

**SENATE BILL No. 19**

By Committee on Judiciary

1-17

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to sentencing; presentence investigation report; amending K.S.A. 2018  
3 Supp. 21-6813 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 21-6813 is hereby amended to read as  
7 follows: 21-6813. (a) The court shall order the preparation of the  
8 presentence investigation report by the court services officer as soon as  
9 possible after conviction of the defendant.

10 (b) Each presentence *investigation* report prepared for an offender to  
11 be sentenced for one or more felonies committed on or after July 1, 1993,  
12 shall be limited to the following information:

13 (1) A summary of the factual circumstances of the crime or crimes of  
14 conviction.

15 (2) If the defendant desires to do so, a summary of the defendant's  
16 version of the crime.

17 (3) When there is an identifiable victim, a victim report. The person  
18 preparing the victim report shall submit the report to the victim and  
19 request that the information be returned to be submitted as a part of the  
20 presentence investigation. To the extent possible, the report shall include a  
21 complete listing of restitution for damages suffered by the victim.

22 (4) An appropriate classification of each crime of conviction on the  
23 crime severity scale.

24 (5) A listing of prior adult convictions or juvenile adjudications for  
25 felony or misdemeanor crimes or violations of county resolutions or city  
26 ordinances comparable to any misdemeanor defined by state law. Such  
27 listing shall include an assessment of the appropriate classification of the  
28 criminal history on the criminal history scale and the source of information  
29 regarding each listed prior conviction and any available source of journal  
30 entries or other documents through which the listed convictions may be  
31 verified. If any such journal entries or other documents are obtained by the  
32 court services officer, they shall be attached to the presentence  
33 investigation report. Any prior criminal history worksheets of the  
34 defendant shall also be attached.

35 (6) A proposed grid block classification for each crime, or crimes of  
36 conviction and the presumptive sentence for each crime, or crimes of

1 conviction.

2 (7) If the proposed grid block classification is a grid block ~~which~~ *that*  
3 presumes imprisonment, the presumptive prison term range and the  
4 presumptive duration of postprison supervision as it relates to the crime  
5 severity scale.

6 (8) If the proposed grid block classification does not presume prison,  
7 the presumptive prison term range and the presumptive duration of the  
8 nonprison sanction as it relates to the crime severity scale and the court  
9 services officer's professional assessment as to recommendations for  
10 conditions to be mandated as part of the nonprison sanction.

11 (9) For defendants who are being sentenced for a conviction of a  
12 felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal or  
13 K.S.A. 2018 Supp. 21-5706, and amendments thereto, and meet the  
14 requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, the  
15 drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and  
16 amendments thereto.

17 (10) For defendants who are being sentenced for a third or subsequent  
18 felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to  
19 their repeal or K.S.A. 2018 Supp. 21-5706, and amendments thereto, the  
20 drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and  
21 amendments thereto.

22 (c) The presentence *investigation* report will become part of the court  
23 record and shall be accessible to the public, except that the official version,  
24 defendant's version and the victim's statement, any psychological reports,  
25 risk and needs assessments and drug and alcohol reports and assessments  
26 shall be accessible only to: The parties; the sentencing judge; the  
27 department of corrections; *community correctional services*; *any entity*  
28 *required to receive the information under the interstate compact for adult*  
29 *offender supervision*; and, if requested, the Kansas sentencing  
30 commission. If the offender is committed to the custody of the secretary of  
31 corrections, the report shall be sent to the secretary and, in accordance  
32 with K.S.A. 75-5220, and amendments thereto, to the warden of the state  
33 correctional institution to which the defendant is conveyed.

34 (d) The criminal history worksheet will not substitute as a  
35 presentence *investigation* report.

36 (e) The presentence *investigation* report will not include optional  
37 report components, which would be subject to the discretion of the  
38 sentencing court in each district except for psychological reports and drug  
39 and alcohol reports.

40 (f) Except as provided in K.S.A. 2018 Supp. 21-6814, and  
41 amendments thereto, the court may take judicial notice in a subsequent  
42 felony proceeding of an earlier presentence *investigation* report criminal  
43 history worksheet prepared for a prior sentencing of the defendant for a

1 felony committed on or after July 1, 1993.

2 (g) All presentence *investigation* reports in any case in which the  
3 defendant has been convicted of a felony shall be on a form approved by  
4 the Kansas sentencing commission.

5 Sec. 2. K.S.A. 2018 Supp. 21-6813 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.