



Kansas Safety Valves

IMPORTANT NOTE: Laws change frequently, and this may not be an up-to-date description of safety valves available. Talk with a lawyer in your state if you have questions about safety valves.

Code Section	Offense	Applies to
K.S.A. 21-4643(d)	<p>First conviction: a defendant age 18 or older commits any of the following crimes on or after July 1, 2006:</p> <ul style="list-style-type: none"> - Aggravated trafficking under K.S.A. 21-3447, and the victim is under age 14; - Rape under K.S.A. 21-3502(a)(2); - Aggravated indecent liberties with a child under K.S.A. 21-3504(a)(3); - Aggravated criminal sodomy under K.S.A. 21-3506(a)(1) or (a)(2); - Promoting prostitution, as defined in K.S.A. 21-3513, and the prostitute is under age 14 years; - Sexual exploitation of a child under K.S.A. 21-3516(a)(5) or (a)(6); and - An attempt, conspiracy or criminal solicitation to commit any of the above offenses 	<p>The sentencing judge must give the defendant the mandatory minimum of 25 years in prison, up to life, unless the judge finds substantial and compelling reasons, based on mitigating circumstances, to depart from that mandatory minimum.</p> <p>Mitigating circumstances include, but are not limited to, the following:</p> <ol style="list-style-type: none"> (1) Defendant has no significant history of prior criminal activity. (2) Defendant was under the influence of extreme mental or emotional disturbances when crime was committed. (3) The victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor. (4) Defendant acted under extreme distress or under the substantial domination of another person. (5) Defendant's capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of law was substantially impaired. (6) Defendant's age at the time of the crime. <p>If the sentencing judge departs from the mandatory minimum, the judge must state on the record at sentencing the substantial and compelling reasons for the departure. The defendant receives a sentence under the Kansas sentencing guidelines act, instead of the mandatory minimum.</p>