
Session of 2021

HOUSE BILL No. 2081

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; multiple sentences for people convicted of a new crime;
3 modifying how certain prior convictions are counted for the special
4 sentencing rule related to possession of a controlled substance;
5 amending K.S.A. 2020 Supp. 21-6606 and 21-6805 and repealing the
6 existing sections.
7

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

9 Section 1. K.S.A. 2020 Supp. 21-6606 is hereby amended to read as
10 follows: 21-6606. (a) When separate sentences of imprisonment for
11 different crimes are imposed on a defendant on the same date, including
12 sentences for crimes for which suspended sentences, probation or
13 assignment to a community correctional services program have been
14 revoked, such sentences shall run concurrently or consecutively, as the
15 court directs. Whenever the record is silent as to the manner in which two
16 or more sentences imposed at the same time shall be served, they shall be
17 served concurrently, except as otherwise provided in subsections (c), (d)
18 and (e).

19 (b) Any person who is convicted and sentenced for a crime
20 committed while on probation, assignment to a community correctional
21 services program, parole or conditional release for a misdemeanor shall
22 serve the sentence concurrently with or consecutively to the term or terms
23 under which the person was on probation, assigned to a community
24 correctional services program or on parole or conditional release, as the
25 court directs.

26 (c) Any person who is convicted and sentenced for a crime
27 committed while on probation, assigned to a community correctional
28 services program, on parole, on conditional release or on postrelease
29 supervision for a felony shall serve the sentence consecutively to the term
30 or terms under which the person was on probation, assigned to a
31 community correctional services program or on parole or conditional
32 release.

33 (d) Any person who is convicted and sentenced for a crime
34 committed while on release for a felony pursuant to article 28 of chapter
35 22 of the Kansas Statutes Annotated, and amendments thereto, shall serve
36 the sentence *concurrently or* consecutively to the term or terms under

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
 30 subsection (q) of K.S.A. 2020 Supp. 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. 2020
 34 Supp. 21-5703, and amendments thereto, or a substantially similar offense
 35 from another jurisdiction, *when such person being sentenced has ~~two~~ or*
 36 *more prior felony convictions for a violation of K.S.A. 65-4159, prior to its*
 37 *repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer; K.S.A. 2020*
 38 *Supp. 21-5703, and amendments thereto, or a substantially similar offense*
 39 *from another jurisdiction, if the controlled substance in any prior*
 40 *conviction was methamphetamine, as defined by ~~subsection (d)(3) or (f)(1)~~*
 41 *of K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog*
 42 *thereof, shall be a presumptive term of imprisonment of two times the*
 43 *maximum duration of the presumptive term of imprisonment. The court*

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