

DUI SENTENCING CHART

OFFENSE	OFFENSES BEFORE JUNE 30, 2022					OFFENSES ON OR AFTER JULY 1, 2022				
	1 ST	2 ND	MISD. 3 RD	FELONY 3 RD	4 TH & SUBS.	1 ST	2 ND	MISD. 3 RD	FELONY 3 RD	4 TH & SUBS.
CLASSIFICATION	“B” MISD.	“A” MISD.	“A” MISD.	NON GRID FELONY	NON GRID FELONY	“B” MISD.	“A” MISD.	“A” MISD.	SL6 NP FELONY	SL6 NP FELONY
JAIL / PRISON – MIN	48 HRS. / 100 HRS. COMM. SERV.	90 DAYS / 5 DAYS	90 DAYS	90 DAYS	90 DAYS	48 HRS.	90 DAYS / 5 DAYS	90 DAYS / 30 DAYS	17 MONTHS / 30 DAYS ⁷	17 MONTHS / 30 DAYS ⁷
JAIL / PRISON – MAX	6 MONTHS	1 YEAR	1 YEAR	1 YEAR	1 YEAR	6 MONTHS	1 YEAR	1 YEAR	46 MONTHS	46 MONTHS
HA/WR	YES ⁵ /NO	YES ¹ /YES ¹	YES ³ /YES ³	YES ⁴ /YES ⁴	YES ⁴ /YES ⁴	NO/NO	YES ² /YES ²	YES ⁶ /YES ⁶	YES ⁷ /YES ⁷	YES ⁷ /YES ⁷
FINE – MIN	\$750	\$1250	\$1750	\$1750	\$2500	\$750	\$1250	\$1750	NOT TO EXCEED \$100,000	NOT TOO EXCEED \$100,000
FINE – MAX	\$1000	\$1750	\$2500	\$2500	\$2500	\$1000	\$1750	\$2500		
LSI-R	NO	NO	YES	YES	YES	NO	NO	YES	NO	NO
PRE-SENTENCE A/D EVALUATION	YES ⁸	YES ⁸	NO	NO	NO	YES	NO	NO	NO	NO
PIS / POST RELEASE	NO	NO	PIS ⁹	PIS ⁹	PIS ⁹	NO	NO	PIS ⁹	POST RELEASE 24 MONTHS	POST RELEASE 24 MONTHS

House Arrest (HA) – hour-for-hour credit for time served within boundaries of residence as verified by electronic monitoring

Work Release (WR) – hour-for-hour credit for time served in confinement at the end of and continuing to the beginning of the person's work day

¹ Must serve 48 consecutive hours jail (imprisonment); 120 total hours of confinement (including imprisonment)

² Must serve 120 hours of confinement which must include 48 hours of imprisonment – HA and/or WR permitted with hour-for-hour credit for time served. If sentenced to more than 120 hours for the first 120 hours, and day-for-day credit for time served thereafter unless otherwise ordered by the court

³ Must serve 48 consecutive hours jail; 2,160 hours of confinement – HA and/or WR permitted**

⁴ Must serve 72 consecutive hours jail; 2,160 hours of confinement – HA and/or WR permitted**

⁵ Must serve 48 consecutive hours jail; House arrest confinement allowed for remainder of any sentence imposed**

⁶ Must serve 30 days of confinement; HA and/or WR permitted after at least 48 hours of imprisonment with hour-for-hour credit for time served for the first 240 hours, and day-for-day credit for time served thereafter unless otherwise ordered by the court

⁷ If probation is granted - Must serve 30 days of confinement; HA and/or WR permitted after at least 48 hours of imprisonment with hour-for-hour credit for time served for the first 240 hours, and day-for-day credit for time served thereafter unless otherwise ordered by the court

⁸ Pursuant to K.S.A. 8-1008 –this utilizes a standardized substance use evaluation approved by the SRS-currently using the KCPC (Kansas Client Placement Criteria)

⁹ PIS: Post Imprisonment Supervision. After term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. *Judicial discretion whether to count time spent in violation or warrant status towards time served on supervision. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.* K.S.A. 8-1567(b)(3)

** Defendant may argue for application of a more beneficial sentence under *State v. Patton*, 315 Kan. 1 (2022)

- If a Defendant is sentenced under the pre-July 1, 2022 sentencing scheme, they are subject to the entire sentencing scheme and cannot argue for partial application of the more lenient mandatory minimums from the post-July 1, 2022 statutory changes.