

## 2016 Kansas Statutes

### **21-6812. Actions which prosecutors may take under agreements with defendants for plea; exceptions relating to prior convictions.**

The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor may do any of the following:

- (a) Move for dismissal of other charges or counts;
- (b) recommend a particular sentence within the sentencing range applicable to the offense or to the offense to which the offender pled guilty;
- (c) recommend a particular sentence outside of the sentencing range only when departure factors exist and such factors are stated on the record;
- (d) agree to file a particular charge or count;
- (e) agree not to file charges or counts; or
- (f) make any other promise to the defendant, except that the prosecutor shall not enter into any agreement to decline to use a prior drug conviction of the defendant to elevate or enhance the severity level of a drug crime as provided in K.S.A. 2016 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto, or make any agreement to exclude any prior conviction from the criminal history of the defendant.

**History:** L. 2010, ch. 136, § 293; July 1, 2011.