

Case No. _____

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 / FIREARMS FINDING APPLY:

1. Person Felony Committed With a Firearm – presumed prison. K.S.A. 2012 Supp. 21-6804(h)
2. Agg. Battery against a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2012 Supp. 21-6804(g)
3. Agg. Assault against a L.E.O., if criminal history is 6H or 6I – presumed prison. K.S.A. 2012 Supp. 21-6804(g)
34. Battery on a L.E.O., K.S.A. 21-5413(c)(2), resulting in bodily harm- presumed prison and consecutive. K.S.A. 2012 Supp. 21-6804(r)
32. Drug Felony While in Possession of a Firearm- presumed prison. K.S.A. 2012 Supp. 21-6805(g)
33. Drug Felony With a Firearm that Discharges- presumed prison. K.S.A. 2012 Supp. 21-6805(g)
4. Crime Committed for Benefit of a Criminal Street Gang – presumed prison. K.S.A. 2012 Supp. 21-6804(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. 2012 Supp. 38-2347 and 2011 Supp. 38-2364
35. Agg. Endangering a Child – consecutive sentence required. K.S.A. 2011 Supp. 21-5601(c)(2)
36. Ballistic Resistant Material worn/used in commission/attempt/flight from felony – presumed prison with additional 30 months and consecutive. K.S.A. 2011 Supp. 21-6804(t)
38. Unlawful Sexual Relations - presumed prison - K.S.A. 2012 Supp. 21-6804(s)

HABITUAL OR REPEAT OFFENSES APPLY:

5. Persistent Sex Offender, if current conviction is presumed prison – double the maximum duration. K.S.A. 2012 Supp. 21-6804(j)
12. 2nd or Subs. Manufacture of a Controlled Substance Conviction – presumed prison, twice the maximum duration. K.S.A. 2012 Supp. 21-6805(e)
26. 3rd or Subs. Felony Drug Possession occurring on or after July 1, 2008 - presumed prison. K.S.A. 2012 Supp. 21-6805(f)(1)
13. Residential Burglary with a Prior Residential, Nonresidential or Agg. Burglary Conviction, or any attempt or conspiracy convictions of these priors – presumed prison. K.S.A. 2012 Supp. 21-6804(l)
27. Burglary With Two or More Prior Convictions for a Violation of Theft, Burglary, or Agg. Burglary – presumed prison. K.S.A. 2012 Supp. 21-6804(p).
29. Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Agg. Burglary – presumed prison. K.S.A. 2012 Supp. 21-6804(p).
30. ** For #27 or #29, Substance Abuse Underlying Factor, Treatment 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. 2012 Supp. 21-6804(p)
31. 3rd or Subs. Criminal Deprivation of a Motor Vehicle – presumptive prison. K.S.A. 2012 Supp. 21-6804(n)
16. 2nd Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 2011 Supp. 21-5823, term of imprisonment not in KDOC. Criminal history A or B, - sentenced for SL 8, NPF. K.S.A. 2012 Supp. 21-6804(i)
17. 3rd or Subs. Forgery, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 2011 Supp. 21-5823, term of imprisonment not in KDOC. Criminal history A or B, - sentenced for SL 8, NPF. K.S.A. 2012 Supp. 21-6804(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. 2012 Supp. 21-6606 and the court may impose prison even if presumption is nonprison. K.S.A. 2012 Supp. 21-6604(f)(1)
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. 2012 Supp. 21-6604(f)(2)
10. Crime Committed While on Felony Bond – new sentence “may” be imposed pursuant to consecutive sentencing provisions in K.S.A. 2012 Supp. 21-6606 and the court may impose prison even if presumption is nonprison. K.S.A. 2012 Supp. 21-6604(f)(3). However, under K.S.A. 2012 Supp. 21-6606(d), new sentence “shall” be consecutive.
37. 2nd or Subs. Identity Theft or Identity Fraud – presumed prison. K.S.A. 2012 Supp. 21-6804(u)
39. Felony Test Refusal (2nd, 3rd or Subs.) – sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2012 Supp. 8-1025, Term of imprisonment not in KDOC.

NONGRID OFFENSES APPLY: K.S.A. 2012 Supp. 21-6804(i)

6. Felony D.U.I. (3rd, 4th or Subs.) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2012 Supp. 8-1567, term of imprisonment not in KDOC.
8. Felony Domestic Battery - nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2012 Supp. 21-5414(b)(3), term of imprisonment not served in KDOC.
21. Animal Cruelty- K.S.A. 2011 Supp. 21-6412; 2nd or subsequent conviction; or Working/ Assistance dog – K.S.A. 2012 Supp. 21-6416 – nongrid, sentenced pursuant to specific mandatory sentencing requirements of same statute, term of imprisonment not in KDOC.

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. 2011 Supp. 40-2,118(e)
15. Kansas Uniform Securities Act, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 17-12a508(a)(5)
19. Mortgage Business Act, Second or Subsequent Conviction – presumed prison. K.S.A. 2011 Supp. 9-2203(d)
20. Loan Brokers Act, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a)

