

21-6709. Presumptive sentence of assignment to community correctional services program for certain class D or E felons; aggravating circumstances to be considered. (a) If probation is not granted pursuant to K.S.A. 2014 Supp. 21-6708, and amendments thereto, subject to the provisions of K.S.A. 75-5291, and amendments thereto, the presumptive sentence for a person convicted of a class D or E felony shall be assignment to a community correctional services program on terms the court determines.

(b) In determining whether to impose the presumptive sentence provided by this section, the court shall consider whether any of the following aggravating circumstances existed:

- (1) Whether the crime is a felony violation of the uniform controlled substances act or an attempt to commit such an offense;
 - (2) whether the crime is a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or an attempt to commit such an offense; or
 - (3) any prior record of the person's having been convicted of a felony or having been adjudicated to have committed, while a juvenile, an offense which would constitute a felony if committed by an adult.
- (c) The provisions of this section shall not apply to crimes committed on or after July 1, 1993.

History: L. 2010, ch. 136, § 278; July 1, 2011.