



Select Kansas Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

Drug Offenses

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-4705(e)	Second or subsequent conviction for manufacturing a controlled substance	154 Months*

*For second or subsequent offenses in Kansas, the judge is required to impose twice the maximum presumptive sentence unless mitigating factors exist in the case. Even with mitigating factors, the judge cannot sentence below 50% of the mandatory increase. As a result, this limitation effectively functions as a mandatory minimum sentence, which will depend on the offender's criminal history. Thus, 154 months is the lowest possible sentence.

Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-4705(g)(1)(A)	Possessing a firearm during the commission of a drug felony	6 months, added to the sentence for the underlying crime
K.S.A. 21-4705(g)(1)(B)	Discharging a firearm during the commission of a drug felony	18 months, added to the sentence for the underlying crime

Violent Offenses

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-3401(a) / 21-4706(c) / 22-3717(b)(1)	Premeditated first degree murder	Life, with parole eligibility after 25 years*
K.S.A. 21-3401(b) / 21-4706(c) / 22-3717(b)(2)	Felony murder	Life, with parole eligibility after 20 years**
K.S.A. 21-3439 / 21-4706(c) / 22-3717(b)(1) / 21-4635(a)	Capital murder	Life without parole†
K.S.A. 21-3449 / 21-4706(c) / 22-3717(b)(2)	Terrorism	Life, with parole eligibility after 20 years**
K.S.A. 21-3450 / 21-4706(c) / 22-3717(b)(2)	Illegal use of weapons of mass destruction	Life, with parole eligibility after 20 years**
K.S.A. 21-3801 / 21-4706(c) / K.S.A. 22-3717(b)(2)	Treason	Life, with parole eligibility after 20 years**

*For those crimes committed on or after July 1, 1994.

†If the defendant was under age 18 or mentally retarded at the time of the crime, the judge may not give the defendant a life without parole sentence.

**This only applies to individuals convicted for a crime committed on or after July 1, 1999. If the crime is committed before that date, the individual becomes eligible for parole after serving 15 years.



Sex Offenses

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-4643	<p>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), or - An attempt, conspiracy or criminal solicitation to commit any of the above offenses 	<p>1st conviction[†]: 25 Years to Life Unless the defendant:</p> <ul style="list-style-type: none"> (1) is an aggravated habitual sex offender under K.S.A. 21-4642, in which case the mandatory minimum is life, or (2) has a criminal history classification that subjects him to a presumptive guidelines sentence of <i>more than</i> 300 months imprisonment, in which case that presumptive guidelines sentence is the mandatory minimum. <p>2nd conviction: 40 Years to Life Unless the defendant:</p> <ul style="list-style-type: none"> (1) is an aggravated habitual sex offender under K.S.A. 21-4642, in which case the mandatory minimum is life, or (2) has a criminal history classification that subjects him to a presumptive guidelines sentence of <i>more than</i> 480 months imprisonment, in which case that presumptive guidelines sentence is the mandatory minimum. <p>The defendant becomes eligible for parole only after serving the full mandatory minimum period, without any good time credits deducted. See K.S.A. 22-3717(b)(5).</p>

[†] There is a safety valve for this offense at K.S.A. 21-4643(d). See FAMM's list of Kansas Safety Valves.

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Sex Offenses, cont.

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-4642(a)	<p>Aggravated habitual sex offender: Defendant has previously been convicted of a sexually violent crime in Kansas and two other sexually violent crimes in Kansas or elsewhere. These crimes include:</p> <ul style="list-style-type: none"> - Rape under K.S.A. 21-3502, - Indecent liberties with a child under K.S.A. 21-3503, - Aggravated indecent liberties with a child under K.S.A. 21-3504, - Criminal sodomy under K.S.A. 21-3505(a)(2) and (a)(3), - Aggravated criminal sodomy under K.S.A. 21-3506, - Indecent solicitation of a child under K.S.A. 21-3510, - Aggravated indecent solicitation of a child under K.S.A. 21-3511, - Sexual exploitation of a child under K.S.A. 21-3516, - Aggravated sexual battery under K.S.A. 21-3518, - Aggravated incest under K.S.A. 21-3603, - Any federal or other state conviction for a felony offense that under Kansas law would be a sexually violent crime as defined in K.S.A. 21-4642(a), - An attempt, conspiracy or criminal solicitation of a sexually violent crime as defined in K.S.A. 21-4642(a), or - Any act which, at the time of sentencing for the offense, has been determined beyond a reasonable doubt to have been sexually motivated (i.e., one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification) 	Life without parole

Other/Miscellaneous Offenses

Code Section	Offense	Mandatory Minimum Sentence
K.S.A. 21-3710(b)(3)	Second conviction of forgery	30 Days
K.S.A. 21-3710(b)(4)	Third conviction of forgery	45 Days

* For individuals convicted of treason committed on or after July 1, 1999. For treason committed before then, the mandatory minimum prison sentence is 15 years.