

For Court Use Only (Seal)

2010 KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

Please use Journal Entry based on OFFENSE DATE

SECTION I. CASE IDENTIFYING INFORMATION		1. Transaction No.	
2. STATE v. <input type="checkbox"/> Male <input type="checkbox"/> Female		3. Court O.R.I. Number	4. K.B.I. Number
5. County	6. Court Case Number	7. Sentencing Judge	8. Sentencing Date
9. Defense Counsel: <input type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Self <input type="checkbox"/> Waived Orally <input type="checkbox"/> Waived in Writing Counsel Name (please print) _____			
10. Type of Proceeding (Trial) <input type="checkbox"/> Bench Trial (includes a plea on stipulated facts) <input type="checkbox"/> Jury Trial <input type="checkbox"/> Guilty Plea <input type="checkbox"/> Nolo contendere Plea			
11. Date of Conviction:			
12. Pre-Trial Status of Offender <input type="checkbox"/> In Custody <input type="checkbox"/> Released on Bond <input type="checkbox"/> Other Release			
SECTION II. CRIMINAL HISTORY CLASSIFICATION			
1. Offender's Overall Criminal History Classification as Found by the Court: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I			
2. Objection to Criminal History? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, By: <input type="checkbox"/> Defendant or <input type="checkbox"/> State Court's Ruling on Objection: <input type="checkbox"/> Criminal history was amended <input type="checkbox"/> Criminal history was not amended			
SECTION III. CURRENT CONVICTION INFORMATION			
1. Name of PRIMARY Offense of Conviction: _____ Count No.: _____ Date of Offense: _____ (Please use Journal Entry based on OFFENSE DATE)			
2. K.S.A. Title, Section, Subsection(s): _____ <input type="checkbox"/> Attempt (K.S.A. 2010 Supp. 21-3301) <input type="checkbox"/> Conspiracy (K.S.A. 2010 Supp. 21-3302) <input type="checkbox"/> Solicitation (K.S.A. 2010 Supp. 21-3303)			
3. Grade of Offense: (Check one in each row.) <input type="checkbox"/> Felony, Severity Level _____ <input type="checkbox"/> Misdemeanor, Class _____ <input type="checkbox"/> Person <input type="checkbox"/> Nonperson			
4. Offense Category: <input type="checkbox"/> Nondrug <input type="checkbox"/> Drug <input type="checkbox"/> Off-grid <input type="checkbox"/> Nongrid			
5. Presumptive Sentencing Range: (Enter terms from appropriate grid.) Aggravated ____ Standard ____ Mitigated ____ Check applicable box(es) <input type="checkbox"/> Presumptive Prison <input type="checkbox"/> Presumptive Probation <input type="checkbox"/> Border Box <input type="checkbox"/> Drug Treatment for up to 18 months. K.S.A. 2010 Supp. 21-4729 <input type="checkbox"/> Special Rule Applies (Complete Special Rules Supplemental Page and Attach)			
THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE PRESENTENCE INVESTIGATION FORM PURSUANT TO K.S.A. 22-3439 AND A DOCUMENT CONTAINING INFORMATION REQUIRED BY K.S.A. 2010 Supp. 22-3426. PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.			

Case No. _____

KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

(PAGE 2)

6. **SPECIAL RULE APPLICABLE:** Yes No If Yes, enter the **number(s) and brief description(s)** corresponding to the applicable special rule
(Complete Special Rules Supplemental Page and Attach): _____

7. Did the Court make a **SPECIAL FINDING** that the crime was **SEXUALLY MOTIVATED** pursuant to the KS Offender Registration Act, K.S.A. 2010 Supp. 22-4902 (c)(14)? Yes No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

8. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 2010 Supp. 21-4642) Yes No
IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

9. Is offender being sentenced pursuant to K.S.A. 2010 Supp. 21-4643 where offender is 18 years of age or older and the victim is less than 14 years of age? Yes No
IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

10. Downward departure [K.S.A. 2010 Supp. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? Yes No
IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

11. Did offender, as determined by the court, commit the current crime with a deadly weapon? Yes No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

12. Was offender convicted of a violation of K.S.A. 2010 Supp. 21-36a03, Manufacture or attempted manufacture or K.S.A. 2010 Supp. 21-36a09, or 21-36a10, Possession of precursors with intent to manufacture? Yes No
IF YES, was there a finding by the Court that such manufacture or possession was for personal use? Yes No
IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 2010 Supp. 21-36a05(a)(1), Cultivation, Distribution, Possession with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1)? Yes No
(Formerly K.S.A. 65-4161 **ONLY.**)
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

SENTENCE IMPOSED:

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION IV**

2. **Prison Term:** KDOC _____ months (including enhancement sentence)
(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
* or Underlying with KDOC Drug Trtmnt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months [K.S.A. 2010 Supp. 21-4705(g)]
Ballistic Resistant Material: 30 months [K.S.A. 2010 Supp. 21-4704(r)]
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 **Hard 50**
 Mandatory minimum years = 50 years (600 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater
 Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION IV**
 No Postrelease **K.S.A. 2010 Supp. 22-3716(e)** Lifetime Postrelease Parole Lifetime Parole

4. **Nongrid Term: (Jail)** (For misdemeanor or nongrid felony.) _____ months days
(Enter county jail term above then check one of the following) Jail sentence imposed or Underlying with probation granted.
 3rd D.U.I. 4th or Subsequent D.U.I. (w/12 month postrelease) 3rd or Subs. Domestic Battery (w/in 5 yrs.) Animal Cruelty
 Probation granted after serving term of _____ months days
 Assignment to a work release program pursuant to K.S.A. 21-4603d (a)(11)

5. **Probation Term (If Granted):** 12 months 18 months 24 months 36 months 60 months
 Drug Treatment for up to 18 months. K.S.A. 2010 Supp. 21-4729 Other: _____
 Extended Period under K.S.A. 2010 Supp. 21-4611(c)(5) for: _____ months
Probation Supervision to: Court Services Community Corrections Unsupervised
County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days
*** Assignment to Correctional Conservation Camp**

Comments: _____

Case No. _____

SECTION IV. DEPARTURE INFORMATION

(PAGE 3)

1. Type of Departure: (Check all that apply.)

- Downward Durational Upward Durational Downward Dispositional Upward Dispositional
- Postrelease Supervision (up to 60 months for sexually motivated offense) – K.S.A. 2010 Supp. 22-3717(d)(1)(D)(i)
 ["Sexually motivated" defined in K.S.A. 2010 Supp. 22-3717(d)(2).]

2. Reasons Cited as Basis for Departure:

SECTION V. OTHER CONDITIONS

1. General/Special Conditions of Probation (COMPLETE AND ATTACH ORDER OF PROBATION TO THIS JOURNAL ENTRY if needed)

2. Costs Ordered:

Total Restitution (Please complete #3 below.)	\$ _____	Probation Supervision Fee (Felony \$120; Misd. \$60)	\$ _____
Court Costs (including surcharge)	\$ _____	BIDS Attorney Fee	\$ _____
Total Fines	\$ _____	BIDS Application Fee	\$ _____
DNA Database Fee (K.S.A. 21-2511 & 75-724.)	\$ _____	Court-Appointed Attorney Fee	\$ _____
Extradition Costs	\$ _____	Community Corrections Fee (offenses after 1/4/07)	\$ _____
Domestic Violence Special Program Fee	\$ _____	Booking/Fingerprint Fee	\$ _____
Apprehension Fee (Escape/Agg. Escape)	\$ _____	Reward Reimbursement	\$ _____
Alcohol and/or Drug Evaluation Fee	\$ _____	Children's Advocacy Center Assessment Fee	\$ _____
Witness Fee	\$ _____	Medical Costs/Expenses Reimbursement	\$ _____
KBI Lab Fee	\$ _____	SB 123 Offender Reimbursement (at least \$300)	\$ _____
Other Lab Fee	\$ _____	Other: _____	\$ _____
TOTAL COSTS			\$ _____

3. Restitution to be paid as follows:

Amount	Name and Address
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

Case No. _____

KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

(PAGE 4)

SECTION VI: RECAP OF SENTENCE

1. Sentence Imposed:

Total Prison Term (if sentence imposed is to prison): _____

Total County Jail Term: _____ Consecutive to Prison Term

Total Underlying Jail Term (if sentence imposed is probation): _____

Total Underlying Prison Term (if sentence imposed is probation): _____

For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage. K.S.A. 2010 Supp. 21-4704(e)(2) and 21-4705(c)(2).

2. Postrelease Supervision Term:

12 months 24 months 36 months 60 months

No Postrelease **K.S.A. 2010 Supp. 22-3716(e)** Lifetime Postrelease Parole Lifetime Parole

3. Probation Term Imposed (select one):

12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. K.S.A. 2010 Supp. 21-4729.

Extended Period under K.S.A. 2010 Supp. 21-4611 (c)(5) for: _____ months

Other: _____

***Correctional Conservation Camp**

4. Jail Credit: Enter dates (m/d/yy only) and days of potential jail credit for this case and check "A" if the days are actually awarded, or "N" if the days are not awarded by the court. (attach additional pages if necessary)

*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N

*Enter appropriate letters to indicate the type of location where credit may have been earned:

J=Jail TL=Treatment (Locked) TU=Treatment (Unlocked) RL=Residential (Locked) RU=Residential (Unlocked)

Sentencing Date: _____ - **Total Number of Days of Jail Credit Actually Awarded** _____ = **Sentence Begins Date:** _____

5. Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive:

Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>

Others: _____

6. Miscellaneous Provisions:

- Defendant informed of right to appeal within **14 days** of this date. K.S.A. 22-3608. (Required by case law)
- Defendant informed of potential rights of expungement under K.S.A. 2010 Supp. 21-4619(g).
- Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq. (**Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.**) K.S.A. 22-4905(b)(2)
- Defendant must submit specimens of blood or an oral or other biological sample, if not previously submitted, pursuant to K.S.A. 21-2511(c).
- Defendant must obtain psychological evaluation and shall complete the recommended treatment pursuant to K.S.A. 2010 Supp. 22-3717(d)(1)(D)(iv).
- Defendant has been processed, fingerprinted and palmprinted. K.S.A. 2010 Supp. 21-2501(b)
- Court remands Defendant to custody of Sheriff to begin serving sentence.
- Court remands Defendant to custody of Sheriff to await transportation to the custody of the Secretary of Corrections.
- Defendant to report to County Jail on the ____ day of _____, 20__ at ____ O'clock a.m. p.m. to start serving sentence.
- House arrest is authorized for remaining _____ days after Defendant completes mandatory _____ hours in the County Jail.
- Work release recommended (if accepted, defendant is to abide by recommendations of the program).
- Defendant's financial resources and burden imposed by BIDS application and attorney fees considered by the court pursuant to K.S.A. 22-4513 and State v. Robinson, 281 Kan. 538, 132 P.3d 934 (2006).
- Other Comments:

Case No. _____

SECTION VI. RECAP OF SENTENCE CONTINUED

(PAGE 5)

7. **Border Box Findings** K.S.A. 2010 Supp. 21-4704(f): (Check if appropriate)

- An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- the recommended treatment program is available and the offender can be admitted to the program within a reasonable period of time; or,
- the non-prison sanction will serve community safety interests by promoting offender reformation

8. **If made, Motion for New Trial:** Granted Denied

9. **If made, Motion for Judgment of Acquittal:** Granted Denied

10. **If made, Motion for Arrest of Judgment:** Granted Denied

11. **Additional Comments:**

SECTION VII. SIGNATURES

1. **Judge's Signature:** _____ **Date:** _____
Signed: _____
Printed: _____

2. **Prosecuting Attorney:**
Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

3. **Defense Attorney:**
Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

Case No. _____

KSGA JOURNAL ENTRY OF JUDGEMENT ADDITIONAL OFFENSES

COUNT _____

(Page 1 of 2)

1. **Name of Additional Offense of Conviction:** _____

Count No.: _____ Date of Offense: _____

2. **Sentences Concurrent or Consecutive:** Concurrent **To Count(s):** _____ Consecutive **To Count(s):** _____

3. **K.S.A. Title, Section, Subsection(s):** _____

Attempt (K.S.A. 2010 Supp. 21-3301) **Conspiracy** (K.S.A. 2010 Supp. 21-3302) **Solicitation** (K.S.A. 2010 Supp. 21-3303)

4. **Grade of Offense:**(Check one in each row.) Felony, Severity Level _____ Misdemeanor, Class: _____
 Person Nonperson

5. **Offense Category:** Nondrug Grid Drug Grid Off-grid Nongrid

6. **Presumptive Sentencing Range (Use Criminal History Classification "I" for non-primary convictions.):**

(Enter the terms from the appropriate grid.) Aggravated _____ Standard _____ Mitigated _____

(Check the appropriate box(es).) Presumptive Prison Presumptive Probation Border Box
 Drug Treatment for up to 18 months. K.S.A. 2010 Supp. 21-4729.
 Special Rule Applies **(Complete Special Rule Supplemental Page and Attach)**

7. **SPECIAL RULES** Enter the **number(s) and brief description(s)** corresponding to the applicable special rule, if any **(Complete Special Rule Supplemental Page and Attach):** _____

8. Did the Court make a **SPECIAL FINDING** that the crime was **SEXUALLY MOTIVATED** pursuant to KS Offender Registration Act K.S.A. 2010 Supp. 22- 4902 (c)(15)? Yes No

IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT/ATTACH TO JOURNAL ENTRY.

9. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 2010 Supp. 21-4642.) Yes No

IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

10. Is offender being sentenced pursuant to K.S.A. 2010 Supp. 21-4643 where offender is 18 years of age or older and the victim is less than 14 years of age? Yes No

IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

11. Downward departure [K.S.A. 2010 Supp. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? Yes No

IF YES, PLEASE COMPLETE THE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

12. Did offender, as determined by the court, commit the current crime with a deadly weapon? Yes No

IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 2010 Supp. 21-36a03, Manufacture or attempted manufacture, or K.S.A. 2010 Supp. 21-36a09, or 21-36a10, Possession of precursors with intent to manufacture? Yes No

IF YES, was there a finding by the Court that such manufacture or possession was for personal use?

IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY. Yes No

14. Was offender convicted of a violation of K.S.A. 2010 Supp. 21-36a05(a)(1), Cultivation, Distribution, Possession with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1)? Yes No

(Formerly K.S.A. 65-4161 **ONLY**.)

IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

SENTENCE IMPOSED:

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION IV**

2. **Prison Term:** KDOC _____ months (including enhancement sentence)

(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
***or Underlying with KDOC Drug Trtmnt Prog. (min. 120 days)**

Enhancement Sentence- Drug with Firearm: 6 months 18 months [K.S.A. 2010 Supp. 21-4705(g)]

Ballistic Resistant Material: 30 months [K.S.A. 2010 Supp. 21-4704(r)]

Off-grid Crime:

Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 **Hard 50**

Mandatory minimum years = 50 years (600 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater

Life Imprisonment without Parole Death Penalty

Case No. _____

KSGA JOURNAL ENTRY OF JUDGEMENT ADDITIONAL OFFENSES CONTINUED COUNT _____ (PAGE 2 OF 2)

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION IV**
 No Postrelease **K.S.A. 2010 Supp. 22-3716(e)** Lifetime Postrelease Parole Lifetime Parole

4. **Nongrid Term (Jail):** (For misdemeanor or nongrid felony.) _____ months days
(Enter county jail term above then check one of the following) Jail sentence imposed or, Underlying with probation granted
 3rd D.U.I. 4th or Subsequent D.U.I. (w/12 month postrelease) 3rd or Subs. Domestic Battery (w/in 5 yrs.) Animal Cruelty
 Probation granted after mandatory term of _____ months days

5. **Probation Term Imposed (select one):** 12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. K.S.A. **2010 Supp. 21-4729**

Extended Period under K.S.A. **2010 Supp. 21-4611 (c)(5)** for: _____ months

Other:

Probation Supervision to: Court Services Community Corrections Unsupervised

County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days

***Assignment to Correctional Conservation Camp:**

Comments:

6. **Additional Comments:**

Case No. _____

SPECIAL RULES SUPPLEMENTAL PAGE (IF APPLICABLE, check box of the special rule that applies and include this page with the corresponding count. Additional copies may be made as needed.) PLEASE DO NOT RENUMBER THIS PAGE.) A special rule that changes the presumptive sentence, without constituting a departure, is applicable to this count because:

PUBLIC SAFETY OFFENSES / FIREARMS FINDING APPLY:

1. **Person Felony Committed With a Firearm** – presumed prison. K.S.A. 2010 Supp. 21-4704(h)
2. **Aggravated Battery of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 2010 Supp. 21-4704(g)
3. **Aggravated Assault of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 2010 Supp. 21-4704(g)
34. **Battery on a L.E.O., K.S.A. 21-3413(a)(2), resulting in bodily harm-** presumed prison and consecutive. K.S.A. 2010 Supp. 21-4704(q)
32. **Drug Felony While in Possession of a Firearm-** presumed prison. K.S.A. 2010 Supp. 21-4705(g)
33. **Drug Felony With a Firearm that Discharges-** presumed prison. K.S.A. 2010 Supp. 21-4705(g)
4. **Crime Committed for Benefit of a Criminal Street Gang** – presumed prison. K.S.A. 2010 Supp. 21-4704(k)
11. **Extended Jurisdiction Juvenile Imposed** – both juvenile and adult sentences imposed, adult sentence stayed conditioned on successful completion of juvenile sentence. K.S.A. 2010 Supp. 38-2347 and 38-2364
35. **Aggravated Endangering a Child** – consecutive sentence required. K.S.A. 21-3608a(b) [Effective April 29, 2010]
36. **Ballistic Resistant Material worn/used in commission/attempt/flight from felony** – presumed prison and consecutive. K.S.A. 2010 Supp. 21-4704(r) [Effective April 29, 2010]

HABITUAL OR REPEAT OFFENSES APPLY:

5. **Persistent Sex Offender**, if current conviction is presumed prison – double the maximum duration. K.S.A. 2010 Supp. 21-4704(j)
12. **Second or Subsequent Manufacture of a Controlled Substance Conviction** – presumed prison, twice the maximum duration. K.S.A. 2010 Supp. 21-4705(e)
26. **Third or Subsequent Felony Drug Possession occurring on or after July 1, 2008** - presumed prison. K.S.A. 2010 Supp. 21-4705(f)
13. **Residential Burglary with a Prior Residential, Nonresidential or Aggravated Burglary Conviction** – presumed prison. K.S.A. 2010 Supp. 21-4704(l)
27. **Burglary With Two or More Prior Convictions for a Violation of Theft, Burglary, or Aggravated Burglary** – presumed prison. K.S.A. 2010 Supp. 21-4704(p). [Effective July 1, 2008]
29. **Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary** – presumed prison. K.S.A. 2010 Supp. 21-4704(p). [Effective July 1, 2008]
30. * **For #27 or #29, Substance Abuse Underlying Factor, Treatment More Effective to Reduce Reoffense Risk and Community Safety Served** – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. K.S.A. 2010 Supp. 21-4704(p)
31. **Third or Sub. Criminal Deprivation of a Motor Vehicle** – presumptive prison. K.S.A. 2010 Supp. 21-4704(n)
16. **Second Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2010 Supp. 21-4704(i)
17. **Third or Sub. Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2010 Supp. 21-4704(i)
9. **Crime Committed While Incarcerated and Serving a Felony Sentence, or While on Probation, Parole, Conditional Release, or Postrelease Supervision for a Felony** – new sentence shall be imposed pursuant to consecutive sentencing provisions in K.S.A. 2010 Supp. 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 2010 Supp. 21-4603d(f); See also K.S.A. 2010 Supp. 21-4608(e)(2) (serving indeterminate sentence)
28. **Crime Committed While Incarcerated in a Juvenile Correctional Facility for an Offense That Would be a Felony if Committed by an Adult** – presumed prison. K.S.A. 2010 Supp. 21-4603d(f)(2)
10. **Crime Committed While on Felony Bond** – Under K.S.A. 2010 Supp. 21-4603d(f) new sentence “may” be imposed pursuant to consecutive sentencing provisions in K.S.A. 2010 Supp. 21-4608 and the court may impose prison even if presumption is nonprison. However, under K.S.A. 2010 Supp. 21-4608(d), new sentence “shall” be consecutive.

NONGRID OFFENSES APPLY:

6. **Felony D.U.I.** (third, fourth or subsequent) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2010 Supp. 8-1567, term of imprisonment not to be served in KDOC. K.S.A. 2010 Supp. 21-4704(i)
8. **Felony Domestic Battery** - nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2010 Supp. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. K.S.A. 2010 Supp. 21-4704(i)
21. **Animal Cruelty** K.S.A. 2010 Supp. 21-4310(a)(1), K.S.A. 2010 Supp. 21-4310(a)(2-5); Second or subsequent conviction; or **Working/ Assistance dog** – K.S.A. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 21-4318(d), term of imprisonment not to be served in KDOC. K.S.A. 2010 Supp. 21-4704(i)

FINANCE OFFENSES APPLY:

25. **Fraudulent Insurance Act**, any combination of acts occurring within 6 consecutive months involving \$25,000 or more - presumed prison. K.S.A. 2010 Supp. 40-2,118
15. **Kansas Securities Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 2010 Supp. 17-12a508(a)(5)
19. **Mortgage Business Act**, Second or Subsequent Conviction – presumed prison. K.S.A. 2010 Supp. 9-2203(c)
20. **Loan Brokers Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a)

Case No. _____

SEX OFFENSE SUPPLEMENT (If applicable, complete and attach to the Journal Entry.)

1. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 2010 Supp. 21-4642.) Yes No
IF YES, PLEASE COMPLETE SECTION A. "Aggravated Habitual Sex Offenders".

2. Is offender being sentenced pursuant to K.S.A. 2010 Supp. 21-4643 where offender is 18 years of age or older and the victim less than 14 years of age? Yes No
IF YES, PLEASE COMPLETE SECTION B. "Child Sex Offenses".

SECTION A. Aggravated Habitual Sex Offenders – K.S.A. 2010 Supp. 21-4642

Imprisonment for life without the possibility of parole; not eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

SECTION B. Child Sex Offenses – K.S.A. 2010 Supp. 21-4643

Sentence imposed for sex offenses where offender is 18 years of age or older and the victim is less than 14 years of age. (CHECK ONLY ONE)

First Offense

- Downward departure to guidelines, subject to provisions of K.S.A. 2010 Supp. 21-4719, and amendments thereto; lifetime postrelease supervision. *State v. Ballard*, Kansas Supreme Court, 289 Kan. 1000 (2009)(Complete Section IV – Departure Information, page 3 of Journal Entry of Judgment.)
- Mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime parole. K.S.A. 2010 Supp. 22-3717(u)

Second Offense

- Mandatory minimum of Hard 40 years (480 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime parole. K.S.A. 2010 Supp. 22-3717(u)

Third Offense – see Section A. above, Aggravated Habitual Sex Offender – Life Imprisonment Without Parole.

SECTION C. Downward Departure [K.S.A. 2010 Supp. 21-4719(a)] for a Crime of Extreme Sexual Violence (defined in K.S.A. 21-4716)

(NO downward dispositional departure allowed)

Downward durational departure limited to 50% of middle of the sentencing range? Yes No

SECTION D. Sexually Violent Crime [K.S.A. 2010 Supp. 22-3717(d)(2)]

Was offender convicted of a sexually violent crime, but was not sentenced pursuant to K.S.A. 2010 Supp. 21-4643?

- Yes – Lifetime postrelease supervision [(K.S.A. 2010 Supp. 22-3717(d)(1)(G))]
- No – Postrelease supervision term as otherwise indicated by law

Comments:

Case No. _____

OFFENDER REGISTRATION SUPPLEMENT – K.S.A. 22-4901 et. seq.
(If applicable, complete both pages and attach to the Journal Entry.)

(PAGE 1 of 2)

SECTION A. REGISTRATION REQUIREMENT - Check appropriate boxes to indicate the REASON for registration.
See K.S.A. 2010 Supp. 22-4902(a).

- (a)(1) Offender required to register due to sex offender status** (Indicated by conviction of any of the following sexually violent crimes or adjudication as a juvenile offender for an act which is committed by an adult would constitute a sexually violent crime):
- | | |
|---|---|
| <input type="checkbox"/> Rape - K.S.A. 21-3502 | <input type="checkbox"/> Indecent Liberties With a Child - K.S.A. 21-3503 |
| <input type="checkbox"/> Aggravated Indecent Liberties With a Child - K.S.A. 21-3504 | <input type="checkbox"/> Criminal Sodomy - K.S.A. 21-2505(a)(2) and (a)(3) |
| <input type="checkbox"/> Aggravated Criminal Sodomy - K.S.A. 21-3506 | <input type="checkbox"/> Indecent Solicitation of a Child - K.S.A. 21-3510 |
| <input type="checkbox"/> Aggravated Indecent Solicitation of a Child - K.S.A. 21-3511 | <input type="checkbox"/> Sexual Exploitation of a Child - K.S.A. 21-3516 |
| <input type="checkbox"/> Sexual Battery - K.S.A. 21-3517 | <input type="checkbox"/> Aggravated Incest - K.S.A. 21-3603 |
| <input type="checkbox"/> Aggravated Sexual Battery – K.S.A. 21-3518 | <input type="checkbox"/> Electronic Solicitation – K.S.A. 21-3523 |
| <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act | <input type="checkbox"/> Unlawful Sexual Relations (on or after July 1, 2010) - K.S.A. 21-3520 |
| <input type="checkbox"/> Any federal, military or other state conviction for an offense that under the laws of Kansas would be a sexually violent crime | |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of a sexually violent crime | |
| <input type="checkbox"/> Any act which at the time of sentencing has been determined beyond a reasonable doubt to have sexually motivated (i.e. for the purpose of the defendant's sexual gratification.) | |

- (a)(2) Offender required to register due to violent offender status** (Indicated by conviction of any of the following crimes):
- | | |
|--|---|
| <input type="checkbox"/> Capital Murder - K.S.A. 21-3439 | <input type="checkbox"/> Murder in the First Degree - K.S.A. 21-3401 |
| <input type="checkbox"/> Murder in the Second Degree - K.S.A. 21-3402 | <input type="checkbox"/> Voluntary Manslaughter - K.S.A. 21-3403 |
| <input type="checkbox"/> Involuntary Manslaughter - K.S.A. 21-3404 | <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act |
| <input type="checkbox"/> Any federal, military or other state conviction for an offense that under the laws of Kansas would be an offense listed in this section | <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section |

- (a)(3) Offender required to register due to sexually violent predator status as determined under K.S.A. 59-29a01 et. seq. (On and after July 1, 2001).**

- (a)(4) Offender required to register due to conviction of the following crimes wherein the victim is less than 18 years of age:**
- | | |
|---|---|
| <input type="checkbox"/> Kidnapping - K.S.A. 21-3420 (except by parent) | <input type="checkbox"/> Aggravated Kidnapping - K.S.A. 21-3421 |
| <input type="checkbox"/> Criminal Restraint - K.S.A. 21-3424 (except by parent) | <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section | |

- (a)(5) Offender required to register due to conviction of the following sexual conduct wherein one of the parties involved is less than 18 years of age:**
- | | |
|---|---|
| <input type="checkbox"/> Adultery - K.S.A. 21-3507 | <input type="checkbox"/> Criminal Sodomy as defined in K.S.A. 21-3505(a)(1) |
| <input type="checkbox"/> Promoting Prostitution - K.S.A. 21-3513 | <input type="checkbox"/> Patronizing a Prostitute - K.S.A. 21-3515 |
| <input type="checkbox"/> Lewd and Lascivious Behavior - K.S.A. 21-3508 | <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section | |

- (a)(6) Offender required to register due to registration requirement by federal, military or other state's law or otherwise required.**

- (a)(7) Offender required to register due to conviction of person felony with court finding on the record that such felony was committed with a deadly weapon (On and after July 1, 2006):**
- | |
|---|
| <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section |

- (a)(10) Offender required to register due to conviction of aggravated **human** trafficking as defined in K.S.A. 2010 Supp. 21-3447 or any attempt, conspiracy or solicitation thereof.**

- (a)(11) Offender required to register due to drug conviction** (Indicated by conviction of any of the following crimes):
- | |
|---|
| <input type="checkbox"/> Manufacture or attempted manufacture of any controlled substance in violation of K.S.A. 2010 Supp. 21-36a03 |
| <input type="checkbox"/> Possession of precursors with intent to manufacture any controlled substance in violation of K.S.A. 2010 Supp. 21-36a09, or 21-36a10 |
| <input type="checkbox"/> Cultivation, Distribution, Possession with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1), in violation of K.S.A. 2010 Supp. 21-36a05(a)(1) (Formerly K.S.A. 65-4161 ONLY) |
| <input type="checkbox"/> Any conviction for any comparable offense in effect prior to effective date of act |

**SECTION B. REGISTRATION TERMS - check appropriate boxes indicating REQUIRED TERM of registration
See K.S.A. 22-4906.****SEX OFFENDER, VIOLENT OFFENDER, OR OTHER SELECTED CRIMES** (as described in subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) on the previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

FEDERAL, MILITARY OR OUT-OF-STATE JURISDICTIONAL REQUIREMENT (as described in subsection (a)(6) on the previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

DEADLY WEAPON WITH COURT FINDING ON THE RECORD (as described in subsection (a)(7) on the previous page for crime committed on or after July 1, 2006):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

SEXUALLY VIOLENT PREDATOR pursuant to K.S.A. 59-29a01 et. seq. (as described in subsection (a)(3) on the previous page for crime committed on and after July 1, 2001):

- Declared to be a sexually violent predator:** Lifetime Registration

SELECT AGGRAVATED OFFENSES

- Engaging in sexual acts involving penetration with victims of any age through use of force or threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses: Rape as defined in K.S.A. 21-3502(a)(1)(A) or (a)(2), Aggravated Criminal Sodomy as defined in K.S.A. 21-3506(a)(1) or (a)(3)(A), or any attempt, conspiracy or solicitation thereof:** Lifetime Registration

CHILD SEX OFFENSES - Offender is 18 or older and the victim is less than 14 (as described in subsections (a)(1), (a)(4) and (a)(5) on the previous page on and after July 1, 2006) and below:

- Offender convicted of Aggravated Human Trafficking (K.S.A. 2010 Supp. 21-3447), Rape (K.S.A. 21-3502(a)(2)), Agg. Indecent Liberties (K.S.A. 21-3504(a)(3)), Agg Criminal Sodomy (K.S.A. 21-3506(a)(1) or (a)(2)), Promoting Prostitution (K.S.A. 21-3513) if prostitute is less than 14 years of age, Sexual Exploitation of a Child (K.S.A. 21-3516(a)(5) or (a)(6)) or any attempt, conspiracy or solicitation thereof [2010 HB 2468, effective July 1, 2010]:** Lifetime Registration

DRUG OFFENSES Manufacture, attempted manufacture – K.S.A. 2010 Supp. 21-36a03, Possession of Precursors with intent to manufacture a controlled substance, K.S.A. 2010 Supp. 21-36a09, or 21-36a10, Cultivation, Distribution, Possession with intent to distribute, or– K.S.A. 2010 Supp. 21-36a05(a)(1), (as described in subsection (a)(11) on previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

JUVENILE REGISTRATION:

- Adjudicated as a juvenile offender for any crime which if committed by an adult would constitute a sexually violent crime classified as an off-grid or severity level 1 felony:**
- Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer, OR
 Offender confined = 5 years from date of release
- Adjudicated as a juvenile offender for an any crime which if committed by an adult would constitute a sexually violent crime NOT classified as an off-grid or severity level 1 felony - subject to judicial discretion:**
- Option 1:
 Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer
 Offender confined = 5 years from date of release;
- Option 2: No registration required by court finding on the record;
 Option 3: Registration as in Option 1 but without public access to registration records

NONRESIDENT REGISTRATION:

- Nonresident worker** = Duration of such person's employment
 Nonresident student = Duration of such person's attendance at a school or educational institution
 Nonresident offender moving into the state = The same length of time required by sentencing state or for term as indicated by Kansas statute, whichever is longer