

DUI SENTENCING CHART

Offense	SB 67 Offenses before July 1, 2011				SB 6-Offenses between July 1, 2011-June 30, 2012				SB 60—Offenses on or after July 1, 2012			
	1 st	2 nd	3 rd	4 th +	1 st	2 nd	3 rd	4 th +	1 st	2 nd	3 rd	4 th +
Class of Crime	"B" Misd	"A" Misd	Felony	Felony	"B" Misd	"A" Misd	Felony or Misd	Felony	"B" Misd	"A" Misd	Felony or Misd	Felony
Jail--MIN	48 hrs/100 hrs comm. Service	90days/ 5 days	90 days	90 days	48 hrs/100 hrs comm. service	90 days/ 5 days	90 days	90 days	48 hrs/100 hrs Comm. Service	90 days/ 5 days	90 days	90 days
Jail-MAX	6 mths	1 year	1year	1 year	6 mths	1 year	1 year	1 year	6 mths	1 year	1 year	1 year
HA/WR	No/No	No/Yes ¹	Yes ¹ /Yes ¹	No/Yes ²	No/No	Yes ³ /Yes ³	Yes ⁴ /Yes ⁴	Yes ⁵ /Yes ⁵	Yes ⁶ /No	Yes ³ /Yes ³	YES ⁷ /YES ⁷	YES ⁸ /YES ⁸
FINE-Min	\$500	\$1000	\$1500	\$2500	\$750	\$1250	\$1750	\$2500	\$750	\$1250	\$1750	\$2500
FINE-Max	\$1000	\$1500	\$2500	\$2500	\$1000	\$1750	\$2500	\$2500	\$1000	\$1750	\$2500	\$2500
LSI-R	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES
Pre-Sent A/D Evaluation	YES ⁹	YES ⁹	YES ⁹	YES ⁹	YES ¹⁰	YES ¹⁰	YES ¹⁰	YES ¹⁰	YES ¹⁰	YES ¹⁰	NO	NO
Post Release	NO	NO	NO	YES ¹¹	NO	NO	PIS ¹²	PIS ¹²	NO	NO	PIS ¹²	PIS ¹²

Probation/parole is conditional release from physical custody. Date of probation/parole does not begin until the person is released from confinement. Parker v. State 247 Kan. 214(1990) See also State v. Garton 8 Kan. App. 2d 142 (1982)

¹ Must serve 48 consecutive hours.

² Must serve 72 consecutive hours.

³ Must serve 48 consecutive hours jail; 120 hours of confinement.

⁴ Must serve 48 consecutive hours jail; 240 hours of confinement at the end until beginning of the offender's work day

⁵ Must serve 72 consecutive hours jail; 240 hours of confinement at the end until beginning of the offender's work day

⁶ Must serve 48 consecutive hours jail ; House arrest confinement allowed for remainder of any sentence imposed

⁷ Must serve 48 consecutive hours jail; 2,160 hours of confinement at the end until the beginning of the offender's work day

⁸ Must serve 72 consecutive hours jail; 2,160 hours of confinement at the end until the beginning of the offender's work day

⁹ Pursuant to K.S.A.(2001) 8-1008-this is a community based alcohol and drug safety action program (ADSAP)

¹⁰ Pursuant to K.S.A. (2012) 8-1008 -this utilizes a standardized substance use evaluation approved by the SRS-currently using the KCPC (Kansas Client Placement Criteria)

¹¹ Post Release: After the term of imprisonment imposed by the court, the person shall be placed in the custody of the SOC for a mandatory one-year period of post release supervision, which such period of postrelease supervision **shall not** be reduced.

¹² 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. K.S.A. 8-1567(b)(3) SEE State v. Beltran, 353 P.3d 471 (Kan. Ct. App. 2015)