K.S.A. 8-1567 - DUI Laws Before and After June 30, 2022

Before/ After

Before/ After

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Ist conviction DUI/ Class B misdemeanor

48 hours to 6 months in jail \$750-\$1,000 fine

Mandatory consecutive 48 hours as a condition of probation or 100 hours of community service House arrest possible (but only after 48 hours)

2nd conviction DUI/ Class A misdemeanor

90 days to 1 year in jail \$1,250-\$1,750 fine

Mandatory 5 days in jail/ or 48 hours consecutive in jail followed by 120 hours work release or house arrest

3rd conviction DUI outside 10 years of prior conviction/ Class A misdemeanor

90 days to 1 year in jail \$1,750-\$2,500 fine

Mandatory 90 days in jail/ 48 hours in jail followed by 2,160 hours work release or house arrest Risks/Needs (R/N) assessment (LSI-R)

Care Coordinator required

3rd conviction within 10 years of prior conviction and 4th or sub./ Felony DUI

90 days to 1 year in jail \$1.750-\$2.500 fine

Mandatory 90 days in jail/ minimum 48 hours in jail followed by 2,160 hours work release or house arrest R/N assessment (LSI-R)

Care Coordinator required

Ist conviction DUI/ Class B misdemeanor

48 hours to 6 months in jail \$750-\$1,000 fine

No mandatory jail time Drug/ alcohol evaluation

2nd conviction DUI/ Class A misdemeanor

90 days to 1 year in jail \$1,250-\$1,750 fine

Mandatory 48 hours imprisonment (may be served consecutively) minimum 120 hours of work release or house arrest, or any combination thereof

Drug/ alcohol evaluation

3rd conviction outside 10 years of prior conviction DUI/ Class A misdemeanor

90 days to 1 year in jail \$1,750-\$2,500 fine

Mandatory 30 days in jail/ 48 hours imprisonment minimum 240 hours work release or house arrest, or any combination thereof. Thereafter, day-for-day credit for time served in program

Post-imprisonment Supervision (PIS)
Risk/Needs (R/N) Assessment (LSI-R/ WRNA)
Care Coordinator required

3rd conviction DUI within 10 years of prior conviction and 4th or sub./ Severity level 6 nonperson felony

Mandatory 30 days in jail/ 48 hours consecutive imprisonment, minimum 240 hours work release or house arrest, or any combination thereof. Thereafter, day-for-day credit for time served in program

No mandatory fine, but up to \$100,000 (SL6) 24 Months PRS
No R/N assessment / No Care Coordinator

Sentencing court should apply the version of DUI statute in effect at the time of sentencing, unless the legislature amended the statutory provisions after the offense was committed, and that amendment increases the defendant's penalty. State v. Patton, 315 Kan., 503 P.3d 1022 (2022).

Changes

- *No mandatory consecutive jail time for Ist time DUI
- * Drug/Alcohol Eval for Ist and 2nd time DUI only
- *At least 48 hours imprisonment for **2**nd **time DUI** Does need to be consecutive
- *PIS <u>only</u> for 3rd time misdemeanor DUI
- *No mandated fine on SL6 felony for 3rd and subsequent DUI
- *Grid postrelease for SL6 on felony DUI
- *Court can waive any portion of fine (except \$250 for CCSF)
- * LSI-R prior to 6/30/2021 occurrence of crime of conviction, or the LS/CMI for males and the WRNA for females on or after 7/1/2021