

2023 Kansas Statutes

21-6803. Definitions. As used in K.S.A. 21-6801 through 21-6824, and amendments thereto:

- (a) "Aggravating factor" means a substantial and compelling reason justifying an exceptional sentence whereby the sentencing court may impose a departure sentence outside the standard sentencing range for a crime. An aggravating factor may result in a dispositional or durational departure;
- (b) "commission" means the Kansas sentencing commission;
- (c) "criminal history" means and includes an offender's criminal record of adult felony, class A misdemeanor, class B person misdemeanor or select misdemeanor convictions and comparable juvenile adjudications at the time such offender is sentenced;
- (d) "criminal history score" means the summation of the convictions described as criminal history that place an offender in one of the criminal history score categories listed on the horizontal axis of the sentencing guidelines grids;
- (e) "decay factor" means prior convictions that are no longer considered as part of an offender's criminal history score;
- (f) "departure" means a sentence which is inconsistent with the presumptive sentence for an offender;
- (g) "dispositional departure" means a departure sentence imposing a nonprison sanction when the presumptive sentence is prison or prison when the presumptive sentence is nonimprisonment;
- (h) "dispositional line" means the solid black line on the sentencing guidelines grids which separates the grid blocks in which the presumptive sentence is a term of imprisonment and postrelease supervision from the grid blocks in which the presumptive sentence is nonimprisonment;
- (i) "durational departure" means a departure sentence which is inconsistent with the presumptive term of imprisonment or nonimprisonment;
- (j) "good time" means a method of behavior control or sanctions utilized by the department of corrections;
- (k) "grid" means the sentencing guidelines grid for nondrug crimes as provided in K.S.A. 21-6804, and amendments thereto, or the sentencing guidelines grid for drug crimes as provided in K.S.A. 21-6805, and amendments thereto, or both;
- (l) "grid block" means a box on the grid formed by the intersection of the crime severity ranking of a current crime of conviction and an offender's criminal history classification;
- (m) "imprisonment" means imprisonment in a facility operated by the Kansas department of corrections;
- (n) "mitigating factor" means a substantial and compelling reason justifying an exceptional sentence whereby the sentencing court may impose a departure sentence outside of the standard sentencing range for a crime. A mitigating factor may result in a dispositional or durational departure;
- (o) "nonimprisonment," "nonprison" or "nonprison sanction" means probation, community corrections, conservation camp, house arrest or any other community based disposition;
- (p) "postrelease supervision" means the release of a prisoner to the community after having served a period of imprisonment or equivalent time served in a facility where credit for time served is awarded as set forth by the court, subject to conditions imposed by the prisoner review board and to the secretary of correction's supervision;
- (q) "presumptive sentence" means the sentence provided in a grid block for an offender classified in that grid block by the combined effect of the crime severity ranking of the offender's current crime of conviction and the offender's criminal history;
- (r) "prison" means a facility operated by the Kansas department of corrections; and
- (s) "sentencing range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

History: L. 2010, ch. 136, § 284; L. 2012, ch. 16, § 7; July 1.