

## 2012 Kansas Statutes

**21-6705. Criteria for fixing minimum terms.** (a) In sentencing a person to prison, the court, having regard to the nature and circumstances of the crime and the history, character and condition of the defendant, shall fix the lowest minimum term which, in the opinion of such court, is consistent with the public safety, the needs of the defendant, and the seriousness of the defendant's crime.

(b) The following factors, while not controlling, shall be considered by the court in fixing the minimum term of imprisonment:

- (1) The defendant's history of prior criminal activity;
- (2) the extent of the harm caused by the defendant's criminal conduct;
- (3) whether the defendant intended that the defendant's criminal conduct would cause or threaten serious harm;
- (4) the degree of the defendant's provocation;
- (5) whether there were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;
- (6) whether the victim of the defendant's criminal conduct induced or facilitated its commission; and
- (7) whether the defendant has compensated or will compensate the victim of the defendant's criminal conduct for the damage or injury that the victim sustained.

(c) The provisions of this section shall not apply to crimes committed on or after July 1, 1993.

**History:** L. 2010, ch. 136, § 274; July 1, 2011.