

2018 PRESENTENCE INVESTIGATION REPORT (PSI) EXPLAINER

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2018. These changes are due in part to the passage of new legislation, which will go into effect on that date, while some changes are the result of feedback received from those who use the forms.

Please note that unless specified, the statutory (K.S.A.) references are intended to direct the user to the most current version of the statute. If a K.S.A. 2018 Supp. is referenced, this law is already in effect as of July 1, even though the statute itself has not yet been published.

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- The date in the title has been changed and this PSI is to be used for all crimes *committed* on and between July 1, 2018-June 30, 2019.
- Facesheet.6. **DUI POST-IMPRISONMENT SUPERVISION** – [2018 H Sub for SB 374](#) amends the age of a child from 14 to less than 18 years of age so that an offender, who is 18 years of age or older, shall receive an additional one month jail as part of a commercial DUI or DUI sentencing if the child is in the vehicle at the time of the offense.

PAGES 2 & 3

- The title has been updated to reflect the year 2018.
- Face Sheet Supplement Pages, **DUI POST-IMPRISONMENT SUPERVISION** – [2018 H Sub for SB 374](#) amends the age of a child from 14 to less than 18 years of age so that an offender, who is 18 years of age or older, may receive an additional one month jail as part of commercial DUI and DUI sentencings if a child is in the vehicle at the time of the offense.

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- Title has been updated to reflect the year 2018.

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- Current Offense Information.6. **PLACEMENT OPTIONS** – Reference to subsection (a)(2)(E) of K.S.A. 75-5291 is deleted as there are no current conservation camps in the state for placement of offenders.

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SPECIAL RULES SUPPLEMENT

- [2018 HB 2439](#), known as Caitlin's Law, amends the definition of the crime of involuntary manslaughter in K.S.A. 21-5405 to include subsection (a)(5), the killing of a human being committed in the commission of, or attempt to commit, or flight from driving under the influence of alcohol or drugs (DUI) while:

- In violation of any restriction imposed on such person’s driving privileges for DUI;
- The person’s driving privileges are suspended or revoked for DUI; or
- The person has been deemed a “habitual violator,” as defined in K.S.A. 2017 Supp. 8-285, including at least one DUI violation.

Violation of this provision is a severity level 3, person felony. In addition, the bill amends the definition of aggravated battery in K.S.A. 21-5413 adding subsection (b)(4) to include causing great bodily harm or disfigurement of another person while DUI under the same circumstances as those described above.

Violation of the aggravated battery provision is a severity level 4, person felony.

- Special Rule 48—While this sentencing rule was passed in [2017 SB 112](#), it was recently codified in statute at [K.S.A. 21-6804\(y\)\(1\)](#). It replaces the bill citation on the form but there is no substantive change.
- Special Rule 41— K.S.A. 21-6811(i) is updated to reflect the addition of subsection (b)(5) and the deletion of (b)(2) to leaving the scene of an accident (K.S.A. 8-1602) for those subsections eligible for special rule consideration. [2018 HB 2439](#) amends the special rule to add the new subsection (a)(5) of involuntary manslaughter by DUI (K.S.A. 21-5405) to the list of those prior convictions that may be scored as a person felony for criminal history purposes. The reference to vehicular homicide (K.S.A. 21-5406) in the special rule is maintained but subsection (a)(3) has been deleted from the form as there is currently no existing subsection in the statute.
- Special Rule 42— [2018 HB 2439](#) amends the special rule in K.S.A. 21-6811(c) for involuntary manslaughter by DUI (K.S.A. 21-5405) to include a new subsection (a)(5) of the crime along with (a)(3) when it is the current offense.
- Special Rule 43— The 2014 statutory supplement citation is removed with no substantive change.
- Special Rule 44— [2018 HB 2439](#) amends the special rule in K.S.A. 21-6811(c)(3) by adding subsection (b)(4) to aggravated battery by DUI (K.S.A. 21-5413).