

2023 Kansas Statutes

79-3336. Conviction for violation; defined. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this act:

- (a) "Conviction" or "convicted" includes being convicted of a violation of this act or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this act;
- (b) "conviction" or "convicted" includes being convicted of a violation of a law of another state or the United States, which prohibits the acts that this act prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law;
- (c) only convictions occurring in the immediately preceding five years beginning on July 1, 2017, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense, whichever is applicable; and
- (d) it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (e) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

History: L. 2017, ch. 96, § 2; June 22.