 (u) The sentence for a violation of K.S.A. 21-6107, and amendments
38 thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and
39 21-5302, and amendments thereto, to commit such offense, when such
40 person being sentenced has a prior conviction for a violation of K.S.A. 21-
41 4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or
42 any attempt or conspiracy to commit such offense, shall be presumptive
43 imprisonment. Such sentence shall not be considered a departure and shall

1 not be subject to appeal.

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

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

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

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

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

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

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

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

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

4 (z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments
5 thereto, or any other provision of law to the contrary, the sentence for a
6 violation of criminal possession of a weapon by a convicted felon as
7 defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive
8 imprisonment and shall be served consecutively to any other term or terms
9 of imprisonment imposed if the trier of fact makes a finding beyond a
10 reasonable doubt that:

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

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

15 (2) The sentence imposed pursuant to paragraph (1) shall not be
16 considered a departure and shall not be subject to appeal. No other
17 sentence shall be permitted.

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

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

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

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

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

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

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

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

37 (G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)
38 (1)(B), and amendments thereto, and aggravated battery against a law
39 enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and
40 amendments thereto;

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

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

- 1 (J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and
2 amendments thereto;
- 3 (K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and
4 amendments thereto;
- 5 (L) any felony offense described in K.S.A. 21-5703 or 21-5705, and
6 amendments thereto;
- 7 (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;
- 8 (N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)
9 (1), and amendments thereto;
- 10 (O) fleeing or attempting to elude a police officer, as defined in
11 K.S.A. 8-1568(b), and amendments thereto;
- 12 (P) any felony that includes the domestic violence designation
13 pursuant to K.S.A. 22-4616, and amendments thereto; or
- 14 (Q) any attempt, conspiracy or criminal solicitation, as defined in
15 K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any
16 felony offense defined in this subsection.
- 17 (aa) (1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or
18 (a)(1)(B), and amendments thereto, if the trier of fact makes a finding
19 beyond a reasonable doubt that the offender discharged a firearm and that
20 the offender knew or reasonably should have known that:
 - 21 (A) A person was present in the dwelling, building, structure or motor
22 vehicle at which the offender discharged a firearm, shall be presumptive
23 imprisonment and, in addition to the sentence imposed pursuant to the
24 Kansas sentencing guidelines act, the offender shall be sentenced to an
25 additional 60 months of imprisonment; and
 - 26 (B) a person less than 14 years of age was present in the dwelling,
27 building, structure or motor vehicle at which the offender discharged a
28 firearm, shall be presumptive imprisonment and, in addition to the
29 sentence imposed pursuant to the Kansas sentencing guidelines act, the
30 offender shall be sentenced to an additional 120 months of imprisonment.
- 31 (2) The sentence imposed pursuant to paragraph (1) shall be served
32 consecutively to any other term or terms of imprisonment imposed. Such
33 sentence shall not be considered a departure and shall not be subject to
34 appeal.
- 35 (bb) (1) If the trier of fact makes a finding beyond a reasonable doubt
36 that an offender committed any act described in K.S.A. 21-5408, 21-5409,
37 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-5428,
38 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-
39 5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and
40 amendments thereto, or any attempt or conspiracy, as defined in K.S.A.
41 21-5301 and 21-5302, and amendments thereto, to commit any such act
42 with knowledge that a woman is pregnant and with the intent that such act
43 will compel such woman to obtain an abortion when such woman has

1 expressed her desire to not obtain an abortion, the sentence for such
2 offense shall be:

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

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

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

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

21 Sec. 5. K.S.A. 2025 Supp. 21-6805 is hereby amended to read as
22 follows: 21-6805. (a) The provisions of this section shall be applicable to
23 the sentencing guidelines grid for drug crimes. The following sentencing
24 guidelines grid for drug crimes shall be applicable to felony crimes under
25 K.S.A. 21-5701 through 21-5717, and amendments thereto, except as
26 otherwise provided by law:

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 Felonies	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felonies	2+ Misdemeanors	1 Misdemeanor 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	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	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
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	30 28 26	28 26 24	26 24 22	24 22 20
V	42 40 37	36 34 32	32 30 28	26 24 22	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

1 (b) Sentences expressed in the sentencing guidelines grid for drug
2 crimes in subsection (a) represent months of imprisonment.

3 (c) (1) The sentencing court has discretion to sentence at any place
4 within the sentencing range. In the usual case it is recommended that the
5 sentencing judge select the center of the range and reserve the upper and
6 lower limits for aggravating and mitigating factors insufficient to warrant a
7 departure. The sentencing court shall not distinguish between the
8 controlled substances cocaine base (9041L000) and cocaine hydrochloride
9 (9041L005) when sentencing within the sentencing range of the grid
10 block.

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

13 (A) Prison sentence;

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

16 (C) period of postrelease supervision at the sentencing hearing.
17 Failure to pronounce the period of postrelease supervision shall not negate
18 the existence of such period of postrelease supervision.

19 (3) In presumptive nonprison cases, the sentencing court shall
20 pronounce the prison sentence as well as the duration of the nonprison
21 sanction at the sentencing hearing.

22 (d) Each grid block states the presumptive sentencing range for an
23 offender whose crime of conviction and criminal history place such
24 offender in that grid block. If an offense is classified in a grid block below
25 the dispositional line, the presumptive disposition shall be
26 nonimprisonment. If an offense is classified in a grid block above the
27 dispositional line, the presumptive disposition shall be imprisonment. If an
28 offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H, 4-I, 5-C or 5-D, the
29 court may impose an optional nonprison sentence as provided in K.S.A.
30 21-6804(q), and amendments thereto.

31 (e) The sentence for a second or subsequent conviction for unlawful
32 manufacturing of a controlled substance, K.S.A. 65-4159, prior to its
33 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, K.S.A. 21-5703,
34 and amendments thereto, or a substantially similar offense from another
35 jurisdiction, if the controlled substance in any prior conviction was
36 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and
37 amendments thereto, or an analog thereof, shall be a presumptive term of
38 imprisonment of two times the maximum duration of the presumptive term
39 of imprisonment. The court may impose an optional reduction in such
40 sentence of not to exceed 50% of the mandatory increase provided by this
41 subsection upon making a finding on the record that one or more of the
42 mitigating factors as specified in K.S.A. 21-6815, and amendments
43 thereto, justify such a reduction in sentence. Any decision made by the
44 court regarding the reduction in such sentence shall not be considered a
45 departure and shall not be subject to appeal.

46 (f) (1) The sentence for a third or subsequent felony conviction of

1 K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-
2 36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto,
3 shall be a presumptive term of imprisonment and the defendant shall be
4 sentenced to prison as provided by this section. The defendant's term of
5 imprisonment shall be served in the custody of the secretary of corrections
6 in a facility designated by the secretary. Subject to appropriations
7 therefore, the defendant shall participate in an intensive substance abuse
8 treatment program, of at least four months duration, selected by the
9 secretary of corrections. If the secretary determines that substance abuse
10 treatment resources are otherwise available, such term of imprisonment
11 may be served in a facility designated by the secretary of corrections in the
12 custody of the secretary of corrections to participate in an intensive
13 substance abuse treatment program. The secretary's determination
14 regarding the availability of treatment resources shall not be subject to
15 review. Upon the successful completion of such intensive treatment
16 program, the offender shall be returned to the court and the court may
17 modify the sentence by directing that a less severe penalty be imposed in
18 lieu of that originally adjudged. If the offender's term of imprisonment
19 expires, the offender shall be placed under the applicable period of
20 postrelease supervision.

21 (2) Such defendant's term of imprisonment shall not be subject to
22 modification under paragraph (1) if:

23 (A) The defendant has previously completed a certified drug abuse
24 treatment program, as provided in K.S.A. 75-52,144, and amendments
25 thereto;

26 (B) has been discharged or refused to participate in a certified drug
27 abuse treatment program, as provided in K.S.A. 75-52,144, and
28 amendments thereto;

29 (C) has completed an intensive substance abuse treatment program
30 under paragraph (1); or

31 (D) has been discharged or refused to participate in an intensive
32 substance abuse treatment program under paragraph (1).

33 (3) The sentence under this subsection shall not be considered a
34 departure and shall not be subject to appeal.

35 (g) (1) Except as provided further, if the trier of fact makes a finding
36 that an offender carried a firearm to commit a drug felony, or in
37 furtherance of a drug felony, possessed a firearm, in addition to the
38 sentence imposed pursuant to K.S.A. 21-6801 through 21-6824, and
39 amendments thereto, the offender shall be sentenced to:

40 (A) Except as provided in subsection (g)(1)(B), an additional 6
41 months' imprisonment; and

42 (B) if the trier of fact makes a finding that the firearm was
43 discharged, an additional 18 months' imprisonment.

1 (2) *When a firearm is used to commit any drug felony that is not*
2 *subject to the provisions of subsection (g)(1), the offender's sentence shall*
3 *be one severity level above the appropriate level for such offense if the*
4 *trier of fact makes a finding beyond a reasonable doubt that such firearm*
5 *was:*

6 (A) *Equipped with a device designed to suppress the report of the*
7 *firearm; or*

8 (B) *a shotgun equipped with a forend and having a barrel less than*
9 *18 inches in length.*

10 (3) The sentence imposed pursuant to *this* subsection ~~(g)(1)~~ shall be
11 presumptive imprisonment. Such sentence shall not be considered a
12 departure and shall not be subject to appeal.

13 ~~(3)(4)~~ The provisions of ~~this~~ subsection (g)(1) shall not apply to
14 violations of K.S.A. 21-5706 or 21-5713, and amendments thereto.

15 (h) (1) The sentence for a violation of the following with respect to
16 material containing any quantity of a fentanyl-related controlled substance
17 shall be presumed imprisonment and shall be two times the maximum
18 duration of the presumptive term of imprisonment:

19 (A) K.S.A. 21-5703, and amendments thereto; and

20 (B) K.S.A. 21-5705, and amendments thereto, if the violation is
21 classified as a drug severity level 1, 2 or 3 felony.

22 (2) Such sentence shall not be considered a departure and shall not be
23 subject to appeal.

24 (i) The sentence for a violation of K.S.A. 21-5703 or 21-5705, and
25 amendments thereto, shall be presumed imprisonment and shall be two
26 times the maximum duration of the presumptive term of imprisonment if
27 the trier of fact makes a finding beyond a reasonable doubt that the
28 controlled substance involved, because of its appearance or packaging,
29 was likely to be attractive to minors. Such sentence shall not be considered
30 a departure and shall not be subject to appeal.

31 Sec. 6. K.S.A. 21-6301 and 21-6302 and K.S.A. 2025 Supp. 21-6804
32 and 21-6805 are hereby repealed.

33 Sec. 7. This act shall take effect and be in force from and after its
34 publication in the statute book.