

## 2016 Kansas Statutes

**21-6625. Mitigating circumstances.** (a) Mitigating circumstances shall include, but are not limited to, the following:

- (1) The defendant has no significant history of prior criminal activity.
  - (2) The crime was committed while the defendant was under the influence of extreme mental or emotional disturbances.
  - (3) The victim was a participant in or consented to the defendant's conduct.
  - (4) The defendant was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor.
  - (5) The defendant acted under extreme distress or under the substantial domination of another person.
  - (6) The capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired.
  - (7) The age of the defendant at the time of the crime.
  - (8) At the time of the crime, the defendant was suffering from posttraumatic stress syndrome caused by violence or abuse by the victim.
- (b) Pursuant to hearing under K.S.A. 2016 Supp. 21-6617, and amendments thereto, mitigating circumstances shall include circumstances where a term of imprisonment is found to be sufficient to defend and protect the people's safety from the defendant.

**History:** L. 2010, ch. 136, § 265; July 1, 2011.