

SENATE BILL No. 19

By Committee on Judiciary

1-17

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; presentence investigation report; amending K.S.A. 2018
3 Supp. 21-6813 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 21-6813 is hereby amended to read as
7 follows: 21-6813. (a) The court shall order the preparation of the
8 presentence investigation report by the court services officer as soon as
9 possible after conviction of the defendant.

10 (b) Each presentence *investigation* report prepared for an offender to
11 be sentenced for one or more felonies committed on or after July 1, 1993,
12 shall be limited to the following information:

13 (1) A summary of the factual circumstances of the crime or crimes of
14 conviction.

15 (2) If the defendant desires to do so, a summary of the defendant's
16 version of the crime.

17 (3) When there is an identifiable victim, a victim report. The person
18 preparing the victim report shall submit the report to the victim and
19 request that the information be returned to be submitted as a part of the
20 presentence investigation. To the extent possible, the report shall include a
21 complete listing of restitution for damages suffered by the victim.

22 (4) An appropriate classification of each crime of conviction on the
23 crime severity scale.

24 (5) A listing of prior adult convictions or juvenile adjudications for
25 felony or misdemeanor crimes or violations of county resolutions or city
26 ordinances comparable to any misdemeanor defined by state law. Such
27 listing shall include an assessment of the appropriate classification of the
28 criminal history on the criminal history scale and the source of information
29 regarding each listed prior conviction and any available source of journal
30 entries or other documents through which the listed convictions may be
31 verified. If any such journal entries or other documents are obtained by the
32 court services officer, they shall be attached to the presentence
33 investigation report. Any prior criminal history worksheets of the
34 defendant shall also be attached.

35 (6) A proposed grid block classification for each crime, or crimes of
36 conviction and the presumptive sentence for each crime, or crimes of

1 conviction.

2 (7) If the proposed grid block classification is a grid block ~~which~~ *that*
3 presumes imprisonment, the presumptive prison term range and the
4 presumptive duration of postprison supervision as it relates to the crime
5 severity scale.

6 (8) If the proposed grid block classification does not presume prison,
7 the presumptive prison term range and the presumptive duration of the
8 nonprison sanction as it relates to the crime severity scale and the court
9 services officer's professional assessment as to recommendations for
10 conditions to be mandated as part of the nonprison sanction.

11 (9) For defendants who are being sentenced for a conviction of a
12 felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal or
13 K.S.A. 2018 Supp. 21-5706, and amendments thereto, and meet the
14 requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, the
15 drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and
16 amendments thereto.

17 (10) For defendants who are being sentenced for a third or subsequent
18 felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to
19 their repeal or K.S.A. 2018 Supp. 21-5706, and amendments thereto, the
20 drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and
21 amendments thereto.

22 (c) The presentence *investigation* report will become part of the court
23 record and shall be accessible to the public, except that the official version,
24 defendant's version and the victim's statement, any psychological reports,
25 risk and needs assessments and drug and alcohol reports and assessments
26 shall be accessible only to: The parties; the sentencing judge; the
27 department of corrections; *community correctional services*; *any entity*
28 *required to receive the information under the interstate compact for adult*
29 *offender supervision*; and, if requested, the Kansas sentencing
30 commission. If the offender is committed to the custody of the secretary of
31 corrections, the report shall be sent to the secretary and, in accordance
32 with K.S.A. 75-5220, and amendments thereto, to the warden of the state
33 correctional institution to which the defendant is conveyed.

34 (d) The criminal history worksheet will not substitute as a
35 presentence *investigation* report.

36 (e) The presentence *investigation* report will not include optional
37 report components, which would be subject to the discretion of the
38 sentencing court in each district except for psychological reports and drug
39 and alcohol reports.

40 (f) Except as provided in K.S.A. 2018 Supp. 21-6814, and
41 amendments thereto, the court may take judicial notice in a subsequent
42 felony proceeding of an earlier presentence *investigation* report criminal
43 history worksheet prepared for a prior sentencing of the defendant for a

1 felony committed on or after July 1, 1993.

2 (g) All presentence *investigation* reports in any case in which the
3 defendant has been convicted of a felony shall be on a form approved by
4 the Kansas sentencing commission.

5 Sec. 2. K.S.A. 2018 Supp. 21-6813 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the statute book.